

memories of the Armenian community. Nobody can deny the graphic photos and historical references. And nobody can claim that Armenians live where their ancestors thrived 80 years ago.

It is our responsibility and duty to keep the memories of the genocide alive. A world that forgets these tragedies is a world that will see them repeated again and again. This story, and others like it, must be talked about so all know the truth.

We must also honor the victims of this brutal massacre. We cannot right the terrible injustices that have been inflicted on the Armenian community, nor can we ever completely heal the wounds. But by properly commemorating this tragedy, Armenians will be reassured that the world has not forgotten the misery of those years. Only then will Armenians begin to receive the justice they deserve.

INTRODUCTION OF THE COMPUTER DONATION INCENTIVE ACT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. STABENOW. Mr. Speaker, I rise today with Congresswoman ANNA ESHOO as lead cosponsor of the Computer Donation Incentive Act. This legislation will provide enhanced tax incentives to corporations that donate computers, software, and computer training to public schools and to organizations that support individuals with disabilities.

One of my top priorities in representing the Eighth District of Michigan is to ensure that every school has the latest technology in their classrooms. To accomplish this important goal, we cannot look to Government alone to provide support; rather, we need to encourage partnerships and community investment. I am leading this legislation because I believe our communities, businesses and local governments need to work together if we are going to retool our schools for the 21st century.

Under current law, computer donations from computer manufacturers to private schools, colleges, and universities qualify for an enhanced tax deduction, similar donations to public schools do not. I believe this law needs to be changed.

Having a daughter in the public school system and a son who graduated from a public school, I am deeply committed to strengthening our public schools. I believe that we all have a stake in guaranteeing the best possible public schools in every neighborhood, in every community, and in our country. The Computer Donation Incentive Act amends the Internal Revenue Code of 1986 to give all companies the enhanced tax deduction when donating to public schools.

Second, it is not only important that our public schools receive computers, but that our teachers receive the training they need, as well. This legislation also designates up to 8 hours of computer training as a charitable contribution.

In my district, I have been leading efforts such as NetDay and the passage of the Computer Donation Incentive Act because I believe that it is imperative that our students stay competitive in the computer-literate work force of the global market. The Computer Donation

Incentive Act will go a long way in encouraging more companies to invest in schools and their communities.

Mr. Speaker, I am thankful for Congresswoman ESHOO's leadership on this issue and I am very proud to be able to work with her as lead cosponsor on passage of this legislation. I am equally pleased with the bipartisan list of original cosponsors that have endorsed this legislation. As a new Member of Congress, I am heartened by this cooperative spirit and I encourage all of my colleagues in the House of Representatives to join us in passing the Computer Donation Incentive Act.

TRIBUTE TO MARTIN G. PICILLO, ESQ.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Martin G. Picillo, Esq. of Berkeley Heights, NJ, who is being honored by the New Jersey State Opera for his support of the arts and their organization.

Martin is a graduate of Georgetown University School of Foreign Service and Georgetown University Law Center. Currently, he is a trial attorney and senior partner at the law firm of Picillo Caruso in West Orange. On April 7, 1997, Martin assumed the presidency of the Essex County Bar Association which is the largest county bar association in the State. In addition to his distinguished law career, Martin is also the cofounder of New Jersey Awareness Day, and has been very active in numerous local and national bar associations.

He has been a member of the Benevolent and Protective Order of Elks, Lodge No. 179 in Orange, NJ since 1961, and is active in a number of Italian-American organizations including UNICO National, the largest Italian-American service organization in the country. Within the organization, Martin has held numerous offices including national president. Presently, he is president of NIACA, conference of presidents of major Italian-American organizations. An active member of the city of Orange, Martin has been a member and attorney for several boards, has served as deputy commissioner of the Department of Public Affairs, and has served as presiding judge of the municipal court. In addition to this impressive list of civil contributions, Martin has also served as president of the Parent-Teacher Guild and as an elected member of the Parish Council of Our Lady of the Valley Church.

Mr. Speaker, I ask that you join me, our colleagues, and Martin's family and friends, in recognizing the outstanding and invaluable contribution to the community of Martin G. Picillo.

COMMENDING NEWTON MINOW

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. YATES. Mr. Speaker, I would like to take this opportunity to introduce an old and dear friend to you and my colleagues in the

House, the Honorable Newton N. Minow. In days past Newton was the law partner of the greatest two-time loser in American politics, the late Gov. Adlai Stevenson of Illinois. During the early 1960's Newt was head of the Federal communications Commission [FCC] and in describing the marvels of television coined the phrase "a vast wasteland." He is currently a partner in the Chicago law firm of Sidley & Austin. Two weeks past, this next Wednesday, April 16, the Economic Club had the good fortune to share in Newt's wisdom and wit.

I enjoyed Newt's speech so much that I requested he send me a copy so I could bring it to the attention of my colleagues. Mr. Speaker, I would like to insert Mr. Minow's speech into the CONGRESSIONAL RECORD.

I commend Newton Minow for his past contributions to public service and I urge my colleagues to read the following statement.

The speech follows:

ECONOMIC CLUB SPEECH

Campaign spending is as old as the republic. When George Washington ran for the Virginia House of Burgesses in 1757, his total campaign expenditures, in the form of "good cheer," came to "28 gallons of rum, 50 gallons of rum punch, 34 gallons of wine, 36 gallons of beer, and 2 gallons of cider royal."

Today, the era of good cheer is gone. For four decades now, campaign expenditures have been driven relentlessly upward by one thing: television. In 1960, in what would be the first presidential campaign to make wide use of television, Democrats and Republicans together spent \$14.2 million on radio and television commercials. In 1996, candidates for federal office spent more than 128 times that amount on television and radio commercials, an estimated \$1.8 billion.

After the presidential campaign scandals of 1972, Congress tried in 1974 to end the suitcases of cash which sloshed around campaigns in return for favors. But as we now know—and continue to learn—the 1974 campaign reform law has failed to solve the problem.

In the 1996 federal elections, the campaign finance laws were bent beyond recognition. We learned about the availability of the Lincoln bedroom to major contributors; the President's meeting with a convicted stock swindler, a Chinese arms merchant, and others of dubious background and intention; the Vice President's raising campaign cash at a Buddhist temple; and the Republicans soliciting "season ticket holders," donors of \$250,000 who hoped for special treatment for their special interests, including access to important government officials. And don't forget Congressional censure of Newt Gingrich for mixing campaign cash with his television program. The only bipartisan agreement in Washington these days is on one proposition: "Show me the money!"

Strict limits on campaign contributions imposed by the 1974 Act were washed away this year in a flood of "soft money," donations not limited by law because of the foolish fiction that such money was not used to support or oppose particular candidates. Together, the two parties collected \$88 million in soft money in 1992; last year they multiplied this by three—to \$263.5 million.

Interest groups ranging from the AFL-CIO to the U.S. Chamber of Commerce bathed in another form of soft money, which they used to broadcast so-called "issue" commercials. Theoretically, at least, issue commercials are not supposed to advance or oppose anyone's candidacy, and so are exempt from the 1974 law's requirement of full disclosure of who contributes money and how that money gets spent.

How did this happen? Dick Morris claims the credit for himself. After the 1994 Republican Congressional victory, Morris developed the Democrats' 1995 and 1996 campaign strategy: take control of the airwaves early, before the Republicans could pick their candidate—and never let up. To pursue this strategy, the Democratic National Committee and the Clinton-Gore campaign spent an estimated \$1 million to \$2 million per week.

On October 13, 1995, President Clinton signed the Federal elections Commission vow that in return for public financing, he would spend no more than \$37 million in privately raised funds during the upcoming primary season. That same morning, a White House coffee for large donors to the Democratic National Committee began what would soon become a habit. The money raised from that event and others like it eventually allowed the DNC to spend an additional \$44 million for television ads. Because so many of those commercials were issue ads, federal contribution caps did not apply. Donors to the cause, including corporations and labor unions, both of which are barred by law from giving money directly to a candidate, spent freely, without accountability.

The Republicans did even more. By election day, the Republican National Committee had raised more money than the DNC. The Party solicited record contributions from telecommunications, tobacco and pharmaceutical companies, enough to pay for \$18 million in television advertising between May 1996 and the GOP convention in August. They, too, pursued the "issue advertisement" strategy. One of the RNC's more controversial issue advertisements was a 60-second spot with 56 seconds of biographical material about Senator Dole and 4 seconds of issues. The RNC insisted this was not a plug for Dole and so was within the federal election guidelines.

Not only did Democrats and Republicans take advantage of the law, so did countless organizations with a cause and the ability to finance it. Millions of dollars in cash swept through House and Senate elections in the states, turning campaigns into ideological contests with little or no relevance to local voters. Some candidates for Congress discovered ads for the first time on radio and television—as many as 300 a day in their districts, either attacking or favoring them—but had no idea where the ads had come from, or who had paid for them.

Former Israeli Prime Minister Shimon Peres once said that "television has a good side and a bad side. The good side," Peres said, "is that television makes dictatorship impossible. The bad side is that it makes democracy unbearable."

Tonight, I suggest we amend Mr. Peres' observation, in two respects. First, television does not necessarily make democracy unbearable. At its best, television makes democracy stronger by opening the workings of government to the public. In our own country, whether television's cameras are on the floor of Congress, in a courtroom in Los Angeles, or at a Presidential Debate, they provide unique opportunities for the public to see and to understand how their government works—and, just as importantly, where it fails.

At its worst, however, television can become a tool of dictatorship. In any country that suffers a coup, the nation's television and radio broadcast facilities are the very first institutions to come under siege. Rulers and rebels alike know that whoever controls the airwaves controls the country.

In our country, we have allowed television, the greatest instrument of communication in history, to create for us a different kind of dictatorship—a dictatorship of the dollar. In

the 1996 elections, total expenditures on all federal races came to approximately \$2.1 billion, of which \$1.8 billion was spent to buy broadcast TV time! Thus, almost \$9 out of \$10 went to buy time on radio and television. Fund-raising, not governing, became the principal business of our elected officials. Our best public officials are leaving public service, sick and tired of the current system. Al Hunt in *The Wall Street Journal* quotes a model of integrity, Democratic Congressman Lee Hamilton (Chairman of the House Foreign Affairs Committee) when he announced this year that he would not run for re-election. "My colleagues talk about money constantly. The conversation today among members of Congress is so frequently on the topic of money: money, money, money and the money chase. Gosh, I don't think I ever heard it when I first came here."

The rest of the world looks with horror at our national campaigns. They are too long, they are too negative, they constantly make personal attacks on the opposition, they are exercises in deception, they turn the voters off and away from the voting booth. In 1996, fewer than half the nation's registered voters even bothered to go to the polls, the second lowest turnout since 1824.

By allowing unlimited political advertising on television and radio, the United States stands almost alone in the world. Only three countries do not require some form of free broadcast time for candidates in national election campaigns. They are Malaysia, Taiwan and the United States. Thomas Jefferson, James Madison, and Benjamin Franklin would be horrified to learn how we have abused the democratic process they bequeathed to us. Television authorities in Great Britain, France, the Netherlands and Japan ban political advertising from the airwaves entirely. In England, the law prohibits advertisements by any person or organization that is "wholly or mainly of a . . . political nature" or "directed towards any political end." Instead, British law provides free television time to political parties to air their own programs on important public issues.

Most of the world's democratic nations which do allow candidates to buy advertising time—such as Australia, Canada, Germany and Sweden—also provide free time to candidates and their parties. Unlike our own country, these democracies do not believe the only way to provide political broadcast time is to sell it.

As you know, there are many proposals in Congress and elsewhere to "reform" campaign finance. Most proposals focus on the supply side of the problem: on who gives the money, how much they can give, and for what purpose. There are proposals to limit contributions, to prohibit "soft money," to prohibit contributions from labor unions and corporations, to raise the limit on individual contributions, to curb spending on behalf of candidates by independent organizations, to prohibit PACs, to encourage candidates voluntarily to limit spending, to speed up disclosure of contributors and their contributions, to use public money to pay for campaigns, and to amend the Constitution of the United States. Former Senator Howard Baker suggests that if you can't vote for a candidate, you can't contribute to the candidate.

There are a lot of good ideas—and some bad ideas—being discussed and debated. I do not favor limiting individual contributions, but I do favor immediate public disclosure of contributions, even before checks are cashed. I favor ending "soft money", PACs, contributions from unions and corporations, and ending phony outside expenditures unless they are truly independent and not developed in concert with candidates and their cam-

paigns. But dealing only with the supply side of the equation will not work so long as demand exists. I agree with a young journalist from Chicago, *Newsweek's* Jonathan Alter, who writes, "money in politics is like water running downhill; it will always find its way. . . ."

So, this evening, my focus is exclusively on the demand side of the equation—which has received little attention in the current debates. And I will focus—ruthlessly focus—on one specific public policy decision that our country will soon make on the relationship of television and political campaigns.

Let us focus on four words: "public interest" and "digital television." You've been hearing a lot about digital television lately—but not much about the public interest.

Last year, Congress passed and the President signed the 1996 Telecommunications Act. Under the new law, broadcasters are eligible to receive new digital television channels. Congress directed that, unlike other telecommunications service providers, broadcasters do not have to pay for their new channels. They get them free. Digital transmission will allow broadcasters to offer multiple channels instead of one, and if they wish, to use those extra channels for services such as data transmission, paging services or pay-per-view movies. Estimates of the value of these new digital channels ranges from \$30 billion to \$70 billion.

Why should broadcasters receive this spectrum, these digital channels, free? This was the question former Senator Majority Leader Bob Dole put to his colleagues on the Senate floor last year before the law was passed. Senator Dole said:

"Spectrum is just as much a national resource as our nation's forests. That means it belongs to every American equally. No more, no less. If someone wants to use our resources, then we should be fairly compensated."

Last month, former Senator Dole wrote in the *New York Times*: "We don't give away trees to newspaper publishers. Why should we give away more airwaves to broadcasters?" Senator Dole wants broadcasters to pay for spectrum, just like everybody else. Why should we give away a national resource that could be worth as much as \$70 billion?

Senator John McCain, Republican Chairman of the Senate Commerce Committee, said the spectrum is "the most valuable asset that I know of in America today. Perhaps in the world today." Congress, however, rejected that advice, and decided to give the spectrum away for free. The Federal Communications Commission began to award digital spectrum assignments to broadcasters on April 3rd. However, under the law, including recent emphasis in the 1996 Telecommunications Act, the FCC made it plain that those receiving digital channels are obligated to serve the public interest. So the question before us is this: What should be the public interest obligations of digital broadcasters?

On March 11, President Clinton announced that he will soon appoint a Presidential Commission to advise him, the Congress, and the Federal Communications Commission on this question. Should broadcasters have specific public-service obligations in return for their use of a big slice of the publicly owned spectrum—property now known to be worth many billions of dollars?

I have been deeply involved in these issues for many years. In 1969, I served as chairman of a bi-partisan Commission for the Twentieth Century Fund on Campaign Costs in the Electronic Era. Over the decades, I have testified in Congress many times on these issues, and written extensively on them.

Based on that experience, I suggest the time has come to do some thinking outside

the box, outside conventional approaches, and outside the Beltway.

We can begin by examining the British system of using broadcasting in political campaigns in the public interest. The British system is simple and direct. Political parties are granted, by law, free time on radio and television in the three or four week period before the election. The parties have complete freedom to make their cases; smaller parties receive time on an equitable basis. This year, for the first time, there will also be debates between the leaders of the political parties. There is no sale or purchase of broadcast time—no money is involved. The campaign is mercifully short, and the voters are well informed. Indeed, because the campaign programs are simulcast on all channels, there is ample political discussion for the voters.

We should connect the dots: digital television and public interest. We should condition the awarding of digital broadcast licenses on a broadcaster's commitment to provide free time and not sell time.

People who understand television well—and make their living from it—like this idea. Don Hewitt (producer of 60 Minutes on CBS) and Reuven Frank (former President of NBC News) advocate an end to buying and selling political commercials. Barry Diller (formerly of ABC and Fox Television) favors specified free time for candidates during campaigns as part of campaign reform.

There are, of course, many other important policy questions about free time. I have addressed Presidential elections only, not Congressional elections, not primaries, not state and local elections. This is to focus our analysis on the basic principle: No citizen has a constitutional right to buy or sell our natural resources—land, minerals, water, trees or broadcast spectrum—without Congressional approval. Just as Congress has the authority to clean up our natural environment, it has the authority under our Constitution to clean up the current political broadcasting mess we have inflicted on our republic. Once that principle is established, we can analyze and debate many other vital questions about how to apply that fundamental concept fairly to our political process.

What about the First Amendment? The First Amendment is the highest value and treasure in our life. As Judge Learned Hand said so well, "We have staked upon it our all."

First, there is the issue of whether Congress can constitutionally require broadcasters to give free time contemplated by this approach. In resolving that issue, let us listen again to Senator McCain—a courageous man who suffered four years of torture as a war prisoner in Vietnam—four years to reflect on democracy and freedom. Here's Senator McCain:

"Let me go back to the First Amendment thing. What the broadcasters fail to see, in my view, is that they agree to act in the public interest when they use an asset that is owned by the American public. That's what makes them different from a newspaper or a magazine. I have never been one who believes in government intervention, but I also believe you that when you agree to act in the public interest—and no one forced them to do that—you are then obligated to carry out some of those obligations. . . . If I want to start a newspaper, I buy a printing press and [get] a bunch of people and we start selling newspapers on the street. If I want to start a television station, I've got to get a broadcasting license. And that broadcasting license entails my use of something that's owned by the American public. So I reject the thesis that the broadcasters have no obligation. And if you believe that there is no

obligation, then they shouldn't sign the statement that says they agree to act in the public interest. Don't sign it, OK?"

Senator McCain has accurately described the public trustee concept for broadcasting, found to be constitutional by the Supreme Court repeatedly, in 1943, 1969, 1993, and again on March 31 this year. Indeed, the issue here is not free time, but the voters' time. Professor Cass Sunstein, the distinguished and respected First Amendment scholar at the University of Chicago Law School, writes: "Requiring free air time for candidates, given constitutional history and aspirations, is fully consistent with the basic goals of the First Amendment. The free speech principle is, above all, about democratic self-government."

Then there is the second issue. Could Congress at the same time lawfully say to the candidates, "You have been given a generous, free opportunity to reach the electorate over the most powerful medium, broadcasting, to say, without interference, whatever you want. As a condition of accepting that offer, you will not buy further time on this medium. For experience has shown that with such purchases comes the drive to raise great sums of money, with all its abuses and detriments to sound governance."

I believe Congress could do these things, and that they would be constitutional because, in the current language of the Supreme Court, such a law would be "content neutral." As Justice Stevens emphasized, as long as the law does not regulate the content of speech rather than the structure of the market, the law is consistent with the First Amendment. I believe Congress could go even further and constitutionally prohibit broadcasters from selling time for political purposes. Congress has already passed the Equal Time law and a law guaranteeing candidates the right to buy time at the broadcasters' lowest rate. Both have been held constitutional by the courts. Banning cigarette commercials on television has been held constitutional in light of the danger to health and broadcasters' public interest obligations. Congress should debate whether our current system of buying and selling broadcast time is a grave danger to our national health. I would happily see these reforms tested at the Supreme Court.

Three years from now, we will have entered a new millennium and a new presidential campaign season. By then, we will also be into the era of new digital television. Almost fifty years ago, E.B. White saw a flickering, experimental television demonstration and wrote, "We shall stand or fall by television—of that I am sure. . . . I believe television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision, we shall discover either a new and unbearable disturbance to the general peace, or a saving radiance in the sky."

Instead of a saving radiance in the sky, we now have a colossal irony. Politicians sell access to something we own: the government. Broadcasters sell access something we own: the public airways. Both do so, they tell us, in our name. By creating this system of selling and buying access, we have a campaign system that makes good people do bad things and bad people do worse things, a system that we do not want, that corrupts and trivializes public discourse, and that we have the power and the duty—a last chance—to change.

Will we change? I leave you with a story President Kennedy told a week before he was killed. The story was about French Marshal Louis Lyautey, who walked one morning through his garden with his gardener. He stopped at a certain point and asked the gardener to plant a tree there the next morning.

The gardener said, "But the tree will not bloom for one hundred years!" The Marshal looked at the gardener and replied, "in that case, you had better plant it this afternoon."

READ IT AND HEED IT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SOLOMON. Mr. Speaker, the parallels between Watergate and Whitewater are ominous.

As a recent Wall Street Journal editorial warns us, the words "obstruction of justice" are now looming on the Whitewater horizon. It was that offense, that abuse of the power of the Presidency, that brought down Richard Nixon.

The same editorial notes that the Whitewater scandal is now much more advanced than Watergate was when President Nixon was re-elected in the 1972 landslide. And so it is.

When the words "obstruction of justice" are used, can the word "impeachment" be far behind? I take no pleasure in contemplating such a step, Mr. Speaker, but feel dutybound to place the Wall Street Journal editorial in the RECORD, and urge all Members to read it and heed it.

WHITewater AND WATERGATE

"Obstruction of justice," the term Independent Counsel Kenneth Starr invoked in extending the Whitewater grand jury in Little Rock, resonates with themes from the Watergate epic a generation ago. When the House Judiciary Committee voted up the bill of impeachment that led to Richard Nixon's resignation, count one was obstruction.

Watergate was not about a two-bit burglary, that is, but about the abuse of the powers of the Presidency. The committee charged that the President, "in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice." Seeking to cover up the initial misdeed, President Nixon and his highest aides dug themselves ever deeper into a legal morass that led the President to disgrace and the aides to jail. The final "smoking gun" tape recorded the President issuing instructions to induce the CIA to get the FBI to call off its investigation of the burglary by claiming bogus national security concerns. With this revelation, the President's last support vanished and he left office.

Mr. Starr's filings this week ring similar chords, talking of "extensive evidence of possible obstruction of the administration of justice," of resistance to subpoenas, of "grand jury litigation under seal" over privileges and documents, of *in camera* citations to the court. It called for further investigation of "perjury, obstruction of the administration of justice, concealment and destruction of evidence, and intimidation of witnesses."

These parallels are all the more ironic because Hillary Rodham Clinton served on the legal staff of the Watergate Committee. Former White House Counsel Bernard Nussbaum also worked for the House Watergate Committee, while on the minority counsel to the Senate investigation was Senator Fred Thompson, now heading the Senate inquiry into the Clinton campaign contributions scandal.

Rep. Bob Barr makes some sport at Mrs. Clinton's expense alongside by citing the 1974