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

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

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

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

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

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

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

''Let me go back to the First Amendment thing. What the broadcasters fail to see, in my view, is that they agree to act in the public interest when they use an asset that is owned by the American public. That's what makes them different from a newspaper or a magazine. I have never been one who believes in government intervention, but I also believe you that when you agree to act in the public interest—and no one forced them to do that—you are then obligated to carry out some of those obligations. . . . If I want to start a newspaper, I buy a printing press and [get] a bunch of people and we start selling newspapers on the street. If I want to start a television station, I've got to get a broadcasting license. And that broadcasting license entails my use of something that's owned by the American public. So I reject the thesis that the broadcasters have no obligation. And if you believe that there is no obligation, then they shouldn't sign the statement that says they agree to act in the public interest. Don't sign it, OK?''

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

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

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

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

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

Will we change? I leave you with a story President Kennedy told a week before he was killed. The story was about French Marshal Louis Lyautey, who walked one morning through his garden with his gardener. He stopped at a certain point and asked the gardener to plant a tree there the next morning. The gardener said, ''But the tree will not bloom for one hundred years!'' The Marshal looked at the gardener and replied, ''in that case, you had better plant it this afternoon.''

READ IT AND HEED IT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

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

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

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

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

WHITEWATER AND WATERGATE

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

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

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

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

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

staff memo on grounds for impeachment. The Georgia Republican has written Judiciary Chairman Henry Hyde to officially request the start of an impeachment inquiry. Rep. Hyde has said he's started staff studies ''just staying ahead of the curve'' and not for serious action ''unless we have what really amounts to a smoking gun.''

Rep. Barr, a former U.S. Attorney, makes the legal case that in Whitewater and the campaign funds scandal we are dealing with potential impeachment material. Even as a legal case, or course, there remains no small matter of proof. Were the payments to Webb Hubble really hush money, for example, and were the Rose Law Firm billing records intentionally withheld while under subpoena? And to what extent was Bill Clinton personally involved—in Watergate phraseology, ''what did the President know and when did he know it?''

While Mr. Starr is obviously digging in these fields, we have no reason to believe he's reached the mother lode. The Watergate impeachment case, after all, was built on the testimony of John Dean, Mr. Nixon's White House Counsel. Even then, it had to be cinched by tape recordings. Mr. Starr can't even get the cooperation of Susan McDougal. The Arkansas Democrat-Gazette, recently on an anti-Clinton roll, cites Webb Hubbell's Camp David visit while editorializing, ''If only Richard Nixon had been less stiff, he might still be jollying John Dean into silence—and Watergate would have stayed the name of another Washington apartment complex.''

Writing recently in The New York Times, Watergate survivor Leonard Garment also remarked that President Clinton ''seems infinitely elastic, positive and resilient.'' By contrast President Nixon's morose defensiveness was shaped by his ''prize collection of emotional scars'' from the Alger Hiss case. Even more important ''Mr. Clinton has not been a central participant and target in a debate as polarizing as the conflict over the Vietnam War.'' President Nixon's resignation, and the impeachment of President Andrew Johnson, came at already impassioned turns in the nation's history. Today's mixture of contentment and cynicism insulates a President from scandal.

In a recent Watergate symposium, Mr. Garment also made the point that we should not expect Presidents to have normal personalities. ''The presidential gene,'' he said, ''is filled with sociopathic qualities—brilliant, erratic, lying, cheating, expert at mendacity, generous, loony, driven by a sense of mission. A very unusual person. Nixon was one of the strangest of this strange group.''

No President is likely to meet the clinical definition of a sociopath; what psychiatrists call an ''anti-social personality,'' a complete obliviousness to the normal rules of society, is evident in early adolescence and will lead to jail rather than high office. Sociopaths, the textbooks tell us, are seemingly intelligent and typically charming, though not good at sustaining personal or sexual relationships. They lie remarkably well, feel no guilt or remorse, and are skillful at blaming their problems on others. A most striking feature is, as one text puts it, ''He often demonstrates a lack of anxiety or tension that can be grossly incongruous with the situation.''

Childhood symptoms are essential to this clinical diagnosis, and Bill Clinton's experience in Hope and Hot Springs, while troubled, supports no such speculation. Yet clearly he has ''the presidential gene,'' perhaps even more so than Richard Nixon. And this catalog of traits is ideally suited to, say, finding some way to overcome seemingly impossible election odds, or withstanding the onslaught of scandal. As Mr. Garment summarizes the present outlook, ''The country is in for a year or more of dizzy, distracting prime-time scandal politics. But I wouldn't hold my breath waiting for the ultimate political cataclysm.''

While we take this as the most likely outcome, our judgment is that in fact Mr. Clinton is guilty of essentially the same things over which Mr. Nixon was hounded from office—abusing his office to cover up criminal activity by himself and his accomplices, and misleading the public with a campaign of lies about it. From the first days of his Administration, with the firing of all sitting U.S. Attorneys and Webb Hubbell's intervention in a corruption trial, we have seen a succession of efforts to subvert the administration of justice. The head of the FBI was fired, and days afterward a high official died of a gunshot wound, and the investigation ended without crime scene photos or autopsy X-rays. Honorable Democrats like Phillip Heymann have fled the Justice Department, leaving it today nearly vacant; White House Counsel have committed serial resignation. Yet Mr. Clinton remains President and still commands respect in the polls. Handled with enough audacity, it seems, the Presidency is a powerful office after all.

There is even a school of thought, implicit in talk about ''more important'' work for the nation, that the coverup should succeed. Yet as we look back on Watergate, the nation went through a highly beneficial, even necessary learning experience. Whitewater carries a similar stake, simply put: learning how our government operates, whether laws are being faithfully executed. With sunshine, citizens can make their own judgments, and have plenty of opportunity to express them, starting with the 1998 mid-term elections. But it is essential that the investigators—Mr. Starr, the FBI, Senator Thompson, Rep. Dan Burton and newly vigilant members of the press—get moral support against the deterrent attacks to which they've uniformly been subjected.

Whitewater did not prevent Mr. Clinton's re-election, though the scandal was much more advanced than Watergate was during Mr. Nixon's 1972 landslide. When President Nixon left we wrote that he had so severely damaged his own credibility he could no longer govern. We do not know how Whitewater will finally end, but we are starting to wonder whether we ultimately understood Watergate.

LET LEBANON BE LEBANON: GIVE BACK ITS TERRITORIAL INTEGRITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. RAHALL. Mr. Speaker, as I did in the 104th Congress, I rise again today to introduce a House concurrent resolution expressing the sense of the Congress regarding the territorial integrity, unity, sovereignty, and full independence of Lebanon.

You may ask what that means, and you may ask why it is prudent or necessary to introduce such a resolution once again. I will tell you.

As a Lebanese-American Member of Congress, I am aware of recent events in the Middle East which may have slowed the peace process there to a point where it can no longer be revived. I have seen resolutions introduced in the House calling upon Syria to get its armed forces out of Lebanon—as though Syria is the only occupying force that needs to get itself out of Lebanon; as though Syria is to blame for every single averse thing that has happened to Lebanon in recent years.

Mr. Speaker, Syria is no angel—but Syria isn't the only problem Lebanon has, or that the Middle East has, for that matter. We all know that to be true.

I visited Lebanon recently, as well as a number of other nation-states in the gulf and Middle East region, and I was amazed at the consistency of their belief that we may have seen the end of the Middle East peace talks. They are gravely disappointed over the Israeli Prime Minister's provocative act to start building settlements in Har Homa, and the fact that the United States vetoed two United Nations Security Council resolutions condemning that provocative act.

The leaders I met with nearly unanimously stated that the United States has lost sight of its role as an honest broker in the Middle East peace talks, have lost sight of the fact that the Arab States are friends of the United States. They said their patience was being worn very thin.

The biggest problem, as always, appears to be that everyone views Lebanon as some kind of bargaining chip, or pawn, to be used by Israel and Syria, and then anyone else who seem to have an ax to grind in the region. It doesn't necessarily mean the ax to grind has anything to do with Lebanon directly, it is just that Lebanon sits directly in the path of Israel and Syria and so axes are ground at Lebanon's expense.

The last major episode of ax-grinding in Lebanon was called Operation Grapes of Wrath. And the axes were turned into shells and rockets and so-called precision weaponry that allegedly could penetrate buildings in the middle of the city of Beirut and search out a floor with a window that supposedly was concealing Hizbollah, without harming the innocent mothers and children also living in that building. But the precision weapons turned out not to be so precise, and more than 100 Lebanese civilians were killed, 400,000 were displaced and many left homeless, injured, and suffering.

This resolution is for Lebanon and about Lebanon. It isn't about Israel or Syria—except that all non-Lebanese forces are asked to get out of Lebanon. It is an idea whose time has come.

Another idea whose time has come is that the United States Government—the Congress—the President of the United States—need to reformulate their policy toward Lebanon and they need to reaffirm their support for a country that has long been friendly toward the United States.

Not only do they need to reformulate a policy, the policy needs to be implemented.

Lebanon has a Government, and it has an army, and it is rebuilding and it is getting stronger and more secure every day. It is time that the United States Government began looking at and considering Lebanon as the master of its own house—the captain of its own ship—and understand that the United States Government should negotiate directly with Lebanon's Government on issues concerning Lebanon and its future.

There is no need for the President, the Congress, or anyone else to look toward Syria to