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respected judges in East Tennessee. He is known not only for his knowledge of the law, but also for his common sense approach to the law.

But Judge Murphy's contributions to the people of Bradley County reach far beyond his legal career. In every aspect of his life, he dedicated himself to improving the world in which he lived.

Judge Murphy was recently honored by the Bradley County Bar Association for his many achievements and his years of service to the people of Bradley County.

I am deeply saddened to say that Judge Murphy passed away recently. Judge Murphy was an exemplary man, who made the most of his life. He will be missed by the many people who knew and loved him.

I would like to call attention to the attached editorial which was printed in the Cleveland Daily Banner Newspaper shortly before Judge Murphy's death:

MURPHY'S CONTRIBUTIONS SHOULD BE RECOGNIZED

On Tuesday Judge Earle G. Murphy will be honored by the Bradley County Bar Association for his more than 50 years of service to the community.

It is, undoubtedly, a celebration of a man who has not only devoted himself to his job, but has given time and talent to countless community service agencies, and we, as citizens of Cleveland and Bradley County, owe him a debt of gratitude.

Murphy began his life in the Bradley County Courthouse at age 12. His father, James, served as county register of deeds, and, when he was old enough, Murphy went with his dad to help proofread deeds of trust and chattle mortgages each day. He attended local schools, working after class. Before long he formed relationships with attorneys in the area and a craving for the study of the law.

Lucky for us he did. His service as General Sessions, Circuit Court, and Cleveland City judge over the years has proven to be balanced and fair. Even in times when one party or another didn't agree with Murphy's ruling, you could rest assured that the decision was made with much thought and great consideration for the law. Murphy's devotion to what is fair and legal in his courtroom is apparent above all else.

In addition, Murphy has proven to be a kind friend, a sincere Christian, a loving family man, and a servant of the public. He has worked, as president of both the Cleveland Lions Club and of the Bar Association. He also gave eight years to the Cleveland Board of Education. Most anyone in town will tell you that Murphy and other community leaders work during that period was greatly responsible for getting Cleveland High School built when it was so desperately needed.

His personal love remains his wife, Norma, who he has been devoted to for nearly 54 years. Murphy's children and grandchildren are sparkles in his eyes, and though the children are grown, the family remains close. Murphy has served in almost every capacity at his church, First United Methodist. He has been a chairman of the building committee, a member of the choir, a Sunday School teacher, and he's given the occasional sermon. As scoutmaster of that church's Boy Scout troop, he touched the lives of many of the boys of Bradley County. Those boys are men today, and no doubt they still have enormous respect for their leader.

Murphy's experience as a judge stayed with him in his friendships. He was often a voice of mediation in times of dissension, a compassionate listener other times. He helped numerous young attorneys in Bradley County get their feet planted; he acted as a guide and counselor, just as the older attorneys he met in his youth did for him.

The golf course was a place of escape for Murphy. He turned his love of sports into energy which helped found the Bradley Sports Foundation and Sports for Youth. It seems that in every area of his life, Murphy looked beyond himself to the greater good.

We encourage everyone to take part in the ceremony lauding the achievements of this man. He truly is the epitome of home folk achieving greatness, and as a community we should be very proud and grateful.

NEED FOR A NEW POLICY ON ENCRYPTION

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. DELAY. Mr. Speaker, I would like to call to my colleagues' attention the need for a new policy on encryption. A simple policy that lets American computer users continue to buy whatever encryption they want and that lets American companies remain internationally competitive by modernizing existing export controls.

The administration has failed year after year to address this issue—stonewalling, making minor export control modifications years after they were necessary, and even preparing to take away the ability of Americans in this country to protect sensitive and confidential electronic information.

I am concerned that it we do not take rational and effective action soon, our ability to use American ingenuity to keep at the forefront of worldwide economic growth through information technology will be irreparably harmed because of our inability to protect our Nation's primary source of strength—our citizens' knowledge and ideas. That being the case, I believe the Security and Freedom through Encryption [SAFE] Act, H.R. 695, should be a priority for the second session of this Congress.

STRONG, SECURE PROTECTION OVER NETWORKS IS CRITICAL

Information has become power in the 21st century. We need to protect our information in order to protect our national and economic security. Every technological advance is encouraging individuals, companies, and governments to become more networked—whether to work with others, communicate and share documents within a company, or to access work from home. If we do not take necessary and adequate precautions, these computer networks eventually may create a danger. Foreign competitors, foreign powers, terrorists, and just plain criminals may exploit their knowledge of technology to gain access to more information than ever before in order to steal information or to injure people.

THE ADMINISTRATION'S EXPORT POLICY HAS HAMSTRINGED AND HARMED AMERICANS

Encryption is simply a fancy name for scrambling information so that it may not be understood by the casual reader or listener. Computer software or hardware scrambles information using a key. The longer the key, the more options for scrambling information and the more protection is provided to protect the information from knowledgeable computer hackers seeking to descramble or decrypt the information.

In 1992 the administration permitted U.S. companies to freely export 40-bit key length encryption products. Fire years later the administration still limits mass market exports in general to 40-bits.

The only way that the administration permits companies to increase this encryption strength to even a slighlty stronger 56-bits is to agree to build back door government access features into future products.

It is hard to believe that what would protect information in 1992 could still be considered reasonable protection for information in 1997. One very smart student in California proved that 40-bit strength encryption could be broken by trying every key combination in just a few hours. Several smart U.S. cryptographers got together and calculated that a government willing to spend some money could break 40-bit encryption, or even 56-bits, in a [minute fraction] of a second.

Importantly, an unfortunate side-effect of the administration's export control policy is that it also has limited the strength of encryption that Americans have access to from their corner software store. I understand that American software companies earn over one-half of their total revenues from their software exports. So that they do not face a marketing nightmare as well as the expense of developing two different products—one for the United States and one for overseas—these software companies have in general developed only one version of a product. Thus, most U.S. companies are also stuck at the unprotected 40-bit level.

FOREIGN VENDORS SUPPLY STRONG, 128-BIT ENCRYPTION

Our administration has created a huge window of opportunity for foreign hardware and software vendors to fill the void created by these antiquated export controls. Several foreign companies provide strong, 128-bit encryption. They quite often market their products as add-ons or replacements for export-crippled U.S. products. Would you really want to buy a 40-bit or even a 56-bit version of a software product when you knew that your competitor had a 128-bit product?

While the U.S. computer industry has had a strong lead in developing hardware and software products, we can no longer rely on this advantage to ensure that foreign vendors do not use the opening of supplying encryption software to start to provide foreign consumers with other programs, such as stronger, 128-bit Internet browsers.

Thus, I believe that if a comparable product is available overseas, then we should not hamstring America's companies from providing the same product. If a foreigner can and will purchase a 128-bit encryption product overseas, I would prefer that they bought it from an American company. I believe that this is better for our economy, and ultimately better for our national security. Otherwise, the result will be that all encryption expertise will move off-shore as well as encryption sales.

WHAT LOUIS FREEH AND HIS LOBBY MACHINE WANT AND WHY IT DOES NOT WORK DOMESTIC ENCRYPTION CONTROLS

After testifying at House Judiciary and House Commerce regarding export controls, Louis Freeh finally came out of the closet and

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divulged that he had not been discussing export controls, he had been talking about domestic controls on encryption designed by Americans for Americans. Mr. Freeh and his 80 lobbyists apparently never thought to bring this up so that it could be part of the Judiciary Committee's hearings on the legislation from the very beginning.

Why? Perhaps he knew the reception he would receive to the proposal that Americans should no longer be able to design, manufacture or import encryption unless the encryption technique ensured that a government approved third party could have access to the information without the user's knowledge. Thus, he would prefer that every time an American encrypts information to store it on a computer or to send it over the Internet, a third party must be able to access the information and the user would never know that the information had been accessed. This would change over 200 years of free speech.

IMPACT OF REQUIRING FBI'S PROPOSED DOMESTIC CONTROLS

I am a strong proponent of law enforcement. But I do not believe that we should adopt a system that our best and brightest say will be nearly impossible to design, hard to keep secure and probably very costly to consumers.

To my knowledge, no one has ever built or even begun to test the reliability, security, and costs of such a system. I have seen a report by another group of extremely well-known American scientists who tell me that they have no idea of how to design and implement this proposed domestic key recovery system. They also say that such a system could create greater vulnerability for its users. Apparently encryption techniques are not foolproof, and adding sufficient complexity to permit third party access will make the encryption even less secure. It also appears to be highly dependent upon the honesty and integrity of those third parties who have access to the information. Who, ultimately, do we trust?

I understand that while advances in technology have generally provided the FBI and other law enforcement with more investigatory tools, this one advance may make it more difficult for them. I propose instead that we look at methods that will help law enforcement to combat these new hurdles, rather than choosing the more simplistic approach of building law enforcement access into each and every encryption product.

I also can only image the bureaucracy necessary to handle the magnitude of information regarding encryption keys. It would have to rival many agencies we have spent years trying to reduce in size—the Internal Revenue Service and the Department of Commerce to name just a few.

While we are expending all of our efforts trying to lessen government intrusion in our lives, domestic encryption controls as proposed by Mr. Freeh would create probably the largest intrusion yet.

Finally, I have a basic concern about requiring American citizens to provide access to their information if they decide to encrypt it. If I write a letter in the privacy of my own home and leave it in my desk drawer, I do not have to provide a copy of my house key and desk drawer key with the local police so that they may look at it easily without my knowledge. I do not see why this should change if I write this letter on my computer and decide to encrypt it. Why should this act require me to let others have the capability of viewing it without my knowledge? I agree with the constitutional law professors who stated that this would have a "chilling effect" on American speech.

FOREIGNERS SIMPLY WILL NOT PURCHASE AND CRIMINALS WILL NOT USE AMERICAN DESIGNED MANDATORY KEY RECOVERY ENCRYPTION PRODUCTS

Ultimately, foreigners will not purchase or use American encryption products if they provide mandatory third party access to information. Neither will criminals. They know that the encryption technique is strongly desired by American law enforcement because law enforcement can monitor or otherwise access the information. Why would they voluntarily use such a product when they can use a 128-bit product they can obtain today over the Internet from tens of countries.

The FBI alleges that all foreign governments are eager to adopt similar controls on their citizens. While this is true of France, it is not true of the European Union for example, which categorically rejected the administration's proposal for a worldwide key recovery infrastructure requirement.

The only impact of the FBI proposal is that normal, law abiding American citizens will use American designed encryption programs. Foreigners will turn to foreign sources for their nonkey recovery products, and criminals will certainly turn to the same foreign sources. Thus, the FBI proposal does not address the real problem created by encryption technology. I do not want to put in place a large, costly bureaucracy that will not permit law enforcement to bet the information it believes necessary.

WHAT IS BEST FOR AMERICA

The United States should not try to control the export of something that by its very nature is uncontrollable. The United States should also not take a lead in forcing its citizens to adopt a costly technology that will insure easy monitoring and intrusion by law enforcement. Our constitutional guarantees of free speech and our rights to privacy should not be in any way lessened in order to accomplish Louis Freeh's desire for a fourth amendment for the 21st century. We in Congress should act now to relax export controls on encryption technology and to ensure that Americans remain free to speak in whatever manner they desire, using whatever encryption they choose.

INTRODUCTION OF LEGISLATION REQUIRING PEER REVIEW IN OSHA RULEMAKING

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. BALLENGER. Mr. Speaker, today I am introducing legislation to require that future occupational safety and health standards be subject to peer review as part of the rulemaking process.

Part of the Clinton Administration's promise to reinvent OSHA was the commitment to commonsense regulations. Whatever else that might mean, surely it must mean that such regulations are based on sound science.

The congressionally mandated Presidential-Congressional Commission on Risk Assessment and Risk Management said this about peer review in its recent report: "Peer review is an important and effective mechanism for evaluating the accuracy or appropriateness of technical data, observations, interpretations, and the scientific and economic aspects of regulatory decisions. Peer review should provide balanced, independent views. When used well, peer review can serve as a system of checks and balances for the technical aspects of the regulatory process" (Risk Assessment and Risk Management in Regulatory Decision-Making, Volume 2, page 103).

While other Federal regulatory agencies have adopted politics on peer review of major regulatory actions, OSHA has not adopted such a policy and only rarely has conducted peer review in conjunction with regulations. A draft policy circulated near the end of the Bush administration, was left unfinished and never implemented by the Clinton administration.

It will no doubt be alleged by some that requiring peer review is intended to delay or draw out the rulemaking process. In fact, peer review can prevent OSHA from errors that can save years of controversy and litigation. As the Presidential-Congressional Commission on Risk Assessment and Risk Management noted: "An open process of sharing the findings and conclusions from peer review can increase the credibility of a risk assessment and stakeholders confidence in the conclusions. Peer review might even be useful in the first stage of putting a problem in context, drawing in experienced health officials and researchers" (Volume 2, page 103).

The legislation generally requires that peer review be part of OSHA's rulemaking process. However, where the rule is adopted through negotiated rulemaking, conducted in accordance with the Negotiated Rulemaking Act which insures that affected persons are adequately represented in the negotiations, a separate peer review of the scientific and economic basis for the standard is not required.

Mr. Speaker, I look forward to working with my colleagues in adopting this important legislation.

CONGRATULATION TO STANTON J. BLUESTONE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, today, I ask the House to join me in congratulating Stanton J. Bluestone the 1997 recipient of the American Jewish Committee's Institute of Human Relations award.

Stanton started in retail at Shillito's Department Store in Cincinnati, in 1957. His rise through the industry took Stanton and his family to New York, Illinois, Indiana, and finally Wisconsin. Today, as Chairman of the Board and CEO of Carson Pirie Scott & Co., Stanton Bluestone oversees a chain of 56 department stores from the company's Mulwaukee headquarters. Throughout his career, his creativity, his dedication, and his unique ability to bring out the best in his assocates have earned Stanton the respect of his coworkers and peers.

The AJC's Institute of Human Relations Award recognizes not only Stanton's personal

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