

in the Washington Post, and an accompanying Post editorial entitled "Pedaling Backward."

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Post, Oct. 28, 2003]

THE FAILURE OF PUTIN'S RUSSIA

(By Bruce P. Jackson)

Every so often the arrest of one man involves more than the charges he may face and his fate before the court. In these rare instances, the legal proceedings are a distraction from the larger moral and strategic implications, and so they are intended to be. The arrest of Mikhail Khodorkovsky by Russian secret services in Siberia over the weekend is one such arrest.

The "crimes" of Khodorkovsky are considerable in the eyes of the special prosecutor and the new regime of former KGB officers who now surround President Vladimir Putin. As chairman of Yukos Oil, Khodorkovsky is a successful businessman who built the largest privately held company in Russia from the wreckage of the Soviet energy sector, converted his firm to Western business practices and entered into merger discussions with American corporate giants. This conduct alone might, in today's Russia, be considered a threat to the state, but the real charge behind the arrest contains much more.

This has been a year in which independent media and major independent business owners in Russia have been put out of business by the strong-arm tactics of the special prosecutor and the newly vigilant Federal Security Service (FSB), the agency that succeeded the KGB. In a climate that progressive Russian business executives compare to the fearful period of the 1950s, Khodorkovsky made the fatal mistake of expressing political opinions and having the temerity to provide financial support to opposition parties.

While this alone is insurrectionary behavior in the increasingly czarist world of President Putin, Khodorkovsky had the additional misfortune of being the last surviving oligarch. For those who have not kept up their Russian, "oligarch" is a term of art for "rich Jews" who made their money in the massive privatization of Soviet assets in the early 1990s. It is still not a good thing to be a successful Jew in historically anti-Semitic Russia.

Since Putin was elected president in 2000, every major figure exiled or arrested for financial crimes has been Jewish. In dollar terms, we are witnessing the largest illegal expropriation of Jewish property in Europe since the Nazi seizures during the 1930s.

Unfortunately, the implications of Khodorkovsky's arrest go beyond the suppression of democratic voices and the return of official anti-Semitism. This arrest must be seen in the context of increasingly aggressive, military and extrajudicial actions in Ukraine, Moldova, the South Caucasus and Chechnya. In the past month, Putin has demanded that Ukraine sign a concessionary economic treaty; Russian intelligence services have been detected behind election irregularities in Azerbaijan and Georgia and in influence-peddling in Moldova and Abkhazia; and Russian gunboats have confronted the Ukrainian Coast Guard in an illegal attempt to seize a valuable commercial waterway.

For the balance of his first term, Putin has skillfully taken advantage of America's necessary preoccupations with the war on terrorism and the liberation of Iraq. Now Moscow and the capitals of Eastern Europe are

watching carefully to see how Washington responds to this latest crackdown. If the United States fails to take a hard line in response to such a high-visibility arrest, chauvinists in the Russian Ministry of Defense and the FSB will correctly conclude that there will be no meaningful response to the reestablishment of a neo-imperial sphere of influence in the new democracies to Russia's south and west. In addition to the expected Cold War thuggery and opportunistic financial seizures, we should expect that the new powers in Russia will rig the crucial elections in Ukraine and Georgia next year and continue to prop up the brutal dictatorship of Alexander Lukashenko in Belarus.

Finally, the incarceration of one man in Moscow's notorious Matrosskaya Tishina Prison poses painful questions for U.S. policy. It is now impossible to argue that President Bush's good-faith efforts at personal diplomacy with Putin have produced democratic outcomes. Indeed, each of Putin's visits to the Crawford ranch and Camp David has been followed by the cynical curtailment of democratic freedom inside Russia. While it remains unclear what positive qualities Bush detected in Putin's soul during their famous meeting in Slovenia, it is abundantly clear that this is the "soul" of a would-be Peter the Great.

If anyone should pay a price for the pursuit of thuggish policies, it is Putin. It's difficult to see why the U.S. Senate would even consider repealing the Jackson-Vanik Amendment, the 1974 legislation under which Russia still must receive an annual waiver from the United States to maintain normal trade relations. On the contrary, Congress should probably consider additional sanctions. The FSB-led attack on Russian business has already cost American shareholders multiple billions in their savings. These losses will undoubtedly continue until some element of the rule of law returns to Moscow.

The arrest of one man has sent us a signal that our well-intentioned Russian policy has failed. We must now recognize that there has been a massive suppression of human rights and the imposition of a de facto Cold War-type administration in Moscow. It is not too soon to wonder if we are witnessing the formal beginning of a rollback of the democratic gains we have seen in Central and Eastern Europe, in Ukraine and elsewhere since the fall of the Berlin Wall in 1989.

Obviously, there will be some in Washington who will argue that all the oligarchs are probably guilty of some unspecified crime or another. And that we would be wise not to jeopardize our relationship with Putin for the sake of one man or one company. But there are some who are probably still waiting for the facts of the Dreyfus case before jumping to conclusions. The rest of us already know that we have been played for fools.

[From the Washington Post, Oct. 28, 2003]

PEDALING BACKWARD

Speaking to his cabinet yesterday, Russian President Vladimir Putin dismissed the speculation sparked by last weekend's arrest of Mikhail Khodorkovsky, Russia's richest man. "Everyone should be equal under the law," President Putin said, "irrespective of how many billions of dollars a person has on his personal or corporate account."

Would that it were true. Whatever he may or may not have done, Mr. Khodorkovsky, chairman of the Yukos oil company, has not been arrested solely because he may have committed crimes. If the Russian government were to hold all wealthy businessmen to account for the laws they broke while accumulating capital over the past decade, far more people would be under arrest. In fact,

Mr. Khodorkovsky's arrest has been widely understood in Russia as a political act—and possibly the beginning of a real change in official Russian attitudes toward private property and capitalism itself.

Mr. Khodorkovsky stands out in Russia because he has made his company and its books more transparent than had any of his rivals. Though the origins of his empire are shady, he is, in some ways, Russia's first real capitalist—and like a real capitalist, he hasn't hesitated to participate openly in the democratic system by donating money to political parties, including those who oppose Mr. Putin. Putting him under arrest sends a clear signal to other Russians that no one is safe from arbitrary prosecution, or from the political whims of the Kremlin.

It's also a signal that the Russian government cares far more about destroying its rivals than it does about genuinely improving the Russian economy. In recent months, there were signs that capital flight from Russia had stabilized, as Russian businessmen slowly began to feel more confident in the country's legal system. Following Mr. Khodorkovsky's arrest, the stock market crashed and the Russian ruble plunged, as rumors of new capital flight abounded. Large investors, including Western oil companies, may be confident they have enough Kremlin connections to stay in the country, but smaller investors are now more likely to stay away.

The Bush administration's reaction to this arrest may determine whether it sticks. Just a few weeks ago, President Bush endorsed "President Putin's vision for Russia: a country . . . in which democracy and freedom and rule of law thrive." It's hard to see how President Putin's "vision" can include the rule of law if it also includes arbitrary prosecution. Certainly there are some within the administration who believe that a Russian strategic decision to start rolling back democracy and the rule of law will undermine the Russian-American relationship. But the president himself must now recognize that that is what now may be happening. Mr. Bush may be unable to persuade his friend Vladimir to behave differently, but it is vital that he try. The preservation of democracy in Russia is more than an ideal; it is a crucial U.S. interest.

NATIONAL CYBERSECURITY DAY

Mr. LEAHY. Mr. President, I remind my colleagues of the vital importance of developing, and then maintaining, effective cybersecurity systems in our workplaces, our government offices, and our homes. We have all become acutely aware, as we confront the many possible threats to our national security, that much of our critical infrastructure is now run by computer networks. Illegal access to these networks can compromise the provision of power, telecommunications, and water in an instant. In the private sector, whole industries now rely on information technology in order to function. In addition, millions of Americans depend on their computers to explore the Internet, to access information and entertainment, and to preserve their personal records. At the same time they must protect their most significant, and often intimate, data—such as medical records and credit card information. With all this at risk, effective cybersecurity should be paramount in every corporation, government agency, and personal home.

This past weekend marked National Cybersecurity Day. With the strong efforts of the Federal Trade Commission and the Congressional Internet Caucus, we have come a long way in raising awareness about cybersecurity. The FTC has made a great deal of important information available on their website, and I encourage people to visit that website, at www.ftc.gov. I am proud to be a Senate cochair of the Internet Caucus, along with Senator BURNS, Congressman GOODLATTE, and Congressman BOUCHER. In addition to an impressive array of speakers on all aspects of the Internet, the caucus has begun a series of constituent education seminars, targeted at helping all of us provide better information, assistance, and support to the people in our home states as they grapple with the dizzying possibilities and pitfalls of the Internet.

Our efforts have not been limited to just one day. Last week this body passed important anti-spam legislation that will help to keep unwanted—often illicit—e-mail off the Internet, and off our computer screens. In the Judiciary Committee, we have held hearings recently on the dangers of peer-to-peer technology. This technology has the potential to revolutionize the way people share all sorts of information. But as with any technology, it can be abused. Peer-to-peer networks can be used to distribute child pornography and to expose our children to a host of obscene materials. It can also be used to delve into people's private records or illegally to share copyrighted material.

Pornography, and child pornography in particular, is prevalent on peer-to-peer networks. According to recent reports, as much as 42 percent of peer-to-peer requests are for pornography. What is more, at a recent committee hearing we learned that at least one popular peer-to-peer network does not identify its pornographic material in any way. Thus, advertisements on its network appear just as regularly with child pornography and other obscene content as with scientific reviews and scholarly papers.

Some of the danger of using peer-to-peer networks can be alleviated with good cybersecurity. Reading privacy statements, taking the time to understand the software you are using, as well as keeping filters and antivirus software turned on and up to date, all help. Knowing what your children are doing online is also important. In addition, we have given prosecutors powerful tools to go after the people who threaten our security.

Our efforts must continue. The very nature of cyberspace means that the threat to security is always changing. Our responses must evolve as well, both as individuals and as legislators. I am pleased to be continuing to work with Chairman HATCH as we investigate, not just the peer-to-peer situation, but the larger set of circumstances that may threaten our cybersecurity. As we identify those

threats, our primary goal will be to raise awareness about those dangers, and to give citizens and law enforcement the tools they need to protect our rights, to improve our security, and to redress wrongdoing as we continue to develop ever-better cybersecurity systems.

HONORING OUR ARMED FORCES

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one month's time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being successfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a two-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The Council will name Iraqi Ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the

hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

Today I rise to honor a man who made the ultimate sacrifice one can make for his country. On August 23, Spec. Stephen M. Scott, 21, of Lawton, OK, died of noncombat-related injuries near Al Fallujah after being evacuated to the 28th Combat Support Hospital.

His wife, Marie Scott remembers her husband as a gentle giant with a very affectionate personality. "He was amazing," she said of Scott. "He was 6-foot-5 and weighed 225 pounds, but was so gentle . . . If there was a little guy getting picked on he'd be the one to stand up for him."

Spec. Scott died doing just that. His mission in Iraq was clear: to help the Iraqi people overthrow the shackles of a brutal dictatorship—to help the little guy.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Spec. Scott did not die in vain. He died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

MOVING TO SUSPEND RULE XVI

Mr. DORGAN. Mr. President, I hereby provide notice that I intend to move to suspend rule XVI of the Standing Rules of the Senate for my amendment No. 2000.

(The amendment is printed in today's RECORD under "Text of Amendments.")

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

DOMENICI MOTION TO TABLE FEINGOLD-BROWNBACK AMENDMENT TO THE ENERGY BILL

● Mr. KERRY. Mr. President, today I will clarify my position on an amendment offered by Senators FEINGOLD and BROWNBACK to the Energy Bill. Their bipartisan amendment was aimed at protecting small businesses and consumers from efforts to roll back regulations governing utility holding companies. I was absent for the vote, number 315, and at the time, was announced as an "aye" in favor of a motion to table the amendment. Through no fault of the distinguished Senator from Nevada