

This amendment takes a significant step toward making a difference in the lives of women and children around the world.

Once again I commend my colleagues for introducing this amendment and providing assistance to victims of trafficking and urge a Yes vote on the Sanders/Smith/Slaughter/Maloney amendment.

ALL THE NEWS THAT'S FIT TO
LEAK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time I insert articles into the CONGRESSIONAL RECORD which seem to make important points that my colleagues should read. Usually I accompany them with some explanation of why I think they are important. In the case of Michael Kinsley's superb article on Kenneth Starr's press secretary, the New York Times, and the ethics of leaking, no such commentary is necessary. I submit the article here.

[From the Washington Post, July 11, 2000]

I DID NOT HAVE LEAKS WITH THAT
NEWSPAPER

IT'S NOT ABOUT SEX

(By Michael Kinsley)

No, no, it really isn't about sex this time. No one has even suggested that Charles Bakaly, former deputy to independent counsel Kenneth Starr, had sexual relations with New York Times reporter Don Van Natta. The accusation is that Bakaly leaked a story to Van Natta back in January 1999. Other than that small difference, though, the parallels are pretty tasty. Bakaly was—according to informed sources—a promiscuous leaker who just got caught this time. As with Starr's main target, there is speculation whether he was hoodwinking the boss or had an "understanding." And Bakaly is in legal trouble not for the initial sin but for lying about it in the subsequent investigation. His trial starts Thursday.

Oddly, Bakaly's defenders seem unable on this occasion to keep the original behavior and the subsequent denials distinct in their minds. Because they feel there was nothing wrong with the leaking (and indeed a circuit court panel held as much last September), they feel it is unfair to punish Bakaly for the attempted coverup. The purity of obstruction of justice—the principle that it is wrong to give false answers in the criminal justice system, even to questions that never should have been asked—no longer beguiles them. Don't try to tell them it's not about leaks, it's about lying. They don't buy it. This time.

The New York Times, at least, is consistent. It opposed the impeachment of President Clinton and it opposes the prosecution of Charles Bakaly (in which the Times itself plays the role of Monica). "Ill-considered," thundered the Times editorial page July 8. "A regrettable denouement," it roared. Actually, that's more like a meow than a roar, isn't it? But then the whole world of leaks puts news media in a comically difficult position.

A friend of mine defends dishonest adulterous politicians on the grounds that (a)

adultery should not be a public issue; (b) lying is inherent to adultery; therefore (c) lying about adultery should not be a public issue. Something similar might be said in defense of dishonest talkative public officials; (a) Leaking serves the public interest; (b) lying is essential to leaking, and therefore (c) lying about leaking serves the public interest. This might be said but never is said because it is too embarrassing. How can professional truth-tellers defend lying? So instead we deny step (b): that leaking and lying are inseparable.

The New York Times story that led to the Bakaly prosecution reported that "several associates of Mr. Starr" had said that Starr believed he had constitutional authority to indict a sitting president. As the story ran on, these unnamed associates chatted away about sundry implications of this factoid. But not Charles Bakaly! "Charles G. Bakaly 3d, the spokesman for Mr. Starr, declined to discuss the matter. 'We will not discuss the plans of this office or the plans of the grand jury in any way, shape, or form,' he said." Thus the Times not only allowed Bakaly to tell what the reporter knew to be a lie in its press, but it told a knowing lie itself. Bakaly did not "decline to discuss the matter."

Unless Bakaly actually wasn't the leaker, as he still maintains. This is pretty unlikely, unless Starr—who defended him for a while, then fired him after a supposed investigation—is a total dastard. But suppose Bakaly actually did not have leakal relations with that newspaper. In that case the Times has been reporting on the criminal prosecution of a man it knows to be innocent, while failing to report that rather pertinent bit of information.

The media also tend to be disingenuous, at least, about the general function of leaks. In this case, whether or not Bakaly was the leaker, and whether or not Starr was in on the plot, it was a strategic leak, intended to unnerve the Clinton forces during the impeachment proceedings. Most leaks are like this: not courageous acts of dissent from the organization but part of the organization's game plan.

And thus leaks often suck the media into a conspiracy of hype. Was the fact that Starr thought a sitting president could be indicted really so new, so important, so surprising? (He never actually tried it, so intentionally or not, the leak turned out to be misleading.) In what the Times may have regarded as a somewhat backhanded defense of its scoop. The Washington Post editorialized that "this information was not really even news at all." The Times itself took the opposite approach, declaring that the story "was obviously of great national moment." Too small to matter? Too big to stop? Each is a plausible defense, but both can't be true.

The point here is not to pick on the Times. (Is that true? Sources inside my head, who spoke on the condition they not be identified, say it's hard to tell.) Let's say the point is that even the New York Times has leak fever. Its editorial last week, just after declaring that the Starr story was "of great national moment," suddenly pooh-poohed this historic scoop as merely "discussion Mr. Starr and his aides may have had with reporters about [their] deliberations." May have had? The story was what anonymous Starr aides had told the Times about their deliberations! In its pious agnosticism regarding matters it must know the truth about, the Times seems to be raising the possibility that it made the whole thing up.

Now that I wouldn't believe. Even if it said so in the New York Times.

FEDERAL LAND EXCHANGE PROGRAMS NEED TO BE HALTED AND FIXED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, a General Accounting Office report I requested on land exchanges confirms many of the concerns I have expressed over the past several years: too many land swaps by the Bureau of Land Management and the Forest Service shortchange taxpayers and are not in the public interest.

The GAO report released on July 12, entitled "Land Exchanges Need to Reflect Appropriate Value and Serve the Public Interest" (GAO/RCED-00-73), highlights numerous failings of the exchange program. GAO found that the agencies have wasted hundreds of millions of dollars swapping valuable public land for private land of questionable value, and the report concludes that the BLM may even be breaking the law.

According to GAO, the agencies "did not ensure that the land being exchanged was appropriately valued or that exchanges served the public interest or met certain other exchange requirements." GAO went on to state that "the exchanges presented in our report demonstrate serious, substantive, and continuing problems with the agencies' land exchange programs." In addition, GAO found that the BLM has—under the umbrella of its land exchange authority—illegally sold federal land, deposited the proceeds into interest-bearing accounts, and used these funds to acquire nonfederal land (or arranged with other to do so). These unauthorized transactions undermine congressional budget authority, GAO said.

The GAO recommended that Congress consider eliminating the programs altogether.

I believe that the appropriate step is to halt the programs and then fix them. In light of the GAO's report, I have asked the Forest Service and the Bureau of Land Management to immediately suspend their programs while they evaluate the best method to achieve their laudable goals.

Mr. Speaker, I would encourage my colleagues to review the findings of the GAO report and to consider my call for a moratorium on land exchanges while the programs are being fixed. I am submitting for your review as well the letters I sent to the federal agencies yesterday and several newspaper articles on the GAO report.

Hon. BRUCE BABBITT,
Secretary of Interior,
Washington DC.

DEAR SECRETARY BABBITT: I am writing to request that you direct the Bureau of Land Management to enact a moratorium on land exchanges until the agency demonstrates that it can ensure all exchanges are in the public interest and of equal value, as required by law. In addition, the Bureau should immediately identify and cease all activities carried out under the land exchange authority umbrella that are not authorized by law. The agency should also thoroughly account for the funds used in these transactions.