

He had a very, very outstanding record as a Member of the House of Representatives from Wichita, KS. He has a very thorough grasp of the agriculture community and farm problems in America; a background that I share to some extent. Russell and Wichita and all of Kansas are in the wheat country, and as a teenager I drove a tractor in the farmland. It is quite an experience to drive a tractor in the harvest, round and round knocking down grain; pulling a combine, again, again, and again. It is a great incentive to become a lawyer, which I did after moving out of Kansas.

But beyond his professional qualifications and his experience, Dan Glickman is a great human being, compassionate, understanding, and will really be able to work with the problems of the American agriculture industry.

Still I think he has a keen eye for budget deficits and cost reductions to fit into the trend of the times as we try to move to balance the Federal budget for the target year 2002.

So I do not know that my colleagues will need too much urging because Dan has such an outstanding record and an outstanding reputation. But I wanted to add these few words in support of his nomination for Secretary of Agriculture.

I thank the Chair. I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise to support the nomination of Dan Glickman. I could not help but notice the Senator from Pennsylvania saying that he was driving a tractor and that encouraged him to become a lawyer. Well, I failed to become a lawyer.

But I rise to support the nomination of Dan Glickman as Secretary of Agriculture.

As the distinguished majority leader has indicated, Dan Glickman has an outstanding record on agricultural issues and I am certain that he will serve this Nation well as its Secretary of Agriculture.

As Secretary, I am optimistic that Mr. Glickman will take an even-handed approach to agricultural regulations. Recently, legislation has been introduced which is intended to provide special treatment for a limited class of poultry producers. I am referring to S. 600—the so-called Truth in Poultry Labeling Act of 1995. It is anything but truth in labeling.

This legislation is just one example of the pressures which may be brought to bear on the Department of Agriculture during Mr. Glickman's tenure as Secretary.

I am hopeful that he will not yield to special interests seeking preferential market treatment under the guise of antifraud legislation. If successful, S. 600 would result in significant economic harm to poultry producers across the Nation—so that a limited

class of local producers could achieve market dominance.

I hope that as Secretary, Mr. Glickman will send a clear signal that such tactics have no place in the rule-making procedures of the Department of Agriculture under his leadership or at any other time.

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.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress to control Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,851,857,494,143.63 as of the close of business Wednesday, March 29. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$18,417.06.

JOHN SILBER ON THE ARTS IN AMERICA

Mr. KENNEDY. Mr. President, in a thoughtful article in the Boston Globe entitled "Funding the Arts Enriches the Nation," John Silber, president of Boston University, provides an eloquent reminder of the importance of the arts to the spirit of our Nation. President Silber effectively rebuts the negative myths about the National Endowment for the Arts and states the necessity and desirability of continued funding of the arts. NEA represents only one-half of 1 percent of the Federal budget. The program it funds and disseminates to neighborhoods and communities across America are eminently deserving of this moderate level of Federal support.

I commend this article to my colleagues and I ask unanimous consent that it may be printed at this point in the RECORD.

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

[From the Boston Globe, Mar. 20, 1995]

FUNDING THE ARTS ENRICHES THE NATION

(By John Silber)

The 104th Congress has brought with it an open season on federal support for culture. Members of the congressional leadership have proposed defunding public broadcasting, and two former heads of the National Endowment for the Humanities testified that it ought to be terminated and advised the same fate for the National Endowment for the Arts.

The most common charge made against public broadcasting is bias toward the left, and those who would impose a death sentence on two endowments continually trot out the same horror stories.

With regard to the NEA, the cases in point are some items in an exhibit of Robert Mapplethorpe's photographs, an alleged work of art called "Piss Christ" by Andres Serrano and a piece of blood-spattered performance art by Ron Athey.

The NEH has subsidized a ludicrously tendentious set of standards for the teaching of history and has funded the Modern Language Association, the professional association of literary scholars, as it deconstructs into vulgarity and irrelevance.

These genuine horror stories are not so much the doing of the endowments as irrepressible eruptions of contemporary culture. It is very likely they would have occurred without government subsidy. We live, after all, in an age when John Cage was taken seriously as a composer.

But these are only the horror stories. The solid achievements of the endowments are ignored in favor of their few sensational mistakes.

The NEA has provided startup funds for a vigorous movement of regional theaters and enriched the musical life in the nation through the support of orchestras and other performance groups. The NEH has, among other activities, supported some of the most distinguished programs on public television, such as "Masterpiece Theatre" and "The Civil War."

Such successes have enriched the intellectual and artistic life of millions of Americans, and they have been far more influential than the comparatively few failures.

Nor is it true that PBS is, as a whole, a liberal enclave. There are, of course programs on PBS made from a liberal perspective and sometimes this perspective amounts to a bias that distorts reality. But PBS is also studded with programs produced from a conservative perspective.

And the great majority of PBS programs are about as free of ideology as is humanely possible. Consider one recent case, a history of the Cold War called "Messengers from Moscow." The final episode of the series was made up largely of interviews with Soviet politicians, bureaucrats and generals. Most of them agreed that the Soviet Union had been a fraud, and that the US challenge, orchestrated largely by Ronald Reagan, had brought the Soviet system down and made them see reality.

Jimmy Carter appeared as the man who first terrified the Soviets by considering the neutron bomb, and then was snookered into abandoning it by a massive propaganda assault. A Russian general explained that had the neutron bomb been deployed, the Soviet strategy of overwhelming NATO with tanks would have been rendered useless.

This politically incorrect program was produced by a PBS station with major funding from the NEH. It is representative of federally subsidized culture at its objective best, and it is impossible to imagine it on commercial television.

If we extended the standard of perfection now being applied to PBS and the endowments to other institutions, we should have long ago terminated the Congress, the State Department, the presidency and every known agency of government. In addition we should have eliminated all hospitals, schools, colleges and universities and dealt with all churches as Henry VIII dealt with the monasteries of England.

The NEA has frequently endorsed the notion that the sole duty of art is to provoke and outrage. Great art will, sometimes, do exactly that. But that is a consequence, not an end. Monet outraged many of the bourgeoisie, but that was not his intention, only a result of the impact his vision of light had on people raised on a diet of academic realism.

Public broadcasting and the Endowments consume only 1/100th of 1 percent of the federal budget. By helping to preserve and disseminate culture they have contributed value far exceeding their modest funding. Terminating these useful agencies on the basis of a few sensational mistakes will do little to balance the budget but will deprive the country of much value.

CENSORING CYBERSPACE

Mr. LEAHY. Mr. President, I rise today to speak about legislation that would impose Government regulation on the content of communications transmitted over computer networks.

Ironically, this legislation was accepted without debate by the Commerce Committee as an amendment to a draft telecommunications bill whose purported purpose is to remove regulation from significant parts of the telecommunications industry.

It is rumored that this matter could be headed for consideration by the Senate on Monday, although the bill has yet to be introduced and the Commerce Committee has yet to issue its report on the measure.

There is no question that we are now living through a revolution in telecommunications with cheaper, easier to use and faster ways to communicate electronically with people within our own homes and communities, and around the globe.

A byproduct of this technical revolution is that supervising our children takes on a new dimension of responsibility.

Very young children are so adept with computers that they can sit at a keypad in front of a computer screen at home or at school and connect to the outside world through the Internet or some other online service.

Many of us are, thus, justifiably concerned about the accessibility of obscene and indecent materials online and the ability of parents to monitor and control the materials to which their children are exposed.

But Government regulation of the content of all computer communications, even private communications, in violation of the first amendment is not the answer—it is merely a knee-jerk response.

Although well-intentioned, my good friend from Nebraska, Senator EXON, is championing an approach that I believe

unnecessarily intrudes into personal privacy, restricts freedoms, and upsets legitimate law enforcement needs.

He successfully offered the Commerce Committee an amendment that would make it a felony to send certain kinds of communications over computer networks, even though some of these communications are otherwise constitutionally protected speech under the first amendment.

This amendment would chill free speech and the free flow of information over the Internet and computer networks, and undo important privacy protections for computer communications. At the same time, this amendment would undermine law enforcement's most important tool for policing cyberspace by prohibiting the use of court-authorized wiretaps for any digital communications.

Under this Exon amendment, those of us who are users of computer e-mail and other network systems would have to speak as if we were in Sunday school every time we went online. I, too, support raising our level of civility in communications in this country, but not with a Government sanction and possible prison sentence when someone uses an expletive.

The Exon amendment makes it a felony punishable by 2 years' imprisonment to send a personal e-mail message to a friend with obscene, lewd, lascivious, filthy or incident words in it. This penalty adds new meaning to the adage, "Think twice before you speak."

All users of Internet and other information services would have to clean up their language when they go online, whether or not they are communicating with children.

It would turn into criminals people, who in the privacy of their own homes, download racy fiction or indecent photographs.

This would have a significant chilling effect on the free flow of communications over the Internet and other computer networks. Furthermore, banning the use of lewd, filthy, lascivious or indecent words, which fall under constitutional protection, raises significant first amendment problems.

Meanwhile, the amendment is crafted to protect the companies who provide us with service. They are given special defenses to avoid criminal liability. Such defenses may unintentionally encourage conduct that is wrong and borders on the illegal.

For example, the amendment would exempt those who exercise no editorial control over content.

This would have the perverse effect of stopping responsible electronic bulletin board system [BBS] operators from screening the boards for hate speech, obscenity, and other offensive material. Since such screening is just the sort of editorial control that could land BBS operators in jail for 2 years if they happened to miss a bit of obscenity put up on a board, they will avoid it like the plague. Thus, this amendment stops responsible screening by BBS operators.

On the other hand, another defense rewards with complete immunity any service provider who goes snooping for smut through private messages.

According to the language of the amendment, online providers who take steps to restrict or prevent the transmission of, or access to obscene, lewd, filthy, lascivious, or indecent communications are not only protected from criminal liability but also from any civil suit for invasion of privacy by a subscriber. We will thereby deputize and immunize others to eavesdrop on private communications.

Overzealous service providers, in the guise of the smut police, could censor with impunity private e-mail messages or prevent a user from downloading material deemed indecent by the service provider.

I have worked hard over my years in the Senate to pass bipartisan legislation to increase the privacy protections for personal communications over telephones and on computer networks.

With the Exon amendment, I see how easily all that work can be undone—without a hearing or even consideration by the Judiciary Committee, which has jurisdiction over criminal laws and constitutional matters such as rights of privacy and free speech.

Rather than invade the privacy of subscribers, one Vermonter told me he would simply stop offering any e-mail service or Internet access. The Physician's Computer Co. in Essex Junction, VT, provides Internet access, e-mail services, and medical record tracking services to pediatricians around the country.

The President of this company let me know that if this amendment became law, he feared it would cause us to lose a significant amount of business. We should be encouraging these new high-technology businesses, and not be imposing broad-brush criminal liability in ways that stifle business in this growth industry.

These efforts to regulate obscenity on interactive information services will only stifle the free flow of information and discourage the robust development of new information services.

If users realize that to avoid criminal liability under this amendment, the information service provider is routinely accessing and checking their private communications for obscene, filthy, or lewd language or photographs, they will avoid using the system.

I am also concerned that the Exon amendment would totally undermine the legal authority for law enforcement to use court-authorized wiretaps, one of the most significant tools in law enforcement's arsenal for fighting crime. The Exon amendment would impose a blanket prohibition on wiretapping digital communications. No exceptions allowed.

This means the parents of a kidnaping victim could not agree to have the