

fighting in Kashmir, a black mood is settling over Indian army camps on the front line. Casualties are mounting. Troops are ill-equipped for high-altitude fighting. The task, they say, is close to suicidal.

Since early May, the army has mobilized its largest fighting force in nearly 30 years against what India says are infiltrators from Pakistan who have occupied mountain peaks on India's side of the 1972 cease-fire line in disputed Kashmir.

On Saturday, Pakistan will send its foreign minister to New Delhi to discuss whether the fighting can be ended. India says that regardless of the talks it will persist until the last intruder is killed or flees back to Pakistan.

In daily briefings in New Delhi, military spokesmen report the fighters are being driven back. Indian airstrikes are punishing them, peaks are being recovered, the "enemy" is taking casualties in the hundreds. India's official casualty rate on Friday stood at about 70 dead and 200 wounded. The story on the front is much different.

In the fading evening light in a forward artillery camp, at checkpoints along a road under steady artillery bombardment, in bunkers where men shelter from showers of shrapnel, soldiers and junior officers grimly tell stories of death and defeat on the mountains. No one can say how many have died, but no one believes the official toll.

Amid the gloom, however, the Indian troops show a gritty determination to fight and a conviction that the opposing forces must be evicted at all costs. "We have a job to do and we will do the best we can," said one officer. "We will do our duty."

India says the guerrillas in Kashmir are mostly Pakistani soldiers, a charge Islamabad denies.

On Friday, India produced what it said were transcripts of telephone conversations between two Pakistani generals that proved Pakistan was involved in the fighting. In a transcript from May 26, army chief Pervez Musharraf tells another general that Prime Minister Nawaz Sharif was concerned the fighting could escalate into a full-scale war.

"We gave the suggestion that there was no such fear," Musharraf said he told Sharif, according to the transcript. "Whenever you want, we can regulate it."

Pakistan called the transcripts false. "This can't be given any credence or weight," Pakistan army spokesman Brig. Rashid Quereshi said.

As officials traded charges, heavy fighting continued in Kashmir. The guerrillas are entrenched on the mountain peaks defending their positions against soldiers scaling steep slopes, constantly exposed to gunfire and rocket-propelled grenades. "We are dying like dogs," said one colonel. Recapturing the peaks, said another officer, is "almost a suicide mission." None of the officers could be quoted by name, and senior officers who earlier briefed journalists on condition of anonymity have been ordered not to speak.

"This is worse than war. Even in war we don't have such senseless casualties," said M. Singh, a corporal and a veteran of India's campaign in Sri Lanka in the 1980s. Some of the casualties are from "friendly fire," either from Indian artillery or aerial bombing meant to provide cover to the advancing troops, officers said. The risk increased after the air force began high-altitude bombing to stay out of range of shoulder-fired anti-aircraft missiles. Indian troops wade through chest-high snow. The wind is so strong soldiers must be tied to each other with rope so they don't get blown over a cliff. Their opponents can pick them off with rifles or simply send boulders cascading down the mountain on top of them. One major said his unit was returning down the mountain when it came

under withering fire from above. The soldiers dove into the icy water of a Himalayan river to escape.

Some forward units are living on one meal a day, the soldiers said. Mess camps in the rear cook puris—deep fried flat bread—but by the time it is delivered to the front it is frozen and can barely be chewed. The only drinking water is melted snow. There is no chance to pitch tents on the slopes. The men sleep in the open.

Few troops have had time to adjust to altitudes of 14,000 feet or more, where the air is thin and every exertion, every upward step, leaves strong men gasping.

Despite the difficulties, the tremendous pressure to recapture the peaks continues.

#### RECOGNIZING CART

##### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Center for Advanced Research and Technology (CART) for their efforts in developing a new model for high school education. CART is a joint project of the Fresno and Clovis Unified School Districts in California.

CART is a collaborative effort between these diverse school districts to develop a new model for high school education. Fresno Unified shares the challenges of urban districts, poverty, gang violence and diversity. Clovis Unified is an affluent district, serving a student population that is college bound. By creating the Center For Advanced Research and Technology the Fresno and Clovis school districts are committed to changing the way high school curriculum is designed and delivered.

In the wake of tragedies at Columbine High School in Denver, and Heritage High School in Conyers, GA, our entire nation has focused their energy on determining why these tragedies occurred. We must look at our nation's high schools. High schools persist in organizing instruction subject by subject with little effort to integrate knowledge to fit a precise time frame. High school graduates must be better prepared to compete for jobs, ready to move on to higher education and able to function in an increasingly technological society. High school education must be restructured to meet the present and future needs of students. Students need and require more and different instruction in science, mathematics and English, coupled with the emerging tools of technology.

The Fresno and Clovis school districts are addressing the need to revamp our nation's high schools. These districts have resolved to commit the resources, share the decision-making, and leverage the assets of both communities to fundamentally change the way the high school curriculum is designed and delivered. The goal is to restructure the high school experience in a way that will contribute to the academic success and ultimately the success in life of all students.

CART is moving forward as they celebrate a groundbreaking ceremony for this project in Fresno. The Center for Advanced Research and Technology represents the nation's largest, most comprehensive high school reform effort to date. CART is focused specifically on the high school program for eleventh and

twelfth grade students. The Fresno and Clovis school districts are partnering with business and industry to create a real-world, real work environment.

CART's long-term, community-based projects will engage students in complex, real world issues that have meaning to the students and to the participating community partners. Through these projects, students achieve simultaneous outcomes by acquiring essential academic knowledge, practicing essential skills, and developing essential values.

A major component of the CART vision is active partnerships with business and industry, and higher education. Leaders from business and industry are involved with CART at all levels providing leadership and fiscal support, consulting on instructional design, and collaborating as instructors and mentors.

Mr. Speaker, the Center for Advanced Research and Technology represents a commitment from the Fresno and Clovis School Districts, the business and education community, parents and students to restructure a high school to provide real world academic and business centered programs designed to contribute to the academic success and ultimately the success in life of all students. I urge my colleagues to wish CART continued success in their effort toward better education.

#### CRISIS IN KOSOVO (ITEM NO. 10) REMARKS BY JEFF COHEN OF FAIRNESS & ACCURACY IN REPORTING (FAIR)

##### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, on May 20, 1999, I joined with Representative CYNTHIA A. MCKINNEY, Representative BARBARA LEE, Representative JOHN CONYERS and Representative PETER DEFAZIO in hosting the fourth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing Congressional Record transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Jeff Cohen, a columnist and commentator who is founder of the organization Fairness & Accuracy In Reporting (FAIR). Mr. Cohen appeared at this Teach-In with Seth Ackerman, a Media Analyst at FAIR. Mr. Cohen is the author of four books and appears regularly as a panelist on Fox News Watch. He has also served as a co-host of CNN's Crossfire. Prior to launching FAIR in 1986, Mr. Cohen worked in Los Angeles as a journalist and a lawyer for the ACLU.

Mr. Cohen presents a superb critique of how the media is covering the War in Yugoslavia, describing the importance of the words and concepts that are being deployed. He talks about the reluctance of the media to even use the term "War," and the concerted attempt to demonize Slobodan Milosevic. He decries the fact that the media has not paid sufficient attention to the legality of the war, the destruction of the civilian infrastructure, and the steady stream of NATO propaganda that the media has adopted without question. Following this presentation are several documents—one from London's *The Independent* Newspaper and the other from FAIR—which further document these points.

PRESENTATION BY JEFF COHEN OF FAIRNESS & ACCURACY IN REPORTING

It's not a glamorous job, but someone has to monitor Geraldo and Christopher Matthews every night, and that's what we do at FAIR. Seth Ackerman, my colleague, and I, and a bunch of staff members monitor the nightly news, the talk shows, the print press.

We were monitoring Chris Matthews on May 4, and he was railing against President Clinton for trying to dump the war and its failures on Secretary of State Albright. Matthews questions "is that gentlemanly conduct, to dump this on a woman?" It was the same show when he was interviewing Senator McCRAIN and Matthews said, "Are we going back to that old notion of the president as a leader, not a consensus builder?" Senator McCRAIN: "I hope so." Matthews: "John Wayne, rather than Jane Fonda?" McCRAIN: "That's my only chance." Matthews: "Cause, you mean, you're not running as Alan Alda here?" Senator McCRAIN: "No." Matthews: "You're running as John Wayne, more or less." McCRAIN: "That's the only way I can succeed." Matthews: "Well, you're doing well. Thank you Senator McCRAIN." That's what we call a journalistic wet kiss. It's particularly unusual here from two guys who are trying to be so macho at the time.

The first problem with the war coverage is that many mainstream media outlets, especially network TV, are loathe to even call it a war. It reminds me of the first day of the Panama invasion before the government had signaled to the media that it was ok to call it an invasion. So you had mainstream media calling it a military action, an intervention, an operation, an expedition, a military affair. One TV anchor even referred to it as an insertion. I think that a more accurate explanation might be "the most unusual and violent drug bust in human history"—but no one put that heading on it.

So look at today. What are the logos? CNN: 'Strike against Yugoslavia.' Fox News: 'Conflict in Kosovo.' The Consensus winner used at CBS, NBC, and ABC: 'Crisis in Kosovo.' I would argue that there had been a crisis in Kosovo. It went on throughout 1998, but no one in any of these networks could find time for even a one hour special on what was then a crisis in Kosovo. That's because that was the year of "All Monica, All The time." So when there was just a "crisis in Kosovo," TV didn't cover it. Now that it's a war, TV won't acknowledge it's a war. The White House and the State Department will not use the word "war"—and then the media adopt the euphemisms from the government, they're acting more as a fourth branch of government than they are as a fourth estate, and that's very dangerous.

We need only think back to the early years of the 1960s when U.S. government officials would refer to Vietnam as a "police action." At best it was the "Vietnam conflict." And

in the early years of the 1960s many mainstream media followed the government lie and did not call it a war until many American soldiers began dying. So words matter.

Then we have the problem with this war of who the enemy is. As usual in our mainstream media, the U.S. is not making a war against a country, Yugoslavia, but against one individual. His name is Slobodan Milosevic. On TV the air war is not something that's terrorizing lots of people in what were once modern cities. It's basically a personalized soap opera. You had Catherine Crier on Fox News on May 5, seemingly with a broad smile on her face, saying "The bombing intensifies. Just how much can Slobodan stand?"

Anchors talk to military experts about how badly Milosevic has been hurt, how badly he has been humiliated. You'll hear an anchor say to a military expert, "How much have we punished Milosevic?" and you expect that the anchor might get up from behind the anchor desk and show that they're wearing a U.S. Air Force uniform, but they're not. They're using the term "we" as if they're an adjunct to the military.

We heard the same thing during the Iraq war. "How much are we punishing, humiliating, hurting Saddam Hussein?" We know now that probably one of the only people in all of Iraq who was assured of a safe place to sleep and three square meals a day, and a warm home, was Saddam Hussein. And similarly, Milosevic may well be one of the most safe and secure people in Yugoslavia today.

Now the understandable goal of the White House and the State Department and their propaganda is to demonize Milosevic. Propaganda simplifies issues as it tries to mobilize action. But journalism is supposed to be about covering a story in all its complexity. On that score, Journalism has largely failed. You'll remember the *Newsweek* cover photograph, with the picture of Milosevic and the headline: "The Face of Evil" Then you had the *Time* magazine writer who writes about Milosevic almost as a sub-human—with "reddish," piggy eyes set in a big, round, head." Now, assumedly, Milosevic had the "reddish, piggy eyes set in a big, round, head" going back many, many years. But it's only when the American war machine goes into war mode that this particular writer at *Time* magazine goes into war propaganda mode.

The good news with the end of the Lewinsky story is it ended the wall-to-wall parade of attorneys. The bad news, with the beginning of this war, is we've begun the wall-to-wall parade of military analysts. On March 24th, for example, Margaret Warner introduced her PBS *NewsHour* panel with, "We get four perspectives now on NATO's mission and options from four retired military leaders."

The problem with retired generals is that they're rarely independent experts. They have a tendency to become overly enthusiastic about how smart and accurate our weapons are. You remember all the false hype from the militar experts during the Gulf War about the Patriot missile, a missile that was an object failure during that war. And you might remember NBC News did a blowing report about the Patriot, and Tom Brokaw said it was "the missile that put the Iraqi Scud in its place." Completely false. Brokaw neglected to mention that his boss, General Electric, made parts for the Patriot missile, as if makes engines for many of the aircraft like the Apache helicopters that are in the Balkans right now.

Military experts don't remember that it was only last summer when a cruise missile

aimed at an alleged terrorist train camp in Afghanistan went four hundred miles off course into the wrong country the country of Pakistan. If we think about it, in the last nine months, the United States has bombed four countries intentionally. It's also important to remember that the U.S. has bombed an equal number of countries by mistake.

Military experts know a lot about anti-aircraft technologies, they know a lot about bomb yields, but they don't know much about the politics or history of the region. What's needed more in the mainstream media are experts on Yugoslavia and the Balkans.

And what we need is a real debate about the war. Because of the split among the politicians here in Washington, there's been slightly more debate over the war, for example, the Gulf War. That's not really saying a lot. Our organization, FAIR, has posted on our website ([www.fair.org](http://www.fair.org)) a full study of two prestigious TV news shows and the range of debate or non-debate during the first two weeks of this war. I'm talking about PBS's *NewsHour* and ABC's *Nightline*. If you look at that study, you'll see that in the first two weeks of this war, opposition to the bomb war was virtually inaudible and when it was heard it was mostly expressed by Yugoslav government officials with thick accents, or Serbian Americans. On *Nightline* there was only one panelist who was critical of the bombing, and that a Yugoslav government official.

It's partly because of the marginalization of substantive critics of the war that there has been not enough attention in the mainstream media focused even on the legality of this war under international law. What will happen under our Constitution next Tuesday when the sixty day period elapses on the War Powers Act and President Clinton has not won Congressional authorization? That should be an issue that's a raging debate in the American media today. I haven't even seen it in a footnote in today's newspapers. Maybe I missed one.

There's been not enough attention paid in the mainstream media to the environmental damage in the region from U.S. bombs striking petrochemical factories and fertilizer facilities.

There has been not enough attention in the mainstream media paid to NATO's targeting of civilian infrastructure. Whether, for example, the bombing of the broadcast stations, which is a clear violation of the Geneva Convention, was really aimed at keeping video of NATO's civilian victims off the television sets in the western countries. I have a hunch that was its real motive.

Not enough mainstream media attention has been paid to the use, or possible use, by the United States of radioactive depleted uranium rounds.

Not enough attention has been paid to NATO's propaganda, and a steady stream of claims that have turned out to be false. The *Independent* newspaper, based in London, on April 6, 1999, published an article collecting about eight of these falsehoods. I would argue that from our monitoring, the mainstream media in Europe have been more independent in their coverage of this war, more skeptical in their coverage of this war, than the U.S. mainstream media.

And there has not been enough attention paid to the events immediately before the war. The best estimate of how many people had died in Kosovo in all of 1998 was 2000 people. That's a serious human rights crisis. It's also less than the number of people who died in homicides in New York City in 1992. We need to look at the events that immediately led up to this war.

[From the Independent, April 6, 1999]

A WAR OF WORDS AND PICTURES

NATO CASTS DOUBT ON THE VERACITY OF YUGOSLAV WAR REPORTING, BUT IS OUR OWN MEDIA ANY LESS GUILTY OF PROPAGANDA?

(By Philip Hammond)

It takes two sides to fight a propaganda war, yet critical commentary on the "war of words" has so far concentrated on the "tightly controlled" Yugoslav media. We have been shown clips from "Serb TV" and invited to scoff at their patriotic military montages, while British journalists cast doubt on every Yugoslav "claim".

But whatever one thinks of the Yugoslav media they pale into insignificance alongside the propaganda offensive from Washington, Brussels and London.

"They tell lies about us, we will go on telling the truth about them," says Defense Secretary George Robertson. Really? Nato told us the three captured US servicemen were United Nations peacekeepers. Not true. They told us they would show us two captured Yugoslav pilots who have never appeared. Then we had the story of the "executed" Albanian leaders—including Rambouillet negotiator Fehmi Agani—whose deaths are now unconfirmed.

When the Albanian leader Ibrahim Rugova, who was said to be in hiding, turned up on Yugoslav television condemning Nato bombing, the BBC contrived to insinuate that the pictures were faked, while others suggested Rugova must have been coerced, blackmailed, drugged, or at least misquoted.

They told us the paramilitary leader Arkan was in Kosovo, when he was appearing almost daily in Belgrade—and being interviewed by John Simpson there. They told us Pristina stadium had been turned into a concentration camp for 100,000 ethnic Albanians, when it was empty. Robertson posing for photographers in the cockpit of a Harrier can't have been propaganda. Only the enemy goes in for that sort of thing.

Nato's undeclared propaganda war is two-pronged. First, Nato has shamelessly sought to use the plight of Albanian refugees for its own purposes, cynically inflating the number of displaced people to more than twice the UN estimate.

Correspondents in the region are given star billing on BBC news, and are required not just to report but to share their feelings with us. As Peter Sissons asked Ben Brown in Macedonia: "Ben, what thoughts go through a reporter's mind seeing these sights in the dying moments of the 20th century?"

Reports from the refugee centers are used as justifications for Nato strategy. The most striking example was the video footage smuggled out of Kosovo said to show "mass murder". The BBC presented this as the "first evidence of alleged atrocities," unwittingly acknowledging that the allies had been bombing for 10 days without any evidence.

Indeed, for days, the BBC had been inviting us to "imagine what may be happening to those left in Kosovo". After watching the footage, Robin Cook apparently knew who had been killed, how they had died, and why. Above all, he knew that the video "underlines the need for military action".

The second line of attack is to demonise Milosevic and the Serbs, in order to deflect worries that the tide of refugees has been at least partly caused, by Nato's "humanitarian" bombing. Parts of Pristina have been flattened after being bombed every day for more than a week. Wouldn't you leave? And what about those thousands of Serbian refugees from Kosovo—are they being "ethnically cleansed", too? Sympathy does not extend to them, just as the 200,000 Serbian refugees from Krajina were ignored in 1995.

Instead, the tabloids gloat "Serbs you right" as the missiles rain down.

The accusations levelled against the Serbs have escalated from "brutal repression" to "genocide", "atrocities" and "crimes against humanity", as Nato has sought to justify the bombing. Pointed parallels have been drawn with the Holocaust, yet no one seems to notice that putting people on a train to the border is not the same as putting them on a train to Auschwitz.

The media have taken their cue from politicians and left no cliche unturned in the drive to demonise Milosevic. The Yugoslav president has been described by the press as a "Warlord", the "Butcher of Belgrade", "the most evil dictator to emerge in Europe since Adolf Hitler", a "Serb tyrant" a "psychopathic tyrant" and a "former Communist hard-liner".

The Mirror also noted significantly that he smokes the same cigars as Fidel Castro. Just as they did with Saddam Hussein in the Gulf war, Panorama devoted a programme to "The Mind of Milosevic".

Several commentators have voiced their unease about the Nato action from the beginning. But press and TV have generally been careful to keep the debate within parameters of acceptable discussion, while politicians have stepped up the demonisation of the Serbs to try to drown out dissenting voices. The result is a confusingly schizophrenic style of reporting.

The rules appear to be that one can criticize Nato for not intervening early enough, not hitting hard enough, or not sending ground troops. Pointing out that the Nato intervention has precipitated a far worse crisis than the one it was supposedly designed to solve or that dropping bombs kills people are borderline cases, best accompanied by stout support for "our boys". What one must not do is question the motives for Nato going to war. Indeed, one is not even supposed to say that Nato is at war. Under image-conscious New Labour, actually going to war is fine, but using the term is not politically correct.

The limits of acceptable debate were revealed by the reaction to the broadcast by SNP leader Alex Salmond. Many of his criticisms of Nato strategy were little different from those already raised by others, but what provoked the Government's outrage was that he dared to compare the Serbs under Nato bombardment to the British in the Blitz. Tony Blair denounced the broadcast as "totally unprincipled", while Robin Cook called it "appalling", "irresponsible" and "deeply offensive".

The way Labour politicians have tried to sideline critics such as Salmond is similar to the way they have sought to bludgeon public opinion. The fact that Blair has felt it necessary to stage national broadcasts indicates the underlying insecurity of a government worried about losing public support and unsure of either the justification for or the consequences of its actions.

Audience figures for BBC news have reportedly risen since the air war began. Yet viewers have been ill-served by their public service broadcaster. The BBC's monitoring service suggested that the "Serb media dances to a patriotic tune". Whose tune does the BBC dance to that it reproduces every new Nato claim without asking for evidence? Just as New Labour has sought to marginalise its critics, so TV news has barely mentioned the protests across the world—not just in Macedonia, Russia, Italy and Greece—but also in Tel Aviv, Lisbon, San Francisco, Chicago, Los Angeles, Toronto, Sydney and elsewhere. Are we to suppose that these demonstrators are all Serbs, or that they have been fooled by the "tightly controlled" Yugoslav media?

[FROM THE FAIRNESS & ACCURACY IN REPORTING, MAY 5, 1999]

SLANTED SOURCES IN NEWSHOUR AND NIGHTLINE KOSOVO COVERAGE

A FAIR analysis of sources on ABC's Nightline and PBS's NewsHour during the first two weeks of the bombing of Yugoslavia found an abundance of representatives of the U.S. government and Nato, along with many other supporters of the Nato bombing. Opponents of the airstrikes received scant attention, however; in almost all stories, debate focused on whether or not Nato should supplement bombing with ground troops, while questions about the basic ethics and rationales of the bombing went largely unasked.

FAIR's survey was based on a search of the Nexis database for stories on the war between March 25 and April 8, identifying both guests who were interviewed live and sources who spoke on taped segments. Sources were classified according to the institutions or groups they represented, and by the opinions they voiced on Nato's military involvement in Yugoslavia.

Of 291 sources that appeared on the two shows during the study period, only 24—or 8 percent—were critics of the Nato airstrikes. Critics were 10 percent of sources on the NewsHour, and only 5 percent on Nightline. Only four critics appeared live as interview guests on the shows, 6 percent of all discussion guests. Just one critic appeared as a guest on Nightline during the entire two-week time period.

The largest single source group, 45 percent, was composed of current or former U.S. government and military officials, Nato representatives and Nato troops.

On Nightline, this group accounted for a majority of sources (55 percent), while providing a substantial 39 percent on the NewsHour. It also provided the largest percentage of live interviewees: 50 percent on Nightline (six of 12) and 42 percent on the NewsHour (24 of 57). (Numerous U.S. aviators who appeared on Nightline's 3/29/99 edition were left out of the study, because their identities could not be distinguished.)

Overall, the most commonly cited individuals from this group were President Bill Clinton (14 cites), State Department spokesperson James Rubin (11) and Nato spokesperson David Wilby (10). Of course, these sources were uniformly supportive of Nato's actions. A quote from the NewsHour's Margaret Warner (3/31/99) reveals the homogeneity of a typical source pool: "We get four perspectives now on Nato's mission and options from four retired military leaders."

Former government officials were seldom more critical of Nato's involvement in Yugoslavia. Cited less than one-third as often as current politicians, former government officials mainly confined their skepticism to Nato's reluctance to use ground troops. Bob Dole (Nightline, 3/31/99) voiced the prevailing attitude when he said, "I just want President Clinton ... not to get wobbly."

Albanian refugees and KLA spokespeople made up 18 percent of sources (17 percent on the NewsHour, 19 percent on Nightline), while relief workers and members of the U.N. Commission for Refugees accounted for another 4 percent on NewsHour and 2 percent on Nightline. Sources from these groups also provided 4 percent of live interviewees on the NewsHour and 25 percent on Nightline.

These sources stressed the Kosovar refugees' desperation, and expressed gratitude for Nato's airstrikes. Said one KLA member (Nightline, 4/1/99), "The Nato bombing has [helped and] has been accepted by the Albanian people." Although one refugee

(Nightline, 4/1/99) suggested otherwise—"We run away because of NATO bombing, not because of Serbs"—all other sources in this group either defended or did not comment on NATO's military involvement in the conflict.

Those most likely to criticize NATO—Yugoslavian government officials, Serbians and Serbian-Americans—accounted for only 6 percent of sources on the NewsHour and 9 percent on Nightline. Overall, only two of these sources appeared as live interviewees: Yugoslav Foreign Ministry spokesperson Nebojsa Vujoovic (Nightline, 4/6/99) and Yugoslav Ambassador to the United Nations Vladislav Jovanovic (NewsHour, 4/1/99). This group's comments contrasted radically with statements made by members of other source groups, e.g., calling NATO's bombing "unjustified aggression" (Nightline, 4/6/99), and charging that NATO is "killing Serbian kids." (NewsHour, 4/2/99).

On Nightline, no American sources other than Serbian-Americans criticized NATO's airstrikes. On the NewsHour, there were seven non-Serbian American critics (4 percent of all sources); these included schoolchildren, teachers and college newspaper editors, in addition to a few journalists. Three out of the seven American sources who criticized the NATO bombing appeared as live interviewees, while the rest spoke on taped segments.

Officials from non-NATO national governments other than Yugoslavia, such as Russia's and Macedonia's, accounted for only 2 percent of total sources (3 percent on the NewsHour, 0 percent on Nightline) and added only four more critical voices overall. Only twice did a government official from these countries appear as a live interviewee (NewsHour, 3/30/99, 4/7/99).

Eleven percent of sources came from American and European journalists: 7 percent on Nightline, 13 percent on the NewsHour. This group also claimed 17 percent of all live interviews on Nightline and 40 percent on the NewsHour. In discussions with these sources, which tended to focus on the U.S. government's success in justifying its mission to the public, independent political analysis was often replaced by suggestions for how the U.S. government could cultivate more public support for the bombing.

Three independent Serbian journalists also appeared—two on the NewsHour and one on Nightline—but they did not add any voices to the anti-bombing camp. Instead, they spoke about the Serbian government's censorship of the independent media. Of a total of 34 journalists used as sources on both shows, only four opposed the NATO airstrikes. Three of these four appeared as live interviewees, and all four appeared on the NewsHour.

Academic experts—mainly think tank scholars and professors—made up only 2 percent of sources on the NewsHour and 5 percent on Nightline. (Experts who are former government or military officials were counted in the former government or military categories; these accounted for five sources.) On the NewsHour, the only think tank spokesperson who appeared was from the military-oriented Rand Corporation, while Nightline's two were both from the centrist Brookings Institution. Just two experts appeared in live interviews on the NewsHour, and no expert source was interviewed live on Nightline. While these percentages reflect a dearth of scholarly opinion in both shows, even the experts who were consulted didn't add much diversity to the discussion; none spoke critically of NATO's actions.

On a Nightline episode in early April that criticized Serbian media (4/1/99), Ted Koppel declared: "The truth is more easily suppressed in an authoritarian country and

more likely to emerge in a free country like ours." But given the obvious under-representation of NATO critics on elite American news shows, independent reporting seems to also be a foreign concept to U.S. media.

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#### INTRODUCTION OF THE FEDERALISM ACT OF 1999

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#### HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. McINTOSH. Mr. Speaker, today, I rise to introduce the "Federalism Act of 1999," a bipartisan bill to promote and preserve the integrity and effectiveness of our federalist system of government, and to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs. As James Madison wrote in Federalist No. 45, "The powers delegated . . . to the Federal government are defined and limited. Those which are to remain in the State governments are numerous and indefinite."

In May 1998, President Clinton issued Executive Order (E.O.) 13083, which revoked President Reagan's 1987 Federalism E.O. 12612 and President Clinton's own 1993 Federalism E.O. 12875. The Reagan Order provided many protections for State and local governments and reflected great deference to State and local governments. It also set in place operating principles and a required discipline for the Executive Branch agencies to follow for all decisionmaking affecting State and local governments. The Reagan Order was premised on a recognition of the competence of State and local governments and their readiness to assume more responsibility. In August 1998, after a hearing before the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, which I chair, and the outcry of the seven major national organizations that represent State and local elected officials, President Clinton indefinitely suspended his E.O. 13083 and agreed to work with these national organizations on any substitute Order.

The "Federalism Act of 1999" is being introduced in response to a request for permanent legislation by the leadership of these seven major national organizations. It is a product of several months' work by a bipartisan group of Members together with those national organizations and their leadership to ensure that the legislation includes provisions most needed and desired by them to promote and preserve Federalism. The absence of clear congressional intent regarding preemption of State and local authority has resulted in too much discretion for Federal agencies and uncertainty for State and local governments, leaving the presence of scope of preemption to be determined by litigation in the Federal judiciary.

The "Federalism Act of 1999" has a companion bipartisan bill on the Senate side, S. 1214, the "Federalism Accountability Act of 1999," which was introduced last week. Both bills share nearly identical purposes: (1) to promote and preserve the integrity and effectiveness of our federalist system of government, (2) to set forth principles governing the interpretation of congressional intent regarding preemption of State and local government au-

thority by Federal laws and rules, (3) to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs, and (4) to establish a reporting requirement to monitor the incidence of Federal statutory, regulatory, and judicial preemption.

The "Federalism Act of 1999" establishes new discipline on both the Legislative Branch and the Executive Branch before either imposes requirements that preempt State and local authority or have other impacts on State and local governments. The "Federalism Act of 1999" requires that the report accompanying any bill identify each section of the bill that constitutes an express preemption of State or local government authority and the reasons for each such preemption, and include a Federalism Impact Assessment (FIA) including the costs on State and local governments. Likewise, the bill requires Executive Branch agencies to include a FIA in each proposed, interim final, and final rule publication. The FIA must identify any provision that is a preemption of State or local government authority and the express statutory provision authorizing such preemption, the regulatory alternatives considered, and other impacts and the costs on State and local governments.

The bill establishes new rules of construction relating to preemption. These include that no new Federal statute or new Federal rule shall preempt any State or local government law or regulation unless the statute expressly states that such preemption is intended. Any ambiguity shall be construed in favor of preserving the authority of State and local governments.

Besides instituting this new discipline for the Legislative and Executive Branches and providing new rules of construction for the Judiciary, the bill includes other provisions to recognize the special competence of and partnership with State and local governments. The bill provides deference to State management practices for financial management, property, and procurement involving certain Federal grant funds. The bill also requires Executive Branch agencies, for State-administered Federal grant programs, to cooperatively determine program performance measures under the Government Performance and Results Act with State and local elected officials and the seven major national organizations that represent them.

The McIntosh-Moran-Portman-McCarthy-Castle-Condit-Davis bill is a product of work with the seven major State and local interest groups: the National Governors' Association, National Conference of State Legislatures, Council of State Governments, U.S. Conference of Mayors, National League of Cities, National Association of Counties, and the International City/County Management Association.

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#### INTRODUCTION OF THE FEDERALISM ACT OF 1999

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#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 1999*

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my colleagues DAVID MCINTOSH, TOM DAVIS, KAREN McCARTHY, MICHAEL CASTLE and GARY CONDIT, in cosponsoring the Federalism Act of 1999.