

All of us in the POW/MIA issue will miss him. We have lost a dear friend and our POW's have lost a strong advocate.

**A MESSAGE FROM COL "SWEDE" LARSON,  
FORMER POW—HANOI VIETNAM**

It is with deep regret, that I inform you of the death of Col. Ted Guy. He passed away today, 23 April 1999, from complications associated with Leukemia. He only lived 6 months from the time of his first symptoms. He is survived by his wife Linda, two step daughters, four son's, and a brother.

Since most of you did not know Ted, and a few misunderstood him, I am going to ask your indulgence, and tell you a little about him, since I was his very close friend for 44 years.

We first met at Luke Air Force base in 1955 as young Captains instructing fighter gunnery. He had previously completed a combat tour in Korea, flying F-84's. He and I had three things in common. We both loved to fly, party, and fish. Over the years we stayed in close touch, and after his retirement, we fished together many times.

He was assigned to South Vietnam in F-4's while I was in Thailand flying out-country missions, in F-105's. When he showed up in Hanoi, I couldn't fathom how he had gotten there. After we were released, I learned that he was shot down during the battle at Khe Sanh, bailed out and captured in Laos by the North Vietnamese (they were never in Laos! -yah, right!). On the second day of his capture while he was starting his walk to Hanoi, he was heavily sprayed with Agent Orange. In the ensuing days, he walked through many areas that had been previously defoliated.

As he was captured in Laos, he was kept away from the rest of us and spent his first 3 years in solitary confinement. He was then put in with the 100 plus, Army and civilian prisoners and was the Senior Officer. He had his hands full with a group of very young, non-motivated and rebellious enlisted men. Unlike our group, (after the death of HO), he was badly treated by his captors, almost up to our release. He was badly beaten during this time for acting as SRO and on one occasion, suffered severe head injuries, which several years later resulted in his being medically discharged from the service. He had been on the "fast track" prior to shoot down, and had been promoted to Lt. Col. below the zone. To my knowledge, he was the only POW promoted (to 06) below the zone while a POW. Those concussions he suffered forced his early retirement.

He was not an active member of our group, primarily because he did not know or serve with any of us in Hanoi. He also felt that even though our group elected to be non-political, we should have made an exception and taken a prominent stand as a potential powerful lobby group, to demand a full accounting of the MIA's. He was an individual of deep loyalties, and a boundless love of his country and flag. He stood up tall against those he felt were in the wrong.

His medical specialists felt that his Leukemia was a direct result of his repeated heavy exposures to Agent Orange. The Veterans Administration however, in their infinite wisdom felt otherwise, and denied his emergency claim for Agent Orange disabilities. (Hence no DIC for his wife).

He ended up loosing a promising military career and suffered an early end to his life, in his service to his country. I shall truly miss him. Thanks for your indulgence.

GBU Ted.

SWEDE LARSON.

**OBITUARY FOR TED GUY**

Theodore Wilson Guy, 70, of Sunrise Beach, Missouri, died April 23, 1999, at St. Marys Health Center.

He was born April 18, 1929, in Chicago, a son of Theophilus W. and Edwina LaMonte Guy.

He was married October 18, 1973, to Linda Bergquist, who survives at the home.

A 1949 graduate of Kemper Military College, he served as a pilot in the Air Force until his retirement in 1973 as a colonel. A veteran of the Korean and Vietnam wars, he received a Silver Star, the Distinguished Service Medal, the Distinguished Flying Cross, the Air Medal and a Purple Heart. He was a POW for five years in Laos and North Vietnam. After his retirement from the Air Force, he became National Adjutant for the Order of Daedalians.

In 1977, he became associated with TRW, assigned to Iran as Senior Tactical Adviser to the Commander, Iranian Tactical Air Command.

He was a member of St. George Episcopal Church, Camdenton.

Other survivors include: two sons, Ted Guy Jr. and Michael Guy, both of Phoenix; two stepdaughters, Elizabeth Thannum, Los Angeles, and Katherine Roth, Chicago; one brother, Donald Guy, state of Alabama; and three grandsons.

Services will be at 3 p.m. Friday at St. George Episcopal Church. The Rev. Tim Coppinger will officiate. The remains were cremated. Inurnment, with military honors, will be at a later date in Arlington National Cemetery, Arlington, Virginia.

Memorials are suggested to the Leukemia Society of America.

**POW TAP CODE IN HANOI HILTON**

	1	2	3	4	5
1	A	B	C	D	E
2	F	G	H	I	J
3	L	M	N	O	P
4	Q	R	S	T	U
5	V	W	X	Y	Z

Mr. SMITH of New Hampshire. I thank the Chair for his courtesy. I yield the floor.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

(The remarks of Mr. GRAMS pertaining to the introduction of S. 916 and S. 917 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for a period of up to 15 minutes.

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

**VIDEO VIOLENCE AND THE  
CULTURE OF KILLING**

Mr. BROWNBACK. Mr. President, I rise to address the body today on another aspect of our culture. I have spoken several times this week about different aspects of our culture in areas that I think need desperate reform, which certainly has been highlighted by what took place in Colorado.

Today, I want to speak of video games. I have examples to show people in this body and I hope around the country of what is being marketed to our children, what is being put out there, what they are receiving.

I have kids who are in this age range. My oldest daughter is 12, my son is 11, and my youngest daughter is 9. They have some exposure to some of these notions. I rise to address one aspect of our society that I think demands attention, particularly in the wake of these tragic events.

Yesterday, I addressed the rise in popularity of music with hyperviolent, often misogynistic lyrics. More and more kids are tuning in to music which glorifies and glamorizes violence and viciousness. As the popularity and profitability of music depicting murder, torture, and rape grows, the music industry is making a killing off our kids.

The problem is not unique to the music industry. It is found in many entertainment fields. This coming Tuesday, we will hold a hearing in the Commerce Committee to examine marketing violence.

Today, I will talk about another equally troubling trend in pop entertainment, the rising popularity of gory, graphic video games. The video game industry has received far less attention than television or movies but is among the fastest growing entertainment media in the country.

Last year, the video game industry was worth more than \$6 billion. Its profitability is climbing steadily and rapidly. The rise in profitability is fueled by the rise in popularity of these games. Video games are being played more often by more people and particularly more kids.

Even industry executives acknowledge that video games are a growing part of the cultural landscape. I want to put this in the context of the cultural landscape. One executive of the industry went so far as to assert in a recent Wall Street Journal article that:

Games are a primary vehicle for popular culture.

These games are.

As a father with a young son who plays a lot of video games, I can tell you, they get to spend more time with him a lot of times than anybody else does, as he plays the video games.

Although many video games are non-violent, a growing number of companies are producing and promoting unimaginable gory, interactive video games. They are gory and they are interactive.

Consider these few examples. "Carmaggedon" is a highly popular video game put out by Interplay, which debuted a little over a year ago. The purpose of the game is for the player, who controls a race car, to mow down as many pedestrians as he possibly can. That is the purpose of the game, "Carmaggedon." You are in the car mowing down people. Points are awarded for each pedestrian killed, and the more gruesome, the better.

Unlike some games where the player aims to kill villains, such as monsters or aliens, the targets in this game are innocent people. The game player is no longer cast in the role of vigilante but simply a cold-blooded killer.

The video game "Quake," put out by Midway Games and ID Software, the same companies as producers of "Doom," consists of a lone gunman confronting a variety of monsters. For every kill, he gets points. As he advances in the game, the weapons he uses grow more powerful and more gory. He trades in a shotgun for an automatic, and later he gets to use a chain saw on his enemies. The more skilled the player, the gorier the weapons he gets to use. Bloodshed is his reward. "Quake" sold more than 1.7 million copies its first year out.

Here are some other examples of popular games. I want to show you some of these ads, because I think they are particularly troubling in the advertisement that they use. These are ads that were all taken from a recent gaming magazine, again, aimed at a teenage audience. These are generally aimed at people under the age of 18. And I can see some of our interns and pages up front. I rather imagine they will recognize some of this advertising that I am going to show.

But I want you to look at some. Here is "Quake." Just look how this is advertised, if you would, Mr. President.

Blowing your friends to pieces with a rocket launcher is only the beginning . . . .

Sound familiar?

Whether you are in search of the ultimate online frag-fest or looking for the latest Quake news, information player ranks, or skins—the Imagine Games Network has it all.

It talks about "[b]lowing your friends to pieces with a rocket launcher is only the beginning. . . ." Unfortunately, does that sound like a news headline?

Let's look at the next one we have up here. And I want to point out, before I get to the real graphics of it, it is rated 14. So there is actually a rating system on video games. So this one is supposed to be purchased by people under the age of 18. It is rated to do so.

Listen to the title of this one. Look at how this one is advertised at the very top. "Kill Your Friends Guilt Free" is the advertising. "Kill Your Friends Guilt Free."

If you consider yourself a fighter kind of surg, Guilty Gear comes highly recommended. No true fan can be—

This is online here. What else do we have of this one? "Fighting games."

You can see the rest of it, and the gory details. It is rated for teens. This is rated for kids under the age of 18.

"Kill Your Friends Guilt Free." Does that sound horrible?

This is an actual game screen, really. This is of a very popular game.

It is built on the revolutionary Quake II engine kingpin. Life of crime. Includes a multiple player gang bang deathmatch for up to 16 thugs.

I think you can see the blood splattering here at the side in which different people are blown away.

One other point I want to make about this is that we will have people testify at our hearing about the desensitization that this does to people to allow and even empower them to do things to people that are not even imaginable, but after you spend so much time looking at and studying the screen and shooting at and blowing up people, the desensitization process happens.

We will have an expert witness testifying that that allows you to do things that you would otherwise have an internal mechanism in you saying, no, you cannot do that; no, you do not do that. But after hour after hour of the blood and guts, it has a desensitization to it.

These are advertisements.

Look at this one. Look at this one: "Deploy. Destroy. Then relax over a cold one."

"Deploy. Destroy." And "[t]hen relax over a cold one."

On this one you can see the little teen label. This is marketed and this is for teens to purchase. They actually are for teens to purchase.

Can you really sit there and say that the consumption of this on and on and on does not have some impact on a young mind, on a young soul?

"Deploy. Destroy. Then relax over a cold one."

Look at this one. This one goes further than even death.

Destroying your enemies isn't enough. \* \* \* You must devour their souls [in this one]. Legacy of Kain: Soul Reaver. As a result, stalk the shadows of Nosgoth, hunting your vampire brethren. Impale them with spears, incite them with torches, down them in water. No matter how you must destroy them, you must feed on their souls to sustain your quest, the ruin of your creator, Kain.

[Y]ou must feed on their souls to sustain your quest, the ruin of your creator, Kain. Dark Gothic story, shift real time between material and special planes. Morph.

Those are being marketed to our kids.

The video game industry has not only deemed some of these acceptable for teens and parental consent unnecessary, but they market them to teens as well.

This may seem over the top, but they are among the more popular games around. One survey of 900 fourth to eighth graders found that almost half of the children said their favorite electronic games involved violence.

Columnist John Leo put it this way:

We are now a society in which the chief form of play for millions of youngsters is

making large numbers of people die. Hurting and maiming others is the central fun activity in video games played so addictively by the young. Can it be that all this constant training in make-believe killing has no social effects?

One would think that some of these games are so violent that they are out on the fringe somewhere snubbed by respectable companies, cringing somewhere in the electronic redlight district. Not so. They are backed and distributed by some of the biggest names in the business.

GT Interactive distributes "Quake." Sony Corporation is developing the "Doom" game, which so inspired the two young killers in Littleton, into a movie. They are making this into a movie and are in the process of negotiating with its own game division's "Twisted Metal" car game, where the object is to mow down innocent pedestrians.

In these games, the goal is death. Success is determined by the body count. Others' pain is your gain.

Moreover, almost all of these games are sold in toy stores. Reports indicate that they are typically arranged in alphabetical order, not by rating or age level.

It seems pretty apparent to me that toy stores are designed to appeal to children. Children are the targeted audience. Parents do not enter toy stores to buy toys for themselves. But right there on the shelves are products that are supposedly unsuitable for children.

Defenders of these games say they are mere fantasy and harmless role-playing. But is it really the best thing for our children to play the role of murderous psychopaths? Is it truly harmless to fantasize about mass murder? Is it?

We need to do better than this. I am not saying that companies do not have a right to peddle this, but it is not right to make a killing off peddling violence to our children.

Raising children is a precious duty and a precarious task. It requires nurturing, sacrifice, and lots of love. But even the most devoted parents may find it impossible to shield their child from these images and messages that surround them at school, at the mall, at a friend's house, through music, TV, movies, and video games. We can no more shield our children from a polluted culture than we can shield them from polluted air.

Just as a polluted physical ecosystem is poisoned by several sources, so our cultural ecosystem has many points of source pollution. And this is one. We all need to do our part in cleaning up our cultural ecosystem—or else we shall all be poisoned by it.

Mr. President, I am willing to share these graphics with other offices for them to look at as well. I simply ask them to look and to examine and to think as we start to explore more in this area of cultural renewal and the need for renewal of what we are actually dealing with today—how do we

move forward to get to a better and a brighter day, so our children can live in a culture of life rather than a culture of violence and a culture of death? What are they receiving today versus what we want them to receive tomorrow? Can we really sit here and say that these have no impact on our children? I don't think we can.

I think we need to examine and push, each of us individually, and start down this line of saying, what is it that is being received? What sort of cultural pollution is getting to our children, and how do we improve that ecosystem? How do we get it renewed?

We can, and we have to start about this task, not by a series of censorship but first by knowledge and, by that, spreading and getting away from a culture of doom and death to a culture of life.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to proceed for up to 12 minutes as in morning business.

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

#### ILL-CONSIDERED PROSECUTION OF FORMER AGRICULTURE SECRETARY MICHAEL ESPY

Mr. LEAHY. Mr. President, there have been a lot of interesting things in the news this week. One is a story about the Supreme Court's ruling on Tuesday. It confirms the view that many of us have held for some time. Special Prosecutor Donald Smaltz was overreaching, at the very least, in indicting and trying former Secretary of Agriculture Mike Espy. Mr. Smaltz spent over 4 years and about \$17 million of our taxpayers' money to run out of office this distinguished public servant.

Last December, a jury said "no" to Special Prosecutor Smaltz and acquitted Mr. Espy of the charges against him. In fact, the jury said "no" and "no" and "no" and "no" and "no," I believe, over 30 times. Now the Supreme Court has said a resounding "no" also. They rejected the broad reading urged by Mr. Smaltz of the criminal laws he has used to bring down a Cabinet Secretary. The Supreme Court, Tuesday, concluded that the conviction of a trade association for giving Mr. Espy gifts was correctly thrown out by a lower court.

According to the Supreme Court, if Mr. Smaltz's reading of the Federal gratuity statute were correct—a reading that out-of-control special prosecu-

tors seem to have—"it would criminalize, for example, token gifts to the President based on his official position and not linked to any identifiable act—such as the replica jerseys given by championship sports teams each year during ceremonial White House visits . . . [or] a high school principal's gift of a school baseball cap to the Secretary of Education, by reason of his office, on the occasion of the latter's visit to the school."

The Supreme Court wisely rejected these absurd results.

Secretary Espy began his tenure as Agriculture Secretary facing challenges to the safety of our food supply, and he dealt with those challenges with enormous energy, compassion, and effectiveness. Just before he was sworn as Secretary, several children died because they ate contaminated hamburgers in Washington State.

I remember this very well. I remember Secretary Espy immediately flying to Washington State to be with the families, because he cares about people. I remember talking to him about that, because I was at that time chairman of the Senate Agriculture Committee. I know that when he flew back to Washington, he devoted himself to preventing these needless deaths. He started putting into effect policies which will save thousands of lives in our country. He fought the industry itself—a very powerful, well-heeled industry—to do the right thing.

History will record his tenure as a turning point in updating and modernizing our food safety standards—a tradition continued by Secretary Glickman and President Clinton.

But his "trial by fire" began at the hand of a special prosecutor run amuck. The unanimous jury verdict acquitting him underscores what I have been concerned about for some time—unaccountable prosecutors with unlimited budgets who can and will bring charges that no other prosecutor in the world would bring.

This special prosecutor is one who is extremely frustrating. If I thought that what he did was out of sheer stupidity, that would be one thing. It would be enough if we thought that this was a man who was just not bright enough to know his job. But along with his total lack of judgment, his total stupidity, came a man whose overwhelming ego was such that he cared less about anybody he was after. The taxpayers were paying his bill. He cared only about preening before the cameras himself.

He was particularly interested in promoting himself and patting himself on the back. He was among the first of the special prosecutors to establish his own Internet web page. It is like an advertisement for himself on this web page. Mr. Smaltz posted his reaction to the jury verdict and downplayed the acquittal since an "indictment of a public official may, in fact, be as great a deterrent as a conviction of that official." That was the most flagrant ad-

mission of abuse of a prosecutor's power that I have ever seen—I was a prosecutor for nearly 9 years—and it remains posted on his web page today.

What he is saying is, it doesn't make any difference if the person is guilty or not. It doesn't make any difference if the jury acquitted over and over again, and the person is not guilty. All the prosecutor has to do is bring an indictment; that will teach them. This is no way to restore faith in the criminal justice system. This is an example of a prosecutor who indicts somebody for something that no jury would ever convict the person for, but says, "I will show them because I am the prosecutor," or, "I can do that because, after all, it is going to cost you hundreds of thousands and maybe millions of dollars to prove your innocence. And, besides, the taxpayers are paying my bill. So why should I care about you?"

What ego, what stupidity, what arrogant abuse of power. I really cannot think of words strong enough to condemn such actions.

No prosecutor should bring an indictment simply as a deterrent and without a good-faith belief that the case can be proved beyond a reasonable doubt. Prosecutors should not bring these charges simply to harass somebody, simply to cost them money. A prosecutor has a sworn duty not to bring a charge unless he or she thinks there is at least a reasonable chance they can prove the charge and the person is guilty. Common decency, saying nothing about the canons of ethics, would require that. Frankly, no prosecutor who has to answer to anybody would do that. Only a prosecutor who doesn't have to answer to anyone, only a prosecutor who has the taxpayers paying their unlimited bills, would do that.

Putting aside the harm to reputation and cost to the defendant and witnesses of bringing unwarranted charges, indictments based on flimsy facts can be dangerous. The Government is barred under our Constitution's double jeopardy clause from bringing a case twice. So a prosecutor has a responsibility to ensure that the Government can prove its case the first time around. There is no opportunity for a second "bite at the apple."

One item that Special Prosecutor Smaltz did not put up on his web page was, I thought, one of the most disgusting things I have seen any prosecutor do. It was so bad that apparently, even with his unbridled ego and his lack of intellectual honesty, he did not feel he could bring himself to put it on the web page. That item was: he congratulated his team of well paid prosecutors with gifts of wristwatches. According to the press reports, these watches "look good, with Smaltz' name around an eagle in the center of the independent counsel seal and the case name, 'In re Espy.'"

It is like he was on some big game hunt and these were the trophies. Stupidity one might excuse, and stupidity