

I know we at EMS/RESCUE in Bulloch County will never be able to repay all those involved, but, if you ever have any need here in our community, please don't hesitate to call.

Very Sincerely,

LEE ECHIES,  
*Director.*

UNITED STATES-JAPAN SECURITY  
RELATIONS AND OKINAWA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. HAMILTON. Mr. Speaker, I am pleased on behalf of myself and Representatives BE-REUTER, and BERMAN, to introduce a resolution recognizing the vital role of the Treaty of Mutual Cooperation and Security between the United States and Japan in ensuring the peace and prosperity of the Asia Pacific region, and expressing gratitude to the people of Okinawa for the special role they have played in ensuring the implementation of this treaty.

My friend and colleague, WILLIAM V. ROTH, Jr., is introducing a similar resolution in the other body today.

I agree with former Member of this House, and former U.S. Ambassador to Japan, Mike Mansfield, who called the relationship between the United States and Japan "the most important bilateral relationship in the world, bar none." The end of the cold war and resulting instability in Asia has only reinforced the fundamental importance of this relationship to our two nations, the Asia-Pacific region, and the world as a whole.

Indeed, as Secretary of State Madeline Albright stated to the House International Relations Committee this week, "our alliance with a democratic and prosperous Japan is one of the great successes of the postwar era." Our security alliance has endured over the years, and remains strong today, because the United States and Japan are united not by a common enemy, but rather, by common interests.

In the formulation of former Assistant Secretary of Defense Joseph S. Nye, security is like oxygen. You tend not to notice it until you begin to lose it. Once you lose it, you would pay any price to have it back.

The alliance between the United States and Japan provides the oxygen which allows the economies and societies of the Asia-Pacific region to thrive. It rightly remains the foundation of American security strategy for the Asia-Pacific region. The United States, as a Pacific power, and world's leading exporter, gains more than any nation from the region's peace and prosperity.

The Treaty of Mutual Cooperation and Security encapsulates the terms of the bilateral alliance. This past December, the United States and Japan agreed to measures to renew our security relationship in the Special Action Committee on Okinawa [SACO] Final Report issued by the United States-Japan Security Consultative Committee. This report set forth a timetable for return to Japanese control of one-fifth of the land used by the U.S. military in Okinawa. This island prefecture, as host to over half of the forward-deployed troops of the United States in Japan, has long borne a major share of the burdens of maintaining regional security.

The SACO Final Report therefore also provided for changes in operational and training procedures and in the Status of Forces Agreement which will maintain the operational capability and readiness of forward-deployed U.S. forces while lessening the impact of the U.S. military presence on the daily life of the Okinawan people.

For centuries Okinawa has been known as the Land of Courtesy. The Okinawan people deserve our gratitude for their many contributions to the United States-Japan relationship, and to the peace and security of the region. Their continued understanding and support are vital to the successful implementation of the SACO Final Report, and the Mutual Security Treaty.

Mr. Speaker, the resolution I introduce today reaffirms that the Treaty of Mutual Cooperation and Security remains vital to the security interests of the United States, Japan, and the countries of the Asia-Pacific region. It acknowledges the achievement of the United States and Japanese Governments in reinvigorating the alliance through the SACO Final Report. It also recognizes the special contributions of the people of Okinawa, to the implementation of the Treaty.

Mr. Speaker, in view of the critical importance to the United States of our relationship with Japan, I urge my colleagues to join me in passing this resolution.

THE SECRET LIFE OF THE  
SANDINISTAS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. BURTON. Mr. Speaker, I would like to bring to the attention of the 105th Congress the newly released book entitled, "The Secret Life of the Sandinistas." This book written by Roberto Arguello, outlines the last decade of Sandinista activity.

Mr. Arguello writes material published in as many as 140 newspapers in Latin America and is a member of the U.S. Senate's Hispanic task force. This latest work is a capstone to his efforts for advocating free enterprise and fighting for the elimination of totalitarian oppression.

Mr. Arguello's, "The Secret Life of the Sandinistas," will be available in the near future through the Library of Congress. I would encourage all of my colleagues who have either a general interest in international affairs or a specific interest in Nicaragua to review this excellent book.

RAYMOND "TIM" GORECKI NAMED  
1997 PERSON OF THE YEAR BY  
THE COUNCIL OF SOUTH SIDE  
ADVANCEMENT ASSOCIATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate Mr. Raymond "Tim" Gorecki, on being named one of the 1997 Persons of the Year by the Council of South Side Advancement Associations.

By honoring Tim, the Council of South Side Advancement is recognizing a man who has served Milwaukee's south side for over 20 years. In that time, he has had a direct impact on the lives of many Milwaukeeans.

Tim Gorecki has shown his dedication to his community through his involvement in several organizations. In addition to serving on the Board of Directors for the Council of South Side Advancement Associations, Tim also served as the Sergeant at Arms for the Milwaukee County Council of the American Legion, and is a member of the South Side Business Club and the George Washington Legion. Tim's involvement in these organizations demonstrates his commitment to Milwaukee.

Tim Gorecki has clearly set an example for all of us to follow. I join the Council of South Side Advancement Associations in commending Tim Gorecki on his outstanding dedication to the south side of Milwaukee, and I congratulate him on being named one of the 1997 Persons of the Years.

IN SUPPORT OF TRIO PROGRAMS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. HILLIARD. Mr. Speaker, I rise today in support of one of the best educational and welfare reform tools available today in the United States, our TRIO programs. The TRIO program is designed to identify students in need and provide them with information on academics; financial aid; tutoring support; and other needed services so they may have a chance to enter and graduate from a post-secondary institution. I can think of no better use of our precious fiscal resources than providing someone with the tools to earn their own way in this world.

I also wish to applaud the efforts of the TRIO program at Stillman College in Tuscaloosa, AL. Under the direction of Stillman's president, Dr. Cordell Wynn, and the director of their TRIO program, Mr. Vernon Freeman, I feel we have one of the more forward reaching programs in the country. In closing, I wish to offer a special commendation to the parents of our TRIO students for the encouragement, participation and love which they have shown to their children. For after all, one of the greatest legacies which we may leave our children, is a sound education in which they may build their future.

REFORM OF THE 1872 MINING LAW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. MILLER of California. Mr. Speaker, in the long and expensive history of corporate welfare, no law has evaded reform more successfully than the mining law of 1872. For 125 years, since the administration of Ulysses S. Grant, this law has governed hard rock mining in America. And throughout those 125 years, as billions of dollars in public gold, silver, and other valuable resources have been mined, the taxpayers have not received one dime in royalties.

We don't treat any other resource that way—not coal, not water, not oil or gas. No State allows mining on its land without some royalty. No private landowner tolerates it. No foreign nation. "Only in America," as they say, would we give away billions of dollars in gold and ask nothing for the taxpayers who own it.

But it isn't fair to say we get nothing from the mining activity. The mining industry has left behind a legacy of environmental destruction—including hundreds of thousands of abandoned, toxic and contaminated minesites, that threaten our environment, our public health and our public lands and wildlife.

Fifty-nine sites on the Superfund list are the result of hardrock mining. According to the Environmental Protection Agency, mine wastes have polluted more than 12,000 miles of our Nation's waterways and 180,000 acres of lakes and reservoirs. At least 50 billion tons of untreated, unreclaimed mining wastes—including arsenic, cadmium, copper, cyanide, iron, lead, mercury, sulphur, and zinc-contaminate public and private lands. The costs of clean-up is in the tens of billions of dollars.

Those of us who represent western States know there are special problems resulting from past mining activity.

In California, the inactive Iron Mountain mine discharges one-fourth of the entire national discharge of copper and zinc to surface waters from industrial and municipal sources, according to the EPA. The city of Redding can no longer use the Sacramento River for drinking water because of the contamination levels.

In Colorado, a father and son were riding their motorbikes cross-county when they plunged into an unmarked abandoned mine. The son was killed.

In Nevada, long-abandoned Comstock Lode gold and silver mines are leaching heavy metals into the Carson River, not far from Lake Tahoe.

In Montana, windblown heavy metal particulates from old mine tailings forced official to replace high-school baseball fields around Butte.

In Idaho, EPA found lead levels in the area downwind from the abandoned Bunker Hill silver mine to be 30 times higher than the maximum levels deemed "safe." Nearly all of the 179 children living within 1 mile of the site have potentially brain-impairing lead levels in their blood.

This is the legacy—not only of an antiquated mining program that let mining companies run amok, but of a Congress that has ignored the mounting cost to taxpayers, to the environment, and to public health. It has to end.

The bills Senator DALE BUMPERS and I are introducing today will raise \$1.5 billion directly from the industry that has profited from the mining program in order to clean-up the legacy of the mining program. Our bills will: Impose a 5-percent net smelter return royalty on all hard rock minerals mined from public lands to that taxpayers will—finally—receive a fair return on the extraction of hard rock minerals from public lands; impose a reclamation fee on all hard rock minerals mined from lands patented under the 1872 mining law; and close the depletion allowance loophole so that mining operators can no longer take a tax credit for depleting taxpayers' mineral wealth.

Overhaul of the mining law is long overdue. Powerful special interests, with the help of a few members of Congress, have literally lined

their pockets with gold. And the taxpayer and the environment have paid the price. These bills will finally begin to give a fair return to the taxpayer and restore despoiled public lands.

Why might we succeed in 1997 were we have failed before? Because, I believe, the public is demanding an end to the multi-billion dollar orgy of corporate welfare that swells our deficit every year. Because the Clinton administration has targeted the mining program for reform in its 1998 budget. Because we are winning bipartisan support for ending outdated and expensive Federal subsidies. And because, even in the mining States of the West, four out of five Americans support mining reform.

It is a disgrace that on the eve of the 21st century, taxpayers and the environment continue to be ripped off by an antiquated law from the 19th century. If Congress is serious about reducing wasteful and unjustified corporate welfare, we should begin by reforming the mining law of 1872.

### NOT WHOM YOU TELL, BUT HOW YOU KNOW

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DICKS. Mr. Speaker, several Members of the House of Representatives, including the chairman of the Republican Congressional Campaign Committee, have made some rather hasty public statements concerning the recorded cellular telephone call involving Speaker GINGRICH and all of its legal ramifications. Many claims have been made about the laws that are applicable to disclosure of confidential information, but I am concerned there has been insufficient legal research into the statutes involved and into the legal precedents in existence. In this regard, Mr. Speaker, I am submitting for the RECORD an analysis that was printed in this week's National Law Journal by an expert first amendment lawyer whose practice involved areas of newsgathering, publishing, and broadcasting. In this article, Victor A. Kovner takes issue with an assertion made by allies of Speaker GINGRICH who were involved in the recorded conversation. Specifically, the charge was made that forwarding and publishing information from such a conversation was a felony. In this article, Mr. Kovner explores the Federal wiretap statute (18 U.S.C. 2510 et seq.) as it pertains to recorded conversations and concludes that "there is scant authority for finding a criminal violation based on mere disclosure by a person who had no role in the underlying recording."

I urge my colleagues to carefully consider Mr. Kovner's compelling reasoning as presented in the National Law Journal.

[From the National Law Journal, Feb. 10, 1997]

NOT WHOM YOU TELL, BUT HOW YOU KNOW

(By Victor A. Kovner)

Congressman Jim McDermott has "committed a felony," New York Rep. Bill Paxon charged at his initial press conference, referring to the alleged delivery by Mr. McDermott, D-Wash., of the tape of the Newt Gingrich strategy conference to the New York Times and Atlanta Journal-Constitu-

tion. It is sad to see a fine career "disintegrate," said Mr. Paxon.

Strong words, coming as they did from the chair of the Republican Congressional Campaign Committee and a participant in the taped conversation in which, as later found by Special Counsel James M. Cole, Speaker Gingrich violated his promise to the Ethics Committee not to orchestrate an effort to minimize the charges brought against him.

But was there any basis for such a serious charge by Mr. Paxon? Perhaps the Florida couple who overheard the conversation on their police scanner (equipment that has been for years widely and lawfully available at retail outlets around the country) may have technically violated the Federal Wiretap Statute, 18 U.S.C. 2510 et seq., which was amended in recent years to cover interception of cellular and cordless calls, as well as regular phone calls. Congress apparently intended to provide for an expectation of privacy with the amendments, and the 8th U.S. Circuit Court of Appeals agreed that cordless phone calls made before the amendments did not have a justifiable expectation of privacy. *Tyler v. Berodt*, 877 F.2d 705 (8th Cir. 1989), cert. denied, 110 S. Ct. 723 (1990).

What about the role of Mr. McDermott, who reportedly sent copies to the newspapers? Assuming those reports are accurate (he has declined to define the role, if any, he played), the Paxon theory goes, Mr. McDermott violated the portion of the statute that bars disclosure of an illegal tape or its contents.

This theory proves too much, for if Mr. McDermott's alleged conduct was criminal, why not that of the New York Times or the Atlanta Journal-Constitution? The statute in question makes unlawful not only the unauthorized interception or recording, but also disclosure "knowing or having reason to know" that the recording was unlawful. 18 U.S.C. 2511(1)(c). Why Bill Paxon presumed that Jim McDermott had such knowledge while the newspapers, which examined the tape carefully and transcribed it in its entirety, did not, is unclear. Notably, Mr. Paxon did not charge either newspaper with criminal conduct.

Though, in the context of civil claims for damages, courts have taken various views of the statute's reach, there is scant authority for finding a criminal violation based on mere disclosure by a person who had no role in the underlying recording. In 1993 a number of people associated with Sen. Charles Robb, D-Va., were fined for distributing illegal tapes of personal calls of then-Lt. Gov. Douglas Wilder. Unlike the serendipitous recording of the Gingrich strategy conference, the Wilder tapes were made by a person who had systematically and unlawfully recorded hundreds of cellular calls.

#### PROTECTIVE PRECEDENT

But any attempt to prosecute people who had no involvement in or knowledge of the unlawful recording, such as Mr. McDermott or the newspapers—neither of whom had any prior association of any kind with the Florida couple—would face serious constitutional problems. In *Landmark Communications v. Virginia*, 435 U.S. 829 (1978), the Supreme Court held that the First Amendment prohibits criminal punishment for disclosure of confidential judicial disciplinary proceedings by nonparticipants in the proceedings. The mere publication of truthful information, even though confidential by law, was found protected.

In dismissing a claim for invasion of privacy by a rape victim whose identity had been inadvertently but unlawfully released to a reporter by an employee of a sheriff's office, the Supreme Court later noted, "We hold only that where a newspaper publishes