

SENATE—Wednesday, September 8, 1982

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

O praise the Lord, all ye nations: praise him, all ye people.

For his merciful kindness is great toward us: and the truth of the Lord endureth forever. Praise ye the Lord.—Psalm 117.

Thou art worthy, O Lord, to receive honor and glory and adoration and worship and praise. Thou dost not need our worship, but we need to worship Thee. Our humanness depends on it and we diminish our humanness when we refuse. It is to the benefit of our Nation to worship Thee. "Blessed is that nation whose God is the Lord."

May we be a worshipful people in deed as well as in word. May our lives honor and exalt Thee. We love Thee, Lord. Grant that the work done here—the decisions made, the laws passed, and the conduct of our private lives individually and as families will manifest our devotion to Thee. In the name of the Father and the Son and the Holy Spirit. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I believe the reading of the Journal of the proceedings has been dispensed with under the previous order. Is that correct?

The PRESIDENT pro tempore. The majority leader is correct.

ORDER THAT NO RESOLUTIONS COME OVER UNDER THE RULE AND THE CALL OF THE CALENDAR BE DISPENSED WITH

Mr. BAKER. Mr. President, I ask unanimous consent that no resolutions come over under the rule and the call of the calendar be dispensed with on this legislative day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF CONGRESSMAN ADAM BENJAMIN, JR.

Mr. BAKER. Mr. President, yesterday, it was learned that Congressman ADAM BENJAMIN died over the Labor Day weekend at the age of 47 from natural causes. Representative BENJAMIN was serving in his third term, and was chairman of the Congressional Steel Caucus, and a member of the House Appropriation and Budget Committees.

All of us, in both Chambers, and in both parties, send our deepest sympathies to the Benjamin family. ADAM BENJAMIN's death is a tragic loss, not only to the members of his district, but to the whole of Congress.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, I rise to extend my deep sympathies to the family of ADAM BENJAMIN, and to the people of Indiana he served so well.

His early and tragic death takes from us a quiet leader, a man with an absolute commitment to public service. His was a style that never sought the limelight, never sought personal gain; that focused on the hard, substantive, behind the scenes work so fundamentally necessary to the functioning of our democracy. His honesty and integrity were known to all. When ADAM BENJAMIN gave you his word, or his commitment to assist you in any way, you could put the matter out of your mind.

For his honesty, his commitment to hard work, and for his ideals he will be greatly missed. Again, I extend my deepest sympathies to his wife and children.

BRUSH UP YOUR SHAKESPEARE

Mr. BAKER. Mr. President, it is a miserable thing to return to work without poetry, and I ask unanimous consent that this week's poem, "Brush Up Your Shakespeare," by Cole Porter be printed in the RECORD.

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

BRUSH UP YOUR SHAKESPEARE

The girls today in society
Go for classical poetry
So to win their hearts one must quote with
ease
Aeschylus and Euripides.
One must know Homer and, b'lieve me, bo,
Sophocles, also Sappho-ho.
Unless you know Shelley and Keats and
Pope.
Dainty debbies will call you a dope.
But the poet of them all

Who will start 'em simply ravin'
Is the poet people call
"The bard of Stratford-on-Avon."

Brush up your Shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
Just declaim a few lines from "Othella"
And they'll think you're a helluva fella.
If your blonde won't respond when you
flatter'er

Tell her what Tony told Cleopaterer,
If she fights when her clothes you are
mussing,
What are clothes? "Much Ado About Nuss-
ing."

Brush up your Shakespeare
And they'll all kowtow.

Brush up your shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
With the wife of the British embessida
Try a crack out of "Troilus and Cressida,"
If she says she won't buy it or take it
Make her take it, what's more, "As You
Like It."

If she says your behavior is heinous
Kick her right in the "Coriolanus,"
Brush up your Shakespeare
And they'll all kowtow.
Brush up your Shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
If you can't be a ham and do "Hamlet"
They will not give a damn or a damnet,
Just recite an occasional sonnet
And your lap'll have "Honey" upon it.
When you baby is pleading for pleasure
Let her sample your "Measure for Meas-
ure."

Brush up your Shakespeare
And they'll all kowtow.

Brush up your Shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
Better mention "The Merchant of Venice"
When her sweet pound o'flesh you would
menace,

If her virtue, at first, she defends—well,
Just remind her that "All's Well That Ends
Well."

And if still she won't give you a bonus
You know what Venus got from Adonis!
Brush up your Shakespeare
And they'll all kowtow.

Brush up your Shakespeare
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
If your goil is a Washington Heights dream
Treat the kid to "A Midsummer Night's
Dream."

If she then wants an all-by-herself night
Let her rest ev'ry 'leventh or "Twelfth
Night."

If because of your heat she gets huffy
Simply play on and "Lay on, Macduff!"
Brush up your Shakespeare
And they'll all kowtow.

Brush up your Shakespeare,
Start quoting him now,

Brush up your Shakespeare
And the women you will wow.
So tonight just recite to your matey
"Kiss me, Kate, Kiss me, Kate, Kiss me,
Katy,"
Brush up your Shakespeare
And they'll all kowtow.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 1 hour in length, in which Senators may speak for not more than 5 minutes each, under the order entered prior to our adjournment for the August break.

After the expiration of the period for the transaction of routine morning business, the Senate will resume consideration of the unfinished business, House Joint Resolution 520, the debt limit measure.

Mr. President, it is not my intention to ask the Senate today to deviate from the regular course of procedure. As was indicated in the press this morning, there is the possibility that we might temporarily lay aside the Helms amendment to take up the Hatch amendment. May I say that I am working on the possibility of a unanimous-consent agreement to limit the time for debate on the Hatch amendment. For the time being it is not my intention to ask the Senate to proceed to the consideration of the Hatch amendment to the Constitution. I do intend to do that at some point.

Mr. President, I anticipate that debate on the Helms amendment will continue through this day. I do not anticipate that it will be a late day.

Debate will continue on that measure tomorrow when at the hour of 2 p.m., under the order previously entered, the Senate will vote under the provisions of rule XXII on the cloture motion filed against further debate on the Helms second-degree amendment.

Mr. President, I call the attention of Members to the fact that the House of Representatives will focus its attention, I assume, on the veto message from the President related to the supplemental appropriations bill, and I am advised that that will occur some time tomorrow. Members should be on notice of the fact that if that veto is sustained, it will become necessary to promptly act on a new supplemental bill which must originate in the House of Representatives.

If the veto is overridden, it is my intention to bring it up in the Senate as soon as it is received here, within a reasonably short period of time.

So Senators should not assume that this week will be an idle week. Indeed, I have encouraged Senators who are out of town to return to deal with the matter at hand, that is, the debt limit

and the debate on the Helms amendment, but also to be prepared to deal with the veto message if the Senate is faced with that message or with the supplemental appropriations bill in the alternative.

So Senators in making their plans should not assume that they will have a light week this week. We may indeed have very important measures that must be dealt with before this week is out.

Mr. President, I am happy to be back, I say in more ritual than in sincerity, but in any event I wish to extend my greetings to all my colleagues and particularly to my friend and colleague, the distinguished minority leader, who looks Hale and hearty, appears to thrive on what I am sure must have been an extensive tour of his home State of West Virginia.

Mr. President, I have no further need for my time under the standing order, and I am prepared now to yield it to any Senator who requires time now or to yield it to the minority leader if he wishes additional time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader for his kind remarks. He is always courteous, gracious, affable, congenial, amiable, and all the pleasant adjectives that are in Webster's dictionary.

Mr. President, does the distinguished Senator from Wisconsin need any time yielded to him?

Mr. PROXMIRE. Mr. President, I wish to have 2 minutes yielded to me.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

LEARNING ABOUT THE BOMB

Mr. PROXMIRE. Mr. President, on August 25, the Milwaukee Journal carried a compelling article by Victoria Bissell Brown—a historian at the University of California in San Diego. The subject was what does a mother tell her daughter about the bomb?

No one argues that raising a child is easy. There are so many difficult problems to explain. There are complexities to life that defy easy description. The reasons "why" and the justification for life's seemingly unfair occurrences make answers to a child's questions far from an easy task.

But what do you say to a son or daughter when explaining the stark possibility that mankind one day may simply just blow itself up? How do you

tell the innocent that countries spend enormous sums on armaments for the purpose of more efficiently destroying millions of people?

Victoria Bissell Brown describes it this way:

Maybe if I tell her about the bomb I can soften the blow. Maybe I can talk about nationalism and politics and defense capabilities. Maybe I can tell her that it's just something that we have to scare people with, that no one would ever use it. I know her, thought. She'll ask: "But what if somebody does use it? Will we all die? Will everything on Earth die forever?"

Maybe. Maybe we will blow ourselves up. Maybe someone else will do it for us.

Or maybe the world will come to its senses and find some way to achieve arms limitations and reductions. Our children are waiting for the answer.

Mr. President, I ask unanimous consent that the article from the Milwaukee Journal be printed in the RECORD.

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

MOMMY, WILL YOU TELL ME ABOUT THE BOMB?

(By Victoria Bissell Brown)

My daughter is 6, and knows the facts of life. She knows how babies are made and why women menstruate and why mommies and daddies like to sleep alone together. She knows, from her grandmother's death, that all living things will die.

We talk about these things; they are part of the image of this world and this life that she is constructing for herself.

But there is something that she doesn't know about yet, and I don't know how to tell her: She doesn't know about The Bomb. She doesn't know that some members of life's community have taken a detour—some would say a shortcut—off the slow path of evolution. She doesn't know that the "highest" form of life has evolved to the point where it can now destroy all its yesterdays and all its tomorrows.

How can I explain this to her? Should I? Of course I should. I must. The bomb is, for us, what sex was to parents in the 19th century. If I don't tell her, she'll hear it from some kid on the corner who'll tell it all wrong. He'll tell her about our eyes melting out of their sockets and our skin burning off the melting bones, about whole cities destroyed in seconds and neighboring cities where millions will run in panic from the inevitable. He'll tell her that the survivors will envy the dead and that radiation-caused mutations will make evolution (a concept that she has struggled so hard to grasp) go haywire.

Maybe if I tell her about the bomb I can soften the blow. Maybe I can talk about nationalism and politics and defense capabilities. Maybe I can tell her that it's just something that we have to scare people with, that no one would ever use it. I know her, though. She'll ask: "But what if somebody does use it? Will we all die? Will everything on Earth die forever?"

The world is a slippery place for children. They hold onto two precious certainties: that adults know what they're doing; and that life follows a certain predictable course. Whether the child is raised to be a creationist or an evolutionist, those basic

certainties are what rock our children to sleep at night. The mere existence of the bomb blows those certainties to kingdom come. If we never, ever use it on another country, we will, by countenancing its existence, have used it every day on our children.

We attended a peace rally not long ago—an anti-nuke rally, of course. As far as my daughter was concerned it was just a rally against war. She played in the rows of empty seats and up into the grassy hillside with the other children for most of the evening. But at one point, when a speaker was being particularly graphic about the dangers of nuclear war, I noticed that she had stopped playing and was leaning, chin in hands, against a rail, listening. Was this it, I wondered. Would she ask me about this man's words later? In a moment, she'd been tagged by a playmate and was off, up into the trees. She never asked me about the speech.

My days are numbered, though. I'll have to tell her soon. And I know that I'll have to tell her the truth: that, if this bomb explodes, the continuous stream of life that I've worked so hard to make real to her will be destroyed. There's only one thing in the world that can soften the blow: that the two adults she trusts most in the world are doing something to stop it. If she knows that we're working on it, she may rest easier.

That's why I'm writing this. I must tell my daughter the truth soon, and when I do I want to be able to say that I'm doing something. This is my first effort; I don't yet know what I'll do next.

WHO REMEMBERS THE ARMENIANS?

MR. PROXMIRE. Mr. President, I have recently received a letter from an Armenian American who is distressed over the world's amnesia regarding the first genocide of the 20th century, that against the Armenians of the Ottoman Empire. This terrible episode has become the "forgotten genocide" of modern times. History records that it began in April 1915, when the Empire uprooted the Armenian inhabitants and forced them to migrate on foot. The letter recounts what happened:

The Armenian people . . . were . . . deported from every city, town, and village of Asia Minor and Turkish Armenia. In most instances during the death marches, the men were quickly separated and executed soon after leaving town. The women and children were marched for weeks into the Syrian desert; thousands were seized along the way, forcibly converted to Islam, and raised in Turkish homes and harems. The majority of the deportees died of starvation and disease during the forced marches. Many others were murdered brutally. During the years 1915-1922, 1,500,000 Armenians were killed and more than 500,000 exiled from the Ottoman (Turkish) Empire. Thus, the Armenian Community of the Ottoman Empire was virtually eliminated as a result of a carefully executed government plan of genocide.

Eyewitness accounts alerted a horrified world to these massacres immediately. On May 24, 1915, the Triple Entente nations of Britain, France, and Russia declared that they would hold

all the members of the Ottoman government personally responsible for the fate of the Armenian people.

Yet only two decades later, the slaughter of the Armenians had faded from the memory of the world. Adolf Hitler scoffed at the notion that he would go down in infamy for perpetrating the Holocaust. He would ask: "Who remembers the Armenians?" Just as popular wisdom had it, history forgotten is history repeated. How many times must men vow, "never again?" We can never stop learning the lessons from the "final solutions" of the past. We should never let anyone ask of the Armenians, or of the Jews, or of any others, "Who remembers?" Nor should anyone ask "Who cares?" or "Who would bring me to justice?" If only the U.S. Senate would ratify the Genocide Convention, we could announce with conviction that we will remember, we will care, and we will bring the guilty to justice. Let us insure that the horror of genocide stays alive in our collective conscience, that those who may consider such a crime will be shamed and deterred, and that no future Hitler shall shrug off the prospect of a judgment day.

I thank the distinguished Democratic leader and I yield the floor.

MR. BAKER. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

THE PRESIDING OFFICER (MR. HAYAKAWA). There will now be a period for the transaction of routine morning business.

LEBANON'S PRESIDENT-ELECT

MR. PERCY. Mr. President, during the recess, I briefly visited Lebanon at the invitation of Ambassador Dillon and Ambassador Habib. Although I had been there only 7 months earlier, the differences I saw were remarkable. I was particularly pleased that the Lebanese now appear to look toward the future with expectation of major changes for the better in their country.

The man upon whom the future of Lebanon rests is President-elect Bashir Gemayel. During the past 8 years of conflict, Bashir Gemayel, as commander of the Phalange militia and the Lebanese forces, has been viewed as the savior of the nation in the eyes of a substantial portion of the population, but others consider him a right-wing militarist. Now the task falls upon him to bind the national wounds. In my conversation with him, the young, 34-year-old President-elect displayed considerable sensitivity to the problems he faces, including the need to reach out to all segments of Lebanese society. I was impressed by his determination to act as President of all

Lebanese and to put aside the differences of the past.

He indicated he intended to go down and actually spend several days in southern Lebanon and be a part of the country down there, a part of the people, and to better understand its problems.

In an op-ed article published in the Washington Post on August 23, the day of his election to the Presidency, Bashir Gemayel discussed in general terms the course necessary to bind the wounds of his troubled land. I believe he showed a commendable approach, and I urged him to press forward along the path of reconciliation and moderation that he presented. I recommend to my colleagues this thoughtful article and ask unanimous consent that it be printed in the RECORD at this point.

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

[From the Washington Post, Aug. 23, 1982]

REBUILDING LEBANON: WHAT WE MUST DO NOW—AND WHY IT MATTERS

(By Bashir Gemayel)

Lebanon, a country that has occupied much space in the international and American press recently, holds its presidential election today. Few people seem to have paid much attention to the future of our small country, concerning themselves solely with its present. As a candidate for the presidency, however, I have devoted substantial consideration to my country's future, and I should like to share these ideas with the American people.

Much of the press seems to see Lebanon in terms of its parts, like a permanently divided political entity. It is certainly true that the Lebanese people is formed of diverse social and cultural stocks. But it is not true that we are internally divided. Indeed, despite divisions imposed by the occupation of Lebanon by three foreign forces, in some ways, in many ways really, the people of Lebanon are united as never before—united in our determination to recover and safeguard our sovereignty, united in our opposition to the use of violence in our country to resolve others' problems, united in our demand to return to our own historic traditions of democracy, pluralism, and moderation.

What many outside Lebanon do not appreciate is how much the Lebanese—all Lebanese in all religious, ethnic, social and economic groups—have learned from more than seven tragic years of violence. What we learned first and foremost, frankly, was that we had taken Lebanon and its way of life for granted. All of us know today—and what a price we paid for this knowledge—that we can no longer allow others to drag us into their quarrels. And we know, too, that we ourselves must take conscious, tangible and effective steps to restore the unique experience that is Lebanon's historic way of life.

Lebanon is a country of minorities. No single group can claim majority status for itself. Yet, the next president of Lebanon will not be a minority president, because all the many groups that make up our small but culturally rich country and have contributed to its unique traditions treasure the Lebanese way of life and Lebanon. This

nation of minorities has, as few other countries in the developing world have, a majority political culture.

Should I be elected president, my program will recognize that highest priority must be given to the healing of wounds caused by the painful years of conflict. At the same time, one of the most effective ways of healing wounds over the long term is to revitalize the institutions of Lebanese democracy. We must ensure the continued security and liberty for the diverse cultural communities of Lebanon, defining equitably the rights and the obligations of citizens based on the unique characteristics of our country, our values and our customs. The people of Lebanon have always known, and the history of our country has been founded on the belief, that a thriving democracy is the best way for each community and, in fact, each individual to realize his potential and pursue his dreams.

At the same time, any Lebanese president must recognize that much of our national territory is still occupied by Israel, Syria and the PLO. Certainly, it is imperative that this tripartite occupation, the legacy of earlier attempts to partition Lebanon, must be terminated. If Syria considers the Bekaa Valley in eastern Lebanon a Syrian security zone, then of course Israel will treat the south as an Israeli security zone. The Bekaa is at once on the frontiers of both countries. Should this valley be included in the security strategy of either, it will in fact become less secure for both. Re-Lebanonization of the north, the east and the south of Lebanon is the best guarantee for all parties and is certainly the only principle congruent with the unity and sovereignty of Lebanon. As long as Lebanon is not stabilized, its land not completely liberated from foreign occupiers, its territory still used by some to threaten others, a regional settlement will remain impossible to achieve. We assert that a strong, independent and prosperous Lebanon is undoubtedly the best security guarantee for all.

As our internal society must return to its traditional pluralism, so our regional relations must also assume a character befitting relations between sovereign countries. For too long have the neighbors of Lebanon and the other regional powers treated our country as a playground for their games of intrigue and violence. Too long have we permitted seditious behavior directly funded by other governments who send men, weapons, and money in our midst. We look forward to a new era now in which we will treat with other countries in the region as our friends and neighbors—but on the firm basis of sovereign equality.

Lebanon's international role must certainly be reasserted. We have always seen ourselves as a cultural and commercial crossroads of East and West. We value the Western traditions of democracy and free enterprise, we reject totalitarian ideologies whenever promulgated. At the same time we also value the cultural traditions and holism of the East, and try not to lose sight of the interrelationship between values and actions.

The West in general, and the United States (as the leader of the free world) in particular, have significant interests in the Middle East. At the same time, the Middle East has a great interest in a regional American presence, and in the maintenance of cooperative and interdependent relations with the United States. Lebanon used to maintain an active role as a friend and interlocutor of both Arab moderates, on the one

hand, and the West, on the other. Following its total liberation, Lebanon should be prepared to resume that role which has been sorely missed in recent years.

Therefore, the new Lebanon, given another chance to pursue its destiny by the admirable and tireless efforts of Ambassador Philip Habib and the United States as a whole, must follow several fundamental principles in the days ahead:

First, any solution to the Lebanese crisis must be based on recovery of Lebanese sovereignty over the entirety of the national territory and the restoration to the Lebanese state of its full powers.

Second, Israeli and Syrian forces must return to their own countries. Within the framework of Lebanese sovereignty there must be a Lebanese army strong enough to preserve the territorial integrity of our nation and thereby reassure and undergird the security of Israel and Syria.

Third, the hundreds of thousands of Palestinians remaining in Lebanon must submit to and respect the authority of the Lebanese government in Lebanon. There must be a transformation of Lebanese-Palestinian relations that reflects both the historic relationship of the two peoples and the transitory character of the Palestinian presence in Lebanon.

Fourth, most important, and most widely recognized, the people of Lebanon must agree that force has no place in the inevitable disagreements that arise within any country. Lebanese pluralism, which has tended in its self-assuredness to overlook occasional resort to violence, must evolve to place a new emphasis on the peaceful settlement of disputes. At the same time, the character of that pluralism must remain based upon the unity of Lebanon; the uniqueness of the Lebanese experience; and liberty, security, and justice for all Lebanese within a democratic government that guarantees all citizens' basic freedom.

Mr. PERCY. Mr. President, I ask unanimous consent that the comments I made on the departure from Beirut be printed in the RECORD.

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

STATEMENT BY SENATOR CHARLES H. PERCY—
AUGUST 27, 1982

I have just received my copy of the President's report to the Senate on the 800-man U.S. contingent that arrived in Beirut two days ago under the war power authority granted to the President. In consultations with the President before leaving the United States I fully supported this action and wish to commend not only U.S. Marines with whom I have met today but also the French and Italian military members of the Multi-National Force with whom I have also consulted. I assured the President of my support for this effort as an essential part of the peace-making process in Lebanon and the Middle East and have assured myself that every precaution is being taken to see that such Multi-National Forces do not become engaged in hostilities. Without their presence, however, the evacuation of military forces from West Beirut could not have taken place.

I have witnessed today and discussed with United States Marine Col. Meade, Col. Sehulster, his Italian counterpart, Senior Col. Gueli, and French Col. Coulon details of today's largest and most successful evacuation to date involving 1,351 personnel and 200 vehicles transported by motor vehicles

on the Damascus Road to Syria plus more than 600 by sea making a total successful evacuation from Beirut in excess of 2,000 people.

I am confident that the evacuation will be completed more rapidly and with fewer difficulties than was anticipated.

I have met again today as I did last January with President Elias Sarkis. We discussed today his own future role in the private sector helping to restore Beirut as a business, commercial and banking center in the Middle East and I assured him of my full cooperation and support in this regard. He is to be commended for his distinguished service to his country under the most difficult circumstances.

It was a pleasure to meet once again Sheikh Bashir Gemayel. This time he has assumed his role as President-elect. We discussed the three challenging tasks that he faces: one, develop a strong central government; two, reconciling all political factions within his country; and three, freeing Lebanon at the earliest possible time from foreign forces.

I commend him on the forward looking moderate and creative statements that he made to me and publicly as to his intentions as President; statements that he reiterated with conviction and deep feeling. We discussed in particular the way he will reach out to Lebanese Muslims in addressing their concerns and to the Palestinians, particularly the families of those that have left Lebanon. I intend to indicate to my colleagues in the Senate and to the leadership of the Executive Branch of Government my confidence in his political and humanitarian intentions and his desire to bring order, peace and stability to Lebanon for the first time in many years.

I have sent messages of appreciation to leaders of the Lebanese Muslim community, for without their assistance in the search for peace no agreement on Palestinian withdrawal could have been reached. As an individual Senator having met and talked with Muslim Lebanese leaders in the past, I can appreciate their concerns about the Presidential election just completed. I would urge, as President-elect Bashir Gemayel reaches out, that they themselves reach out to achieve a moderate forward-looking course for a united Lebanon. If Lebanon is to be successfully reunited, as we all hope and pray, all factions will be called upon to make difficult compromises and practice moderation. All should agree that the earliest possible withdrawal of foreign forces is a common goal.

I return now to my study of the problems of Cyprus and highly commend the contribution made by the Cypriots to the Lebanese peace-making effort.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

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

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

COMMANDING THE ACHIEVEMENTS OF U.S. SPECIAL NEGOTIATOR PHILIP C. HABIB

Mr. BAKER. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) proposes a concurrent resolution which I am pleased to cosponsor, along with the distinguished minority leader and the distinguished chairman of the Committee on Foreign Relations, Mr. PERCY, and the distinguished ranking minority member of the Committee on Foreign Relations, Mr. PELL.

It deals with a commendation for Ambassador Philip C. Habib, recently the recipient of the Medal of Freedom.

Mr. President, I send the concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 118) expressing the sense of the Congress commanding the achievements of U.S. Special Negotiator Philip C. Habib.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOLE. Mr. President, today I would like to introduce a resolution commanding U.S. Special Negotiator Philip C. Habib for his outstanding achievements during the recent crisis in Lebanon.

In an area that has been torn by conflict for many years, the Lebanese conflict seemed to many of us one more long and discouraging step away from the peace settlement we have sought for so long. The suspicions and resentments that were aroused in the course of the crisis caused concern, as well, that the United States might risk losing a significant part of its ability to influence events throughout the entire region of the Middle East.

But, despite these exceedingly difficult circumstances, Mr. Habib undertook the task of serving as a special negotiator in the crisis with the full commitment of his talent and his energies. Throughout the long weeks of painstaking negotiation on arrangements for evacuation of the Palestinian forces from Beirut, he carried on with a clear-eyed appreciation of the obstacles in his path but, at the same time, with a courageous determination to overcome them.

In winning agreement to terms for an orderly departure of Palestinian forces from Beirut, Mr. Habib also helped to renew the opportunity for progress toward a settlement of the wider differences that still afflict the region of the Middle East—an opportunity that President Reagan has seized with the presentation of his new peace initiative, for which we all

hold great hopes and offer our support.

Yesterday, in recognition of Mr. Habib's dedication to his task and his high accomplishments, the President awarded him the Medal of Freedom. All of us here, in the name of the American people, wish to join with the President in expressing our highest praise and our most heartfelt gratitude for the noble contribution he has made toward peace in the Middle East and throughout the world.

Mr. BAKER. Mr. President, on behalf of my colleague from Kansas (Senator DOLE) and with the cosponsorship of Senators ROBERT C. BYRD, PERCY, and PELL, I have sent to the desk a resolution commanding Ambassador Philip C. Habib for his efforts in negotiating an end to the crisis in Lebanon. I ask unanimous consent that the resolution remain open for additional cosponsors throughout the balance of the session of the Senate today.

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

Mr. BAKER. Mr. President, the problems of Lebanon are not over, but through the efforts of Ambassador Habib there exists the opportunity for the central government to restore its authority and territorial integrity for the first time in a number of years. We can be hopeful, perhaps even optimistic, that the promise of that opportunity will be realized, that all foreign troops will be soon removed and that the process of rebuilding a once-prosperous Lebanon can begin. This opportunity has not come without tragic costs, but the costs make it even more imperative that the opportunity, created by the efforts of Ambassador Habib, not be lost.

As the Ambassador observed yesterday in receiving from the President the Nation's highest civilian award, the Medal of Freedom, the resolution of the crisis in Lebanon is an essential step toward resolution of the larger Arab-Israeli conflict in the region. The President's initiative to that end would not have been possible without the efforts of Ambassador Habib and for that too, we are grateful.

Mr. President, I would be remiss if I failed in this context to mention Morris Draper who accompanied Ambassador Habib on each step of the long, arduous and frequently hazardous mission. Mr. Draper, Ambassador Dillon and his staff in the Embassy in Beirut, exemplify the very finest of the diplomatic service of the United States and we are well-served by their efforts.

I commend the distinguished Senator from Kansas for taking this initiative and believe it a most fitting tribute to a man in whose debt we will long remain.

Mr. ROBERT C. BYRD. Mr. President, it is a privilege to join with the

distinguished Senator from Kansas (Mr. DOLE), the distinguished majority leader (Mr. BAKER), the distinguished chairman of the Senate Committee on Foreign Relations (Mr. PERCY), and the distinguished ranking member of the Senate Committee on Foreign Relations (Mr. PELL) in sponsoring this resolution commanding the achievements of U.S. Special Negotiator Philip C. Habib.

Just yesterday, President Reagan presented Philip Habib with the President's Medal of Freedom Award for his efforts in achieving a resolution of the Lebanon crisis. The President's Medal of Freedom Award is the highest civilian award that can be accorded an individual who has rendered extraordinary service to our Nation. In the case of Ambassador Habib it is well-deserved recognition of his tenacity, creativity, and undiminished faith that a greater tragedy needed to be averted in Lebanon. I am sure few people felt he could achieve a successful evacuation of the Palestinian forces from Beirut. However, with the President's full backing, Ambassador Habib persevered in the end.

I also think credit should be given to Ambassador Habib's special assistant during this task—Mr. Morris Draper, a career Foreign Service officer who is presently Deputy Assistant Secretary of State for Near Eastern Affairs. The accolades given Mr. Draper by Ambassador Habib during yesterday's ceremonies at the White House were well deserved.

The withdrawal of Palestinian and Syrian forces from Beirut is an impressive achievement and one which I think we in the Congress should pay tribute. The road ahead will be difficult as we pursue a broader peace in the Middle East. Nevertheless, I think the Ambassador Habib's efforts, and those of all the parties concerned which led to the evacuation of foreign forces from Beirut, should serve as an example of what men of good will can achieve.

I am proud to be a sponsor of this sense of the Congress resolution expressing our appreciation to an exceptional public servant—U.S. Special Negotiator Philip C. Habib.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 118) together with the preamble is as follows:

S. CON. RES. 118

Whereas it is in the national security interest of the United States to achieve an enduring settlement of the conflict that has afflicted the region of the Middle East for many years; and

Whereas the attainment of such a settlement depends on continuing efforts on the

part of the United States to persuade all parties to the conflict to resolve their differences in a peaceful manner; and

Whereas the recent crisis in Lebanon made even more clear than before the critical need for a peace settlement in the region; and

Whereas the resolution of that crisis and the successful evacuation of the Palestinian forces from Beirut were brought about, in large measure, as a result of the activities of U.S. Special Negotiator Philip C. Habib: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that (1) It is the sense of the Congress that Mr. Habib warrants the highest commendation for his extraordinary achievement in negotiating the terms under which Palestinian forces were peacefully evacuated from the city of Beirut; for his success in a difficult and delicate task that constituted an essential step toward resolution of the continuing political conflict in the Middle East; and for the model he has provided of the skill, commitment, and endurance that we must sustain in our continuing effort to reach that goal; and that

(2) the Congress extends not only its praise but also its thanks, on behalf of the American people, to Mr. Habib for his accomplishments and his dedicated service in the interests of the United States and of a lasting peace in the Middle East for all its peoples.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

GOV. WALTER MENGDEN

Mr. HELMS. Mr. President, this past Monday was Labor Day, but in Texas it was also "Walter Mengden Day"—a day set aside to honor one of Texas' most distinguished citizens—Walter Mengden.

Walter Mengden has been a member of the Texas Senate since first elected in 1972. He is now president pro tempore of that body. So, in keeping with a fine Texas tradition, Walter Mengden was made Governor for a day on September 6 with a formal ceremony beginning with his inauguration at the capitol on Monday morning and concluding with a luncheon at which 1,000 people paid their respects to this fine man and his lovely wife, June.

I had the privilege of attending this tribute to Senator Mengden. I used the occasion to tell him, in the presence of so many of his friends, that although he did not seek reelection to the Texas Senate this year I sincerely hope that the future will find him returning to government, either in Texas or in Washington. He is a great American.

Mr. President, Walter Mengden is a direct descendent of one of the pio-

neer families in Texas. His family settled near Caney Bayou in Matagorda County in 1842.

Governor Mengden is a native Houstonian, born in 1926, and is a graduate of the Kinkaid School. He received his law and doctor of jurisprudence degree from the University of Texas law school and also holds a BBA from the University of Texas. Walter Mengden is a veteran of both the U.S. Navy in World War II and the U.S. Army in the Korean war. He received three battle stars and a Presidential unit citation.

Governor Mengden first ran for the Texas House of Representatives in 1964 and 1968 before finally winning in 1970. He was then elected to the Texas Senate in 1972. He was reelected in 1976, receiving more votes for State senator than anyone else in the history of Texas. In 1980, he was reelected again—this time without opposition.

During his service in the senate, Governor Mengden has been able to play an extremely significant role in working for conservative solutions to the problems facing our State. Through his efforts in continually speaking out on the issues, and through his personal persuasion, he has succeeded in passing 91 conservative bills and resolutions into law.

Governor Mengden has been especially active in sponsoring anticrime legislation. He was designated as "law enforcement's strongest supporter in the senate" by the Texas District and County Attorneys' Association. He was also twice named as "the most outstanding member of the legislature" by the Sheriffs' Association of Texas. In addition, Governor Mengden has been given a leadership award from Ross Perot's war on drugs committee for his efforts in fighting drug abuse.

Among the many significant laws that he has sponsored, Governor Mengden is especially proud of the measure that established a State "crime stopper" program to provide rewards to citizens who furnish information leading to the arrest and indictment of criminals who commit serious felonies, with emphasis on drug traffic and organized crime, and to provide State assistance in the creation of local "crime stopper" operations throughout Texas.

Other honors that have been presented to Governor Mengden include leadership awards from the Dallas County Sheriffs' Association, the Houston Police Department, Texas Young Americans for Freedom, Texas Right-to-Life, San Antonio Right-to-Life, Dallas Right-to-Life, Congress of Houston Teachers, Accelerated Christian Education, Texas Public Community-Junior College Association, Texas Independent Colleges and Universities of Texas, Associated Builders and Con-

tractors, Coalition for Peace Through Strength, and the Veterans of Foreign Wars.

In addition to his successful efforts in behalf of law-and-order legislation, Governor Mengden has been a leader in working for profamily legislation. He has passed the only antiabortion bills that have been enacted into law in Texas since the infamous 1973 U.S. Supreme Court ruling. And he sponsored the law giving all cities and counties the ordinance-making power to restrict the location of "massage parlors" and other sexually oriented commercial activities.

Other important laws that Governor Mengden has put on the statute books include numerous proposals to improve the operations of our State government and to make it more responsive to the people; to protect our senior citizens from abuse and neglect; and to conserve our natural resources.

These many accomplishments have helped to significantly move Texas government in a more conservative direction. Long after Governor Mengden has left office, his legacy of conservatism will remain as a tribute to all that he has done for our State.

It is fitting that his career in public service be concluded as president pro tempore of the senate and Governor of Texas.

Mr. President, following his inauguration, Governor Mengden issued several proclamations, three of which I particularly wish to share with my colleagues and with others who read the CONGRESSIONAL RECORD.

Therefore, Mr. President, I ask unanimous consent that the three resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

PROCLAMATION: GOVERNOR WALTER MENGDEN,
SEPTEMBER 6, 1982

Whereas, the foundation of all human liberty is a forthright adherence to the principles of Divine Authority as taught in the Bible and as recognized by the Founding Fathers of the American Republic who wrote:

"The God who gave us life, gave us liberty at the same time . . ."

"We hold these truths to be self evident; that all men are created equal, that they are endowed by their creator with certain inalienable rights . . . life, liberty, and pursuit of happiness;" and

Whereas, all political, civil, religious and human rights, no matter how well guaranteed by a benevolent state, become mere pious fraud if innocent life may be arbitrarily taken by despotic action of the state; and

Whereas, society at large in this decade has exhibited a growing willingness to flout both God's laws and the historical laws of political liberty concerning the sanctity with which we many concerned Texans hold life—both preborn and born; and

Whereas, the right to life is the first and most basic right of all humankind;

Now, therefore, I, Walter Mengden, Governor of Texas, do hereby proclaim this day a day of memorial to those unborn millions

of human beings whose right to live uninhibited by tyrannical interference on the part of those no longer helpless within the womb has been irretrievably and tragically lost; and do hereby call upon the citizens of Texas to restore that lost right to life, that all may enjoy the blessings of God spread abroad in a land of responsibly self-governed men and women subject only to the righteous and just laws of both the civil state and the Kingdom of God.

PROCLAMATION: GOV. WALTER MENGDEN,
SEPTEMBER 6, 1982

Whereas, America's religious tradition is inseparable from its heritage of liberty under the sovereignty of God; and

Whereas, prayer is that one efficacious means of both addressing and hearing the one, almighty God, Lord of both civil governments and individuals; and

Whereas, for some twenty years, the right of schoolchildren to pray publicly has been in question to the point of severely hindering the prayers of all religious sects desiring such voluntary, public prayer; and

Whereas, the people of Texas have repeatedly expressed a strong desire to reaffirm this basic right given to all by God and guaranteed by the First Amendment to the Constitution of the United States of America;

Now, therefore, I, Walter Mengden, Governor of Texas, do hereby offer felicitations, congratulations and God-speed to all who endeavor to restore voluntary prayer to public schools and all public institutions within the State of Texas.

PROCLAMATION: GOV. WALTER MENGDEN,
SEPTEMBER 6, 1982

Whereas, the fundamental concepts of individual justice, liberty, stewardship and independence beneath the authority and protection of Almighty God are inseparable from the concept of civil rule of the people, by the people and for the people; and

Whereas, stable and lasting government is historically seen to be a beneficent gift of God, given in just recompense to nations which reflect righteousness:

"Blessed is the nation whose God is the Lord."—Psalms 32: 12.

"Righteousness exalteth a nation: but sin is a reproach to any people."—Proverbs 14: 34.

"When the righteous are in authority, the people rejoice but when the wicked beareth rule, the people mourn."—Proverbs 29: 2.

Whereas, a growing concern for the direction and fate of the nation has evidenced itself by a renewed participation in both electing and assisting the stewards of God-ordained civil government by men of all Christian faiths desiring to hold fast the revered moral principles and tenets of the faith espoused by our forefathers;

Now, therefore, I, Walter Mengden, Governor of Texas, do hereby congratulate the individuals, churches and organizations working to restore a Biblical moral foundation for government and all of national life.

THE PRESIDENT'S VETO OF THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. PROXIMIRE. Mr. President, as we all know, the President has vetoed the supplemental appropriations bill. I think that somehow in the country we have missed the significance of that veto. I think it was a very ill-advised

action by the President of the United States, because that supplemental appropriation bill was \$1.4 billion below—underneath, less than—President Reagan had requested. President Reagan asked for \$15.6 billion. We passed a supplemental appropriation bill that provided for \$14.2 billion.

When I was in second grade and we learned subtraction, we learned that 14 is less than 15 and certainly 14.2 is less than 15.6. And yet the President is saying that the bill we passed is a budget buster. If this is a budget buster, what was it the President proposed to us?

The difference, Mr. President, is not that our bill is more than the President's. It is less. People who believe in economy should vote for an override because they are voting for less than the President requested. We come in under the budget. The difference, Mr. President, is in priorities.

The fact is that the President asked for \$2.1 billion more for military spending than the Congress provided. The President asked for \$110 million more for foreign aid than the Congress provided. He asked for about \$109 million more for a pay raise than the Congress provided.

The Congress cut every one of those. It cut military, it cut the pay raise, and it cut the foreign aid.

Now, it is true that the Congress added back \$919 million—less than a billion dollars; far less than it cut. It added that money back for programs like grants for college students. What it added back for college students is interesting because the President made a cut of about 17 percent and we reduced that cut below 1981 to about 10 percent. So we still cut the funds available for students to go to college in absolute terms. And, of course, if you allow for inflation, the cut was probably closer to 15 or 20 percent. That was in the bill we passed.

We also provided somewhat more money for community service, a couple hundred million dollars more money that will provide for 55,000 jobs for the elderly—the elderly in this country, who, Mr. President, would otherwise go on welfare.

The argument that this is additional spending, I think, can be disputed. But, certainly, Mr. President, no one—no one—should miss the fact that the Congress passed a bill below what the President requested.

Now I remember, because I was managing that bill on the minority side for the Democrats, that at the time the Senate voted on this bill we put a hotline out and asked if any Member of our party opposed it. And there was no Member of our party who told us he opposed that bill as we passed it. We assured Democratic Senators that the bill was under the President's request,

substantially under. I understand Senator MARK HATFIELD, the chairman of the Appropriations Committee, also consulted with Republicans on his side and there was no expressed Republican opposition.

So while you cannot say that any voice vote is unanimous, nevertheless, it was obviously one that had no significant opposition and had very strong support.

In the Appropriations Committee, we went over this bill carefully. And there was no opposition to that bill when it came out of the Appropriations Committee. As you know, about a third of the Senators serve on the Appropriations Committee.

So, Mr. President, I hope that the people in this country would realize that that bill, was vetoed by the President of the United States and may or may not override the President in the House. So we may or may not have a chance in the Senate to act on it. But the bottom line is that that was an economy bill. And those who voted for that bill, either by voice vote or in the House by rollcall vote, voted for economy, and they voted for less spending. Oh, yes indeed, they voted for different priorities than the President.

Of course, the President has every right to veto a bill if it does not agree with his priorities. He should veto it if he thinks that the priorities are that much out of line.

But it is not a budget buster when we subtract far more money from the military than we put into community service and education and all other domestic programs. The answer on the effect of every spending bill that comes before us lies in the net effect: The final total amount.

The President, as I say, has every right to say we are spending too much on the domestic programs and to little on the military. I respect that. But I do not respect the argument that this supplemental appropriation bill is a budget buster or that it is excessive or that as compared with the President's bill it is anything other than an economy measure.

I hope that message—the true message—gets out as much as possible to Members in the House and in the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, August 25, August 31, September 1, and September 2, 1982, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on August 24, August 25, August 31, September 1, and September 2, 1982, are printed at the end of the Senate proceedings.)

RESCISSON AND DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 165

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 23, 1982, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Veterans' Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a new proposal to rescind a total of \$2.3 million, a new deferral of \$2.7 million, and revisions to two deferrals previously reported increasing the amounts deferred by \$4.8 million.

The rescission proposal affects the Board for International Broadcasting. The deferrals affect the Veterans' Administration, Interstate Commerce Commission and the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

The details of the rescission proposal and the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, August 23, 1982.

ANNUAL REPORT ON PROGRESS IN SPACE AND AERONAUTICS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 166

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, 1982, received the following message from the President of the United States, together with an accompany-

ing report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report of the nation's progress in space and aeronautics during 1981. The report is provided in accordance with Section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476).

In 1981, U.S. commercial and government-owned spacecraft brought important rewards from space. Particularly notable were *Voyager 2*, which sent closeup photographs of the Saturn planetary system, and new Explorer satellites that studied the sun's interactions with Earth's environment. Communications and weather satellites, both civil and military, furnished improved, ever-expanding daily service.

The reusable Space Shuttle *Columbia* made its maiden space-flight in 1981, opening a new era that will enable the nation to take full advantage of the ultimate frontier of space. With the fourth and final orbital test flight now completed, the next flights of *Columbia* and its sister ships will provide routine operational access to space for scientific exploration, commercial use for economic benefits, national security tasks, and the welfare of mankind.

We can all take pride in these and other accomplishments reported for 1981.

RONALD REAGAN.

THE WHITE HOUSE, August 24, 1982.

SEVENTH ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 167

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I transmit herewith the Seventh Annual Report of the Nuclear Regulatory Commission as required by Section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877).

The report covers fiscal year 1981, with occasional treatment of events occurring after that period.

RONALD REAGAN.

THE WHITE HOUSE, August 24, 1982.

ANNUAL REPORT ON EAST-WEST TRADE—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 168

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 411(c) of the Trade Act of 1974, I hereby transmit the East-West Trade Report for 1981, covering trade relations between the United States and the nonmarket economy countries.

I have reviewed the sanctions on the export of oil and gas equipment to the Soviet Union imposed on December 30, 1981 and decided on June 18, 1982 to extend those sanctions through adoption of new regulations to include equipment produced by subsidiaries of U.S. companies abroad as well as equipment produced abroad under licenses issued by U.S. companies.

The objective of the United States in imposing the sanctions has been and continues to be to advance reconciliation in Poland. Since December 30, 1981, little has changed concerning the situation in Poland; there has been no movement that would enable us to undertake positive reciprocal measures.

The decision taken to extend the sanctions will, I believe, advance our objectives of reconciliation in Poland.

RONALD REAGAN.

THE WHITE HOUSE, August 24, 1982.

ANNUAL REPORT OF THE FEDERAL COUNCIL ON AGING—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 169

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 24, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 204(f) of the Older Americans Act of 1965, as amended, I hereby transmit the Annual Report for 1981 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

RONALD REAGAN.

THE WHITE HOUSE, August 24, 1982.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 25, 1982, received a message from the House of Representatives announcing that the Speaker pro tempore has signed the following enrolled bills:

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes;

S. 2248. An act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes;

H.R. 1526. An act to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes;

H.R. 3126. An act to direct the Secretary of the department in which the United States is operating to cause the vessel *Sky Lark* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade, and for other purposes;

H.R. 3345. An act to make technical and conforming changes in the patent and trademark laws and in the Civil Rights of Institutionalized Persons Act;

H.R. 6350. An act to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration Health Professional Scholarship Program and certain aspects of other Veterans' Administration health-care programs, and to extend certain expiring Veterans' Administration health-care programs; and for other purposes;

H.R. 6409. An act to provide for the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana, and for other purposes;

H.R. 6732. An act to amend the International Safe Container Act; and

H.R. 6955. An act to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, Ninety-Seventh Congress).

Under the authority of the order of the Senate of August 20, 1982, the enrolled bills were signed on August 25, 1982, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 26, 1982, received a message from the House of Representatives, announcing that the Speaker pro tempore had signed the following enrolled bills:

H.R. 3239. An act to amend the Communications Act of 1934, and for other purposes; and

H.R. 3663. An act to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

Under the authority of the order of the Senate of August 20, 1982, the enrolled bill H.R. 3239 was signed on September 2, 1982, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of August 20, 1982, the enrolled bill H.R. 3663 was signed on September 8, 1982, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on September 1, 1982, received a message from the House of Representatives announcing that the Speaker pro tempore has signed the following enrolled bills:

H.R. 4961. An act to provide for tax equity and fiscal responsibility, and for other purposes; and

H.R. 6128. An act to revise, codify, and enact without substantive change certain general and permanent laws, relating to money and finance as title 31, United States Code, "Money and Finance".

Under the authority of the order of the Senate of August 20, 1982, the enrolled bills were signed on September 2, 1982, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 579. Resolution relative to the death of the Honorable ADAM BENJAMIN, Jr., a Representative from the State of Indiana.

ENROLLED BILL SIGNED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the following enrolled bill, which had previously been received from the House of Representatives, was signed by the President pro tempore (Mr. THURMOND) on August 23, 1982, during the adjournment of the Senate:

H.R. 6863. An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

ENROLLED BILLS PRESENTED DURING THE ADJOURNMENT

The Secretary of the Senate reported that on August 27, 1982, he had presented to the President of the United States the following enrolled bills:

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes;

S. 2248. An act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurements, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4125. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on two rescissions and a revision to one deferral previously reported; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Labor and Human Resources.

EC-4126. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale by the American Institute in Taiwan to the Coordination Council for North American Affairs; to the Committee on Armed Services.

EC-4127. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to study the conversion to contractor performance of various functions at different installations; to the Committee on Armed Services.

EC-4128. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Guard Service function at the Naval Construction Battal-

ion Center, Davisville, RI to performance under contract; to the Committee on Armed Services.

EC-4129. A communication from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision made to convert the food service mess attendants function at Port Austin Air Force Station, Michigan to performance under contract; to the Committee on Armed Services.

EC-4130. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Administrative Telephone Service function at the Navy Experimental Diving Unit, Panama City, FL to performance under contract; to the Committee on Armed Services.

EC-4131. A communication from the Secretary of the Treasury transmitting, pursuant to law, the fiscal year 1981 annual report of the Exchange Stabilization Fund; to the Committee on Banking, Housing, and Urban Affairs.

EC-4132. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Bank Merger Process Should be Modernized and Simplified"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4133. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effect of airline deregulation on the level of airline safety; to the Committee on Commerce, Science, and Transportation.

EC-4134. A communication from the Secretary of the Interior transmitting, pursuant to law, the eleventh annual report on the operation of the Colorado River; to the Committee on Energy and Natural Resources.

EC-4135. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on a refund of an excess royalty payment to Cities Service Company; to the Committee on Energy and Natural Resources.

EC-4136. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payment to Amoco Production Company; to the Committee on Energy and Natural Resources.

EC-4137. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on a refund of an excess royalty payment to Mobil Oil Co.; to the Committee on Energy and Natural Resources.

EC-4138. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on a refund of an excess royalty payment to Scurlock Oil Co.; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the following reports of committees were filed on September 3, 1982, during the adjournment of the Senate:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2879. An original bill to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal Supervisory Agencies to deal with financially distressed depository institutions, to enhance the competitiveness of depository institutions, to expand the range of services provided by such institutions, to protect depositors and creditors of such institutions, and for other purposes (with additional views) (Rept. No. 97-536).

ADJUSTMENT OF FEDERAL WHITE COLLAR PAY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 170

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 26, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, an adjustment in Federal white collar pay will be required in October, 1982.

The Act requires that calculations be made annually of the adjustments that would be required in Federal statutory pay systems to achieve comparability with private sector pay for the same levels of work. Using the calculation methods developed in the past, my pay advisers have indicated that an average 18.47 percent increase would be required to achieve comparability as that concept is presently defined.

The Comparability Act gives me authority to propose an alternative adjustment in lieu of comparability, if such action is appropriate because of economic conditions. Under that authority, in accordance with our economic recovery program, I am submitting to the Congress an Alternative Plan for a 4-percent increase in Federal white collar pay this October in lieu of the 18.47 percent increase indicated under current comparability calculation methods.

Current law governing military pay increases provides that the annual increase in military pay be the same as the average Federal white collar increase. However Congress is currently considering legislation dealing with military pay increases. If legislation is enacted, it will supersede the increase that military personnel would otherwise receive under this Alternative Plan.

RONALD REAGAN.

THE WHITE HOUSE, August 26, 1982.

EXCLUSION OF CERTAIN PAY UNDER THE MERIT PAY SYSTEM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 171

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on September 1, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Supervisors and management officials in GS-13, 14, and 15 positions throughout the Federal Government are covered by the Merit Pay System as required by Chapter 54, Title 5, U.S. Code, unless otherwise excluded by law.

Upon proper application from the heads of affected agencies and upon the recommendation of the Director of the Office of Personnel Management, I have, pursuant to 5 U.S.C. 5401(b)(2)(B), excluded 9 agencies and units of agencies from coverage under the Merit Pay System.

Attached is my report describing the agency or unit to be excluded and the reasons therefor.

RONALD REAGAN.
THE WHITE HOUSE, September 1, 1982.

ANNUAL REPORT OF THE REHABILITATION SERVICES ADMINISTRATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 172

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on September 1, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 12 of the Rehabilitation Act of 1973, as amended, I am pleased to transmit the enclosed report to Congress. The report, prepared by the Department of Education, covers activities supported under the Act in fiscal year 1981.

As we strive for control over the rising costs of government and sort out appropriate roles for the Federal, State and local governments, it is useful to document the gains already achieved by handicapped citizens and the role of these primarily State-administered programs in contributing to those gains.

RONALD REAGAN.
THE WHITE HOUSE, September 1, 1982.

AMENDMENT NO. 2023

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Frank J. Donatelli, of Virginia, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for a term expiring October 27, 1984; and

Edward Sulzberger, of New York, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for a term expiring October 27, 1983.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution and Senate resolution were read, and acted upon, as indicated:

By Mr. DOLE (for himself, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. PERCY, and Mr. PELL):

S. Con. Res. 118. Concurrent resolution expressing the sense of the Congress commending the achievements of U.S. Special Negotiator Philip C. Habib; considered and agreed to.

By Mr. BAKER, for Mr. LUGAR (for himself and Mr. QUAYLE):

S. Res. 457. Resolution relative to the death of Representative Adam Benjamin, Jr., of the State of Indiana; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1939

At the request of Mr. GOLDWATER, the names of the Senator from Utah (Mr. HATCH), the Senator from Alabama (Mr. HEFLIN), the Senator from Ohio (Mr. GLENN), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of S. 1939. A bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 2421

At the request of Mr. GLENN, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 2421. A bill to establish the National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education, and for other purposes.

S. 2737

At the request of Mr. GLENN, the name of the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2737. A bill to authorize an educational assistance program which will provide low cost loans to college students who pursue mathematics and science baccalaureate degrees and enter the precollege mathematics and science teaching profession, and for other purposes.

S. 2738

At the request of Mr. GLENN, the name of the Senator from Nevada

(Mr. CANNON) was added as a cosponsor of S. 2738. A bill to amend the Internal Revenue Code of 1954 to allow a credit to certain employers for compensation paid to employees with precollege mathematics or science teaching certificates who are employed for the summer months by such employers or who are employees who teach a limited number of hours.

S. 2780

At the request of Mr. COCHRAN, the names of the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2780. A bill to limit the insanity defense and to provide a procedure for commitment of defendants found guilty who are mentally ill.

S. 2857

At the request of Mr. ROBERT C. BYRD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2857, a bill to establish a Customs Revenue Sharing Trust Fund for public works projects for the development and maintenance of the Nation's ports.

S. 2867

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 2867, a bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

SENATE JOINT RESOLUTION 234

At the request of Mr. GOLDWATER, the names of the Senator from South Dakota (Mr. PRESSLER), the Senator from Iowa (Mr. JEPSEN), the Senator from Hawaii (Mr. INOUYE), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from New Hampshire (Mr. RUDMAN) were added as cosponsors of Senate Joint Resolution 234, a joint resolution to provide for the designation of the week commencing with the third Monday in February 1983 as "National Patriotism Week."

SENATE RESOLUTION 331

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 331, a resolution expressing the sense of the Senate that the Federal Energy Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices.

SENATE RESOLUTION 449

At the request of Mr. ARMSTRONG, the names of the Senator from Idaho (Mr. McCCLURE), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Resolution 449, a resolution expressing the sense of the Senate with respect to human rights violations in connection with the construction of the trans-Siberian pipeline.

At the request of Mr. COHEN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. PELL), the Senator from Michigan (Mr. RIEGLE), the Senator from Tennessee (Mr. SASSER), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of amendment No. 2023 intended to be proposed to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

SENATE CONCURRENT RESOLUTION 118—CONCURRENT RESOLUTION COMMENDING THE ACHIEVEMENTS OF PHILIP C. HABIB

Mr. DOLE (for himself, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. PERCY, and Mr. PELL) submitted the following concurrent resolution; which was considered and agreed to:

SENATE CONCURRENT RESOLUTION 118

Whereas it is in the national security interest of the United States to achieve an enduring settlement of the conflict that has afflicted the region of the Middle East for many years; and

Whereas the attainment of such a settlement depends on continuing efforts on the part of the United States to persuade all parties to the conflict to resolve their differences in a peaceful manner; and

Whereas the recent crisis in Lebanon made even more clear than before the critical need for a peace settlement in the region; and

Whereas the resolution of that crisis and the successful evacuation of the Palestinian forces from Beirut were brought about, in large measure, as a result of the activities of U.S. Special Negotiator Philip C. Habib; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) It is the sense of the Congress that Mr. Habib warrants the highest commendation for his extraordinary achievement in negotiating the terms under which Palestinian forces were peacefully evacuated from the city of Beirut; for his success in a difficult and delicate task that constituted an essential step toward resolution of the continuing political conflict in the Middle East; and for the model he has provided of the skill, commitment, and endurance that we must sustain in our continuing effort to reach that goal; and that

(2) the Congress extends not only its praise but also its thanks, on behalf of the American people, to Mr. Habib for his accomplishments and his dedicated service in the interests of the United States and of a lasting peace in the Middle East for all its peoples.

SENATE RESOLUTION 457—RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE ADAM BENJAMIN, JR.

Mr. BAKER (for Mr. LUGAR, for himself and Mr. QUAYLE) submitted the following resolution; which was considered and agreed to:

S. Res. 457

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Adam Benjamin, Jr., late a Representative from the State of Indiana.

Resolved, That a committee be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representatives.

AMENDMENTS SUBMITTED FOR PRINTING

TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

AMENDMENT NOS. 2044 THROUGH 2059

(Ordered to be printed and to lie on the table.)

Mr. BAUCUS submitted 16 amendments intended to be proposed by him to the joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

AMENDMENT NOS. 2060 THROUGH 2062

(Ordered to be printed and to lie on the table.)

Mr. DANFORTH submitted three amendments intended to be proposed by him to the joint resolution (H.J. Res. 520), *supra*.

AMENDMENT NOS. 2063 THROUGH 2111

Mr. WEICKER submitted 49 amendments intended to be proposed by him to the joint resolution (H.J. Res. 520), *supra*.

AMENDMENT NOS. 2112 THROUGH 2739

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted 628 amendments intended to be proposed by him to the joint resolution (H.J. Res. 520), *supra*.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a joint hearing with the Senate Appropriations Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies on the Justice Department merger guidelines and its enforcement of antitrust laws, on Thursday, September 9, 1982, at 10

a.m., in room 424 of the Russell Senate Office Building. Senator RUDMAN will chair the hearing. For additional information, contact Brian Hartman at 224-8490 or Claudia Ingram at 224-7244.

Mr. President, I would like to announce that the Senate Small Business Committee will hold a hearing on Thursday, September 16, 1982, room 424 of the Russell Senate Office Building, at 10 a.m., to consider S. 2446, the Small Business Procurement Reform Act of 1982, and other small business procurement reforms. Senator S. I. HAYAKAWA will chair the hearing. For further information please contact Kimberly Elliott of the Small Business Committee staff at 224-3840.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings next week on Budget Act reform. All hearings will be held in 6202 Dirksen Senate Office Building starting at 9:30 a.m.

The hearings are as follows:

Tuesday, September 14, 9:30-11:30 a.m.—The Honorable Henry Bellmon, cochairman, Committee for a Responsible Federal Budget; The Honorable Robert N. Giaimo, cochairman, Committee for a Responsible Federal Budget.

Thursday, September 16, 9:30-11 a.m.—Mr. George Gross, National League of Cities; Messrs. John McEvoy, Kutak, Rock, and Huie.

Thursday, September 16, 11-12:30 p.m.—Dr. Rudy Penner, American Enterprise Institute; Dr. Norman Ornstein, American Enterprise Institute.

ADDITIONAL STATEMENTS

LEGAL SERVICES CORPORATION

• Mr. KENNEDY. Mr. President, in the next few weeks the Senate will be asked to continue funding the Legal Services Corporation. President Reagan has wanted to kill the LSC and its predecessor, the Office of Legal Services in OEO since he was the Governor of California. He has consistently tried to kill it since becoming President. I have fought against the President on this issue because I believe that the LSC is too important to eliminate. Contrary to the claims of the opponents of LSC, there is no one to take its place.

I recently received a letter from Dean Richard Huber of the Boston College Law School on the subject of the LSC and its funding. Dean Huber eloquently explains the importance and continuing need for funding the LSC I would submit the letter for the RECORD.

The letter follows:

BOSTON COLLEGE,
Newton, Mass., July 20, 1982.
Hon. EDWARD M. KENNEDY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR KENNEDY: I write to ask your support for full appropriation for the

Legal Services Corporation, as requested at the \$265 million level for this coming fiscal year. This amount represents at best level funding of the Corporation at a time when need is slowly increasing.

The provisions for legal services to the poor in our society has been one of the great efforts of the federal government over the past fifteen years or so, and particularly so since the LSC reached an adequate level of funding. In a society such as ours, in which law is so decisive in determining rights and obligations, it is necessary that each person have some meaningful access to whatever legal services are required to gain entitlements. Otherwise the concept that all are equal before the law loses effective meaning.

Of course, in any organization as large and diverse as the LSC, abuses do occur. But the level and extent of abuse seems to me to be remarkably limited. In fact what has sometimes been labeled abuse has been merely the forceful advocacy of rights that are set out in legislation but which before this time have not been enforced. We do, as a society, tend to legislate solutions fairly readily but are weaker in enforcing this legislation. The LSC has, no doubt, by seeking enforcement of rights that have been earlier established, seemed to some to be overly aggressive. But, as we know, a right without remedy is no right at all, and the LSC has done much to assure that legislation is enforced.

On another matter, the private bar cannot assume the entire level of legal services for poor people. Only so much time can be devoted to this service since office and other costs continue even if there is no fee. And it is not unfair to note that many lawyers do not practice in areas to which the LSC necessarily devotes its services to the poor. A good lawyer can probably handle most cases competently but he or she will handle them very slowly if they cover an area of law or a type of practice dissimilar to that in which the lawyer ordinarily practices. Law schools can and do bear some of the burden but, since our purpose must be primarily educational, we can do less for the same level of expenditure than the LSC, whose purpose is solely service. And our resources are very limited.

I appreciate your attention to this rather lengthy letter. The cause is, frankly, very important to me and I hope this will excuse the length. Thank you for any assistance you can give toward full funding of the Legal Service Corporation.

Sincerely,

RICHARD G. HUBER,
Dean.

AMERICAN CONSERVATION CORPS

• Mr. MOYNIHAN. Mr. President, I am pleased that the Public Lands and Reserved Water Subcommittee has scheduled a hearing on September 22 to consider S. 2061, legislation that Senator MATHIAS and I have introduced to create an American Conservation Corps modeled after the Civilian Conservation Corps of the 1930's. Our bill enjoys the bipartisan cosponsorship of 17 Members of this Chamber and a companion bill, H.R. 4861, passed the House on June 9 by a vote of 291 to 102. I am confident that the

Senate will act expeditiously on this important legislation and will put thousands of unemployed young people to work conserving and rehabilitating our Nation's natural and cultural resources.

Mr. President, I would like to bring to my colleagues' attention a timely essay by Mr. Harry Goldsmith that appeared in the September 5 New York Times, and I ask that it be printed in the RECORD.

The essay follows:

[From the New York Times, Sept. 5, 1982]

CONSTRUCTED BY DAVIDS, OCCUPIED BY GOLIATHS

(By Harry Goldsmith)

UPPER MONTCLAIR, N.J.—Camp David, the Presidential retreat, has been very much in the news. We've seen Ronald Reagan strolling through the woods with the Secretary of State, and Congressmen were invited there when the President wanted to persuade them of the soundness of his tax increase.

I wonder whether the President, as he walks in the cool mountain wilderness of Camp David or relaxes in one of its rustic log cabins, is aware that he is enjoying a facility that was built by unemployed youth of two generations ago—members of the Civilian Conservation Corps. One of the earliest New Deal programs, the C.C.C. was established by Congress in 1933 to combat unemployment during the Depression.

Until the C.C.C. was terminated in 1942, it provided useful work and vocational guidance for a total of three million unemployed single young men through conserving and developing our country's natural resources.

Even as President Reagan relaxes at Camp David, he cannot help but have on his mind the hundreds of thousands of youth who are unemployed today. Perhaps it may occur to him that an answer to this blight on our society is to revive the C.C.C. program.

Camp David was not always a Presidential retreat. In the summer of 1940, my family and I spent a glorious week's vacation in this wilderness wonderland. It was then called Camp Hi-Catoctin and operated as a low-cost vacation camp for Federal employees and their families. The cost was \$14 per week per adult, \$7 for children; meals, lodgings and all recreational facilities were included.

There was room for only 72 guests in the camp's 18 long cabins, nestled unobtrusively among the pines, so it did not take long for us to turn into one big family.

Life at Camp Hi-Catoctin began at 7 A.M. with the bong of a gong. Breakfast was served family-style at 8 in a large dining and recreation hall. Most campers were on time for meals because life in the woods developed quite an appetite. Those few who straggled in late were greeted with a hiss.

After breakfast, campers swam in a pool of crystal-clear continuously filtered spring water, hiked, rode horses or used the craft shop or dark room. Others played badminton, Ping-Pong or softball—or settled down to some serious loafing. In the evenings, campers gathered for dancing, movies, singing or lectures on nature and the stars that filled the night sky.

Camp David is a shining example of what unemployed youth can create when given the opportunity. Through forest and wildlife protection, flood control, soil conservation, development of new state parks and

recreational areas, and similar activities, the C.C.C. added to the nation's material wealth and well-being, the benefits of which are being enjoyed to this very day, even by the President.

The C.C.C. not only conserved and enhanced our natural resources but also conserved and enhanced our youth at a time of severe unemployment.

There are hundreds of thousands of jobless youth today who would also benefit if Congress revived the C.C.C.●

BUSINESS AND ENVIRONMENTALISTS: A PEACE PROPOSAL

● Mr. ARMSTRONG. Mr. President, I have seldom, if ever, read a more sensible article than Christopher Palmer's interesting essay in the August 8, Washington Post. Mr. Palmer calls for more tolerance and understanding between business and environmentalists. As one who cares about both, I think he has made a very significant and worthy statement. I commend it to my colleagues.

The essay follows:

[From the Washington Post, Aug. 8, 1982]

BUSINESS AND ENVIRONMENTALISTS: A PEACE PROPOSAL

(By Christopher Palmer)

Environmental groups are not perfect. We have flaws, as does business. By candidly examining the flaws on both sides we may be able to defuse the destructive animosity and mutual misunderstanding, and even find areas where we can make common cause. Let me first focus on the weaknesses, both real and perceived, of environmentalists.

One of our problems is that we tend to assume a tone of arrogance when talking to business. When we environmentalists act as though we talk to God and as though we have all the answers, then industry, even those business people who are inclined to be sympathetic, will be irritated. We call ourselves "public interest" groups—the implication being that we look after the "public interest" while everyone else is pursuing his own selfish goals.

This tendency is matched by a tendency to be rigid, unwilling to compromise or negotiate. Environmentalists sometimes are afraid to bend and be flexible. We think the arguments made by industry are totally self-interested and exaggerated.

Too often environmentalists think of profits as dirty. We don't always appreciate the effectiveness of the free market. Too few of us have ever worked as entrepreneurs and, consequently, lack an appreciation of just how hard it is to succeed in business. We are much more expert at grantsmanship.

Some environmentalists are—like business people—probably not concerned enough about the harsh impact of high prices on poor people. Few of us know anything about the degradation and pain of poverty. While the image of us—in Michael Kinsley's words—as a "clique of rich people attempting to protect their backyard" is an exaggeration, nevertheless we are probably oversensitive to the desires of the upper and middle class and insufficiently sensitive to the desires of those less well off.

Environmental goals should not be pursued without regard to their consequences elsewhere. Preserving wilderness is important, but it is only one of a number of important national goals. For example, energy policy should not be based on environmen-

tal values alone. A clean environment is just one of many results we want in a energy policy, not the central driving force. Environmentalists have to accept the fact that occasionally—ideally, rarely—they may have to compromise some environmental goals for more important ones, such as jobs.

This brings me to economic growth and productivity. Too often environmentalists give the impression of wishing economic growth would somehow go away. But economic growth and increased productivity are needed to create new jobs, to increase our investments in energy efficient housing and our investments in new less-polluting industrial processes.

And finally, environmentalists, like other human beings, can suffer from parochialism. A recent issue of a major environmental magazine contained a long and detailed editorial on how domestic cats are not a threat to birds. We voraciously consume each other's newsletters but tend to neglect Business Week, Forbes and Fortune.

Let me now turn to steps that business could take to gain a better understanding of us and to help win our confidence and trust.

There should be a greater realization on the part of business of the extent to which future growth and profits depend on efforts to preserve land, air and water. Erosion control aims at maintaining the productivity of soils, essential to sustaining U.S. agricultural output. Forest conservation and reforestation are essential to the protection of soils and watersheds. Reduced pollution means fewer work days lost to environment-related illnesses. Thus, conservation and environmental protection make direct contributions to economic productivity.

Another step that business could take would be to show greater appreciation of the tremendous market opportunities in energy conservation, solar energy and pollution control. Business Week reported in its April 6, 1981, issue that the market for energy conservation investments was growing phenomenally fast and could reach \$30 billion by 1985. An article in the November/December 1980 Harvard Business Review concluded that alert companies can turn pollution prevention into profit and make economic growth and environmental protection go hand in hand. There are now over 600 companies in the business of manufacturing air- and water-pollution-control equipment, including cooling towers, scrubbers, precipitators and catalytic converters. These firms constitute a multi-billion-dollar industry employing hundreds of thousands of people around the country.

There are three broad areas where we could form alliances with business. First is the area of lobbying. Recently, United Technologies and the Audubon Society formed a lobbying team to promote increased federal funding for fuel cells. Why can't we do this on other issues, such as adoption of user fees, establishment of unnecessary government bureaucracies like the Synthetic Fuels Corporation?

The second area is in defining public policy. The National Coal Policy Project, led by Larry Moss, a well-known environmentalist and former chairman of the Sierra Club, and Jerry Decker, of the Dow Chemical Company, is a good example of an attempt by both environmentalists and industry to explore common ground in their conflict over coal policy.

The third way environmentalists could form alliances with business is to enter into business partnerships. Is there any reason why environmental groups have to be limit-

ed to testifying, writing and lobbying? Why shouldn't they help to market pro-environmental products? Audubon has recently established an arrangement with an energy management company to promote energy efficiency in commercial buildings. We have just helped to sell a \$100,000 system.

The opportunities for business partnerships are immense. Why shouldn't we, for example, work with manufacturers of water-heating heat pumps to develop a packet of information that would help our half million members—especially those in the South, who heat their homes with electricity—to become more familiar with this technology? Why shouldn't we produce an investment newsletter that contains information about profitable companies in solar, conservation and pollution-control equipment, which Audubon members could use in purchases and sales in their own portfolios? If we were to sit down with business and industry, we could probably come up with many more projects that could help both of us.

There is much on which we can make common cause, and business people should seek out those in the environmental movement with whom they can work. Environmentalists, in turn, should not treat industry as a monolith.

We should all be seeking the right kind of growth, growth that does not degrade the environment that others must share. Environmentalists are not opposed to business enterprises, nor to those who seek to return on invested capital. We are only opposed to mindless growth that demands a narrow advantage regardless of social costs.●

INTERGOVERNMENTAL COMMITTEE FOR MIGRATION

• Mr. KENNEDY. Mr. President, our newspaper headlines remind us daily of one of the most persistent and critical international problems—the plight of refugees and migrants around the world.

Over the years, one of the international community's most important tools for dealing with the problems of migration has been the Intergovernmental Committee for Migration—which the United States was instrumental in launching following World War II.

In the 30 years since, ICM has become a lifeline of hope for millions of refugees and migrants seeking new lives in new lands. Recently, the European and Asian editions of the Reader's Digest contained an excellent article describing ICM's humanitarian work, which I would like to share with my colleagues.

Mr. President, I ask that the Reader's Digest article on the ICM be printed at this point in the RECORD.

The article follows:

[From the Reader's Digest, September 1982]

LIFELINE TO HOPE FOR THE WORLD'S REFUGEES

(By Rudolph Chelminski)

In the ominous months preceding last December's military crackdown in Poland, an estimated 100,000 Poles fled to the West. Most are still scattered around Europe, lodged with friends or in refugee quarters in

Austria and Germany, and the sad truth is that Europe, with its weakened economy and high unemployment, can do little to help.

For these Poles, the only solution is emigration to lands like the United States, Canada, Australia or perhaps South Africa. And their only hope for getting there is embodied in three letters: ICM.

ICM stands for the Intergovernmental Committee for Migration. It is one of the least known but most important—and most quietly efficient—of the world's many international organizations. ICM's primary job is moving people in distress—finding destinations for those who have nowhere to go, and then taking them there. "Extrication" was the way one ICM worker put it.

It was ICM that resettled the 300,000 Displaced Persons remaining in Western camps after the United Nations' postwar refugee operation ended in 1951; ICM that moved the 200,000 Hungarians who fled from Soviet tanks in 1956, the 20,000 Czechs who shared the same experience in 1968, the 250,000 Soviet Jews who have chosen voluntary exile over the last decade. In all, since its birth in 1951, ICM has "extricated" more than three million refugees and exiles.

Headquartered in Geneva, ICM is a curiosity amidst the jumble of United Nations agencies that fill the Swiss city: with 131 employees (and 186 more stationed around the world), it is the smallest intergovernmental organization in town. In fact, it is not even part of the UN, and for a good reason. ICM's 30 member states and 16 associates (including Britain) have agreed on a single precondition to membership: the principle of free circulation of peoples. As a result, ICM is composed essentially of the United States, Western Europe and most of Central and South America, whose nations share its present £77-million yearly budget.

"Of the 157 UN members," observes Karel Norsky, a former British journalist based in Geneva, "less than one-third can be called true democracies. So who's going to help those who flee totalitarianism? ICM can, because it is one of the few organizations where the countries of the free world have a decisive influence."

QUIET APPROACH

ICM is often compared to a fire brigade of humanitarianism but, notes Alain Modoux of the International Committee of the Red Cross, "their humanitarianism remains discreet." ICM keeps its mouth shut and leaves value judgements to others.

"The result is that we can get things done when others can't," says a highranking ICM officer in Geneva. Thanks to ICM, 30,000 supporters of Chile's late President Salvador Allende were able to leave after Pinochet came to power in 1973—but also thanks to ICM, several hundred opponents who had fled Allende's regime were able to return home.

To understand how ICM gets things done, I spent a day with Bill Anderson, who is in charge of ICM's South-East Asian operation in San Francisco. With 700,000 Indo-Chinese refugees moved so far—more than half through San Francisco—and 250,000 more to go, it is by far ICM's biggest operation ever. The Asian refugee problem began in 1975, with the fall of Saigon, when the first "boat people" began appearing in the West in large numbers. It swelled to catastrophic proportions in 1979 when the US and other Western countries vastly increased their Asian refugee allocations.

July 1979 found Anderson ridiculously understaffed and ill-equipped as wave after

wave of jumbo jets descended upon him, spewing forth hundreds of confused and exhausted refugees. "Sometimes they were stuck for hours at the San Francisco airport with no facilities, waiting for re-routing to their sponsors," Anderson recalled. "At one time we had a thousand of them sleeping on the floor."

Faced with the threat of a caretakers' strike, rumours of disease and a hostile local press, Anderson told US State Department officials that he was taking the problem into his own hands. As a stopgap, he lodged the pregnant and sick in a motel near the airport, and sent out an emergency call for volunteers.

The crowding and chaos eased the following January when the ever-resourceful Anderson found three good barrack blocks at the sprawling, unused Hamilton Air Force Base, 25 miles north of San Francisco. He cleaned them up and borrowed a thousand cots and bedding from an army camp, while his volunteers scrounged playground equipment for the children. By February 10, 1980, his Hamilton transit camp was ready for customers, and it has been filled ever since.

WELCOME GIFTS

With Anderson, I watched as the first busloads arrived from that morning's flight and were checked in. Each person was issued a hooded parka as protection against the chilly November air, and a new set of warm clothing from a considerable stock donated by local charitable and church groups.

As important to ICM as donated clothing is donated time. Volunteers and part-time help are the main reasons ICM gets so much done with so little staff; its 317 full-time employees cost £6.3 million, just over eight percent of the total budget. The regulars are outnumbered by 444 temporary staff, who range from doctors on contract to students and retired people working for free. At Anderson's transit camp, one Cambodian family named Ken was so moved by the kindness of the volunteer staff that they named their first American-born son Hamilton. It was the finest compliment they could have paid ICM.

Anderson is the first to admit that little would be possible without team effort. "We've made it work with the help of a lot of dedicated people. ICM work is a calling, like the ministry—you get addicted to it."

Addicts of Anderson's ilk abound among full-time ICM officers. Margaret Steele of the refugee assistance division, one of the few Britons at the Geneva headquarters, has been with ICM for 25 years. So has 62-year-old Dane Soren Christensen, ICM's chief of operations and transport, whose quarter-century of service has included more than one act of heroism.

In 1970 he brought planeloads of Biafran children back to Nigeria from the Ivory Coast and Gabon where they had been sent during the civil war; two years later, he snatched 5,000 terrorized Ugandan Asians out of Kampala. In 1976, in the thick of battle in Beirut, he used every ruse in the book, from bribing sentries with whisky to pretending to be a corpse in a casualty pickup truck, in order to get through the lines and bring families to safety.

ON HER TOES

Improvisation is an ICM byword, as one steward of an American airline discovered in Los Angeles. Applying to the letter an airline rule that all passengers must wear foot covers, he refused to allow a bare-foot Vietnamese refugee boy on board his plane. The ICM agent on the spot immediately wrig-

gled out of her tights, plonked the boy into them and sent him up the ramp, daring the steward to let out a squeak. He didn't.

Another master improviser is Joe Dvorak, a canny 62-year-old Viennese, whose near-miraculous solutions to apparently insoluble problems have made him something of a living legend among ICM professionals. Dvorak sums up his approach with a personal axiom that could well be the organization's motto: "Jump into the lake and swim."

With Dvorak and his boss, Henri van Werveke, a Luxemburger who runs the ICM office for Austria, I visited the refugee camp of Traiskirchen, some 15 miles south of Vienna, where nearly 3,000 Poles were awaiting resettlement. In addition, some 23,000—mostly young families—were housed in different camps, hotels, and boarding houses throughout the country, while another 20,000 were paying their own way:

Austria is the first-asylum country, but it can't absorb these people itself," said van Werveke. "We're the only ones who can get them out for settlement elsewhere."

The situation in Austria illustrates why ICM is not a part of the UN and never will be. The UN is bound by a 1951 convention, which defines a refugee as a person who has fled his country, and no longer has the protection of a government, for reasons of racial, religious or political persecution. This did not apply to Poles fleeing to Western Europe before martial law was established last December because no tangible persecution could be proved in most cases. For the UN they were only Polish tourists in the West.

Likewise, the 1951 convention does not permit refugee status for nationals within their own country, such as the 30,000 anti-Pinochet Chileans ICM moved out in 1973, or the luckless Asians in Idi Amin's Uganda. The United Nations High Commission for Refugees does praiseworthy work, but only ICM can negotiate the fate of "unofficial refugees." Said Karl Radek, director of the Traiskirchen camp, "Over the years we have found that when you can't reach anyone else, you can always reach ICM."

EXPANDING ROLE

This kind of humanitarianism, however, is not the whole picture. Over the years, ICM has branched out into the development business with three specific programmes.

The oldest is known as Selective Migration. In 1964, after receiving a joint request from Latin-American governments, ICM began recruiting in Europe and America the specialized talent they needed to help exploit natural resources and to develop new trades and businesses. Since then, ICM has settled nearly 30,000 technicians, farmers, architects and other professionals all over Central and South America.

In 1974, ICM inaugurated two corollary programmes: Integrated Experts and Return of Talent. The first is a kind of technical shopping service for developing nations. At Ecuador's request, for example, the ICM Mission in Bonn recruited a German mechanical engineer. As a supervisor at Quito University, he has organized training programmes and instructed graduate engineers in the design, manufacture and maintenance of machine tools.

The Return of Talent programme attacks one of the most vexing problems of the Third World: the brain drain. The goal of the programme is to convince and assist those who have been trained abroad to return home or to another country in the region, where their skills are desperately

needed. Since 1974 some 2,000 of them—doctors, engineers, economists among others—have been repatriated through the good offices of ICM.

The future, then, will certainly witness an increased role for ICM as a tool and a channel for developing nations. But the original humanitarian mission will remain as long as there are refugees. And the world has never had so many—more than ten million, by most estimates. As US Senator Edward Kennedy put it, looking into a troubled future, "Through this century and into the next, migration is going to be a serious international issue. If we didn't already have an ICM to deal with it, we'd have to invent one."•

TRIBUTE TO NATHAN M. CARTER, JR.

• Mr. SARBANES. Mr. President, Baltimore and the State of Maryland are very proud of the extraordinary musical talents of the Morgan State University Choir and its outstanding director, Nathan M. Carter, Jr. This unique musical group has achieved international recognition and received numerous awards for its artistry.

This singular achievement has been accomplished through Mr. Carter's outstanding tutelage and leadership. He has inspired scores of young people to pursue active participation in the performing arts, and their contributions to the enhancement of our cultural life has been felt in Maryland and throughout the Nation.

A great musician and scholar, Mr. Carter has elevated the caliber of the choir to an enviable level of serious musicianship. The development of natural talent for artistic expression has been central to Mr. Carter's energetic and innovative direction, and the results have greatly benefited Morgan State University, the greater Baltimore community, and indeed the entire State of Maryland.

Mr. President, the friends and colleagues of Nathan Carter have reserved September 9 to recognize his outstanding record of accomplishments. I am proud to join my fellow Marylanders and ask my colleagues to join me in saluting this great Maryland citizen, whose musical achievements are deservedly recognized the world over.●

RECESS UNTIL 1 P.M.

Mr. BAKER. Mr. President, it does not appear that there will be any further morning business at the moment. Morning business does not expire by the terms of the agreement entered into earlier until 1:11 p.m.

In view of that, I ask unanimous consent that the Senate now stand in recess until the hour of 1 p.m., at which time the Senate will resume session and there will be not more than 11 minutes of further morning business, after which the Senate will resume consideration of the unfinished business.

There being no objection, the Senate, at 12:34 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PACKWOOD).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Oregon, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, will the Chair now state the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The clerk will state the unfinished business.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

The Senate resumed consideration of the joint resolution.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana (Mr. Baucus).

Mr. BAKER. I thank the Chair.

Mr. President, it is my hope that at some time today or tomorrow we will be able to negotiate an agreement for an arrangement to temporarily lay aside the pending measure and proceed to the consideration of the Hatch amendment to the Constitution under a time agreement.

I think the parties are negotiating in good faith. I think it is not possible to get that agreement today.

I will examine that situation again tomorrow to see what the prospects are.

For the remainder of this day I anticipate that we will be on the debt limit bill and the pending question of the Baucus amendment as and until that matter is disposed of.

I remind Members of the Senate that under the order previously entered there will be a vote on cloture against further debate on the Helms second degree amendment to occur at 2 p.m. tomorrow.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, if I may ask the majority leader a quick

question, what time would the majority leader envision he wishes to go out tonight?

Mr. BAKER. Mr. President, it is, of course, up to the managers of the bill and the manager of the pending question, but it would not be my expectation that we would be in very late today. There is a cloture vote tomorrow, and I do not see any particular reason to keep the Senate in late. I would anticipate something in the range of 5 p.m.

Mr. PACKWOOD. I thank the majority leader.

Mr. President, I ask unanimous consent that I may yield to the Senator from Montana (Mr. BAUCUS) for the purpose of debate only without losing my right to the floor and without this being considered the end of one speech for the purpose of the two-speech rule; and I further ask unanimous consent to be allowed to be seated during the period of time to be required by the Senator from Montana, Senator Baucus, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Montana.

AMENDMENT NO. 2040

Mr. BAUCUS. Mr. President, I thank the Chair and I also thank the Senator from Oregon for his industrious and persevering efforts with regard to the pending question as well as the pending business.

Mr. President, at an earlier stage I outlined some of the reasons why I am very much opposed to these court-stripping amendments that are introduced in the Congress in various forms. There are some 34 court-stripping amendments introduced in various bills, and certainly the amendments offered by the Senator from North Carolina (Mr. HELMS) are court-stripping amendments, one to a greater degree than the other.

The amendment which would limit Supreme Court review of school prayer certainly is court-stripping in its purest form. The provisions of the other amendment offered by the Senator from North Carolina are of a court-stripping nature but not of the same pure form as the amendment offered with respect to the school prayer bill.

In an earlier time I outlined some of the reasons why I think it would be a tragedy for this body, for the Congress, to adopt these kinds of amendments, and at this point, Mr. President, I would like to summarize and conclude some remarks to those earlier statements I made.

Mr. President, the Helms amendment I think presents the Senate with—I said tragedy, and I think that is the word—also an overwhelming constitutional concern. The impact of this amendment on our judicial system

and on Congress I think has been grossly underestimated, certainly by those who are proponents of the amendment. Although this body voted favorably on this language 3 years ago, I now ask that each and every Member reconsider his vote because it is my firm view when this body voted earlier it did not focus on the court-stripping aspects of the amendment, and had this body done so the result would have been much different.

In the time that has elapsed since the vote on the Helms amendment, public awareness and interest in these matters, I think, have very much increased. In August of 1981 the house of delegates of the American Bar Association, for example, overwhelmingly approved a resolution opposing the "legislative curtailment of the jurisdiction of the Supreme Court of the United States or the inferior Federal courts for the purpose of effecting changes in constitutional law." Let me repeat. That was in August of 1981. The house of delegates of the American Bar Association overwhelmingly approved a resolution opposing the "legislative curtailment of the jurisdiction of the Supreme Court of the United States or the inferior Federal courts for the purpose of effecting changes in constitutional law."

I think that is significant that the lawyers of America, men and women who understand our constitutional process, our legal process, are overwhelmingly against this kind of approach to attempt to change Federal constitutional law.

Since then the leadership of the organized bar has repeatedly spoken out and testified against the jurisdiction-removal proposals. The president of the ADA has described the court-stripping bills as posing "a possible constitutional crisis that could prove the most serious since the Civil War." Let me repeat that, this is the president of the ABA, American Bar Association, speaking. He said these court-stripping bills posed "a possible constitutional crisis that could prove the most serious since the Civil War."

The American College of Trial Lawyers has gone on record in opposition to the jurisdiction bills. They state:

The doors of the Federal courts must remain open to litigants whose claims arise out of the Federal Constitution. This issue should not divide conservatives and liberals or Democrats and Republicans, nor should it divide those who support or disagree with one or another constitutional decision of the Supreme Court.

Those are the trial lawyers in addition to the American Bar Association. In fact, opposition to the court-stripping bills has been bipartisan and has crossed ideological lines. The Senator from Arizona, the senior Senator from Arizona, has recently spoken out eloquently against the jurisdiction-removal bills. Senator GOLDWATER has observed:

I am strongly opposed to the breakup of neighborhood schools. I think the unborn baby is entitled to some protection. And I believe school children should be allowed a few moments of voluntary prayer. In my view, the Supreme Court has erred. But we should not meet judicial excesses with legislative excesses.

This is still the senior Senator from Arizona speaking.

What particularly troubles me about trying to override constitutional decisions of the Supreme Court by a simple bill is that I see no limit to the practice.

There is no clear and coherent standard to define why we shall control the Court in one area but not another. The only criteria seem to be that whenever a momentary majority can be brought together in disagreement with a judicial action it is fitting to control the Federal courts. Whether or not Congress possesses the power of curbing judicial authority, we should not invoke it. As sure as the sun will rise over the Arizona desert the precedent will return to oppress those who would weaken the courts. If there is no independent tribunal to check legislative or executive action, all of the written guarantees of rights in the world would amount to nothing.

As I mentioned, this issue should not divide Republicans and Democrats and should not divide liberals and conservatives. We should be unanimous and, as pointed out by the Senator from Arizona, if there is no independent tribunal to check legislative or executive action, all the written guarantees of rights in the world will amount to absolutely nothing.

Unfortunately, the momentary majorities that Senator GOLDWATER speaks of are proceeding to exert enormous pressure on Congress. Certain constituencies are continuing to pursue the legislative end runs of the Constitution.

While the proponents of this amendment may represent a formidable political force, the Nation has previously faced and withstood challenges to the independence of the Federal judiciary. One such challenge occurred in 1937 when President Roosevelt proposed to increase the size of the Supreme Court. He felt that a series of Supreme Court decisions threatened the success of his national recovery program, and by proposing to alter the Court's composition he hoped to force the Court to uphold the constitutionality of his economic plan.

The people in Congress resoundingly defeated the Roosevelt plan. The court-packing plan was seen for what it was, a significant threat to the independence of the judicial branch.

As we now consider this amendment, we should keep in mind the wise words of those who successfully defended the Supreme Court in 1938. One such Senator was Senator Burton K. Wheeler from my own State of Montana, who delivered this warning which applies with equal force today. I quote Senator Wheeler:

So I say it is morally wrong to do by indirection what cannot be done by direction. It is morally wrong to change the Constitution by coercive interpretation. Of course, Mr. President, there have been abuses in the court. I have been one who disagreed with them and I expect to disagree with them again. But I am unwilling on the basis of some specious argument or some subterfuge that denies the spirit of the Constitution to participate in setting one of the most dangerous precedents that has ever been conceived by this Congress or by any other.

I urge my colleagues to consider those wise words because I think they applied with tremendous force then in 1937 and they apply with equal force today. I urge my colleagues to oppose these court-stripping amendments that are pending before us today.

Mr. President, let me go through now a set of questions that are often asked concerning the court-stripping amendments offered in the main by the Senator from North Carolina, go through some of the questions and then attempt to answer them as best I possibly can.

The first question that is often asked is this: How does the Helms court-stripping amendment alter existing law?

Under current law, the U.S. district courts have jurisdiction to determine whether State or Federal courts violate any rights secured by the U.S. Constitution. In addition, the U.S. Supreme Court has jurisdiction to review any decision of a State or Federal court construing the U.S. Constitution.

The Helms amendment would alter existing law by precluding the U.S. district courts and the U.S. Supreme Court from considering whether State enforcement of any State law "which relates to voluntary prayers in public schools and public buildings" violates any provision of the U.S. Constitution or other Federal law. It would preclude the courts from considering any of those actions.

Question: Does the Helms amendment change the law regarding prayer in schools and other public buildings?

Answer: No. The bill only restricts the jurisdiction of the Federal courts. It does not alter the constitutional law governing the permissibility of prayer in public buildings.

Question: What is the legislative objective in support of eliminating Federal jurisdiction over cases pertaining to school prayer?

Answer: Some legislators disagree with decisions of the U.S. Supreme Court interpreting the first amendment to limit prayer in public schools. The sponsors of this amendment view the bill as one means of undermining those Supreme Court rulings by providing the State courts an opportunity to circumvent the Supreme Court and to permit prayer in the schools under circumstances where the U.S. Supreme Court has found it to be prohibited by the Constitution.

Let me emphasize one key point in that last question and answer. The question again: What is the legislative objective in support of eliminating Federal jurisdiction over cases pertaining to school prayer?

As I explained in the answer, essentially it is because some legislators disagree with decisions of the Supreme Court and they are attempting to, by legislation, undermine Supreme Court rulings. But in so doing, if we pass these court-stripping bills, we provide the State courts an opportunity to circumvent the Supreme Court and circumvent the Constitution.

What does that mean? That means we could have 50 separate decisions by 50 separate Supreme Courts interpreting the Federal Constitution and with no review by the U.S. Supreme Court or other Federal courts. Think of that. Fifty separate decisions interpreting Federal constitutional provisions. Where does it lead? Not only to school prayer, but free speech, freedom of press, freedom of religion, the right against self incrimination, the right to bear arms—you name it.

In my view, Mr. President, if that were to happen, we would not have a Confederacy. We would have 50 separate nations. We would have 50 separate jurisdictions fairly soon, very quickly at war with each other. And our national motto of *e pluribus unum* would be without the *unum*. It would be all *pluribus*. And I think that is not the direction we want to go in.

Another question that is asked: Would the Helms amendment accomplish that objective? The objective being overturning the Supreme Court decisions particularly with respect to school prayer.

The answer is, probably not. First, that objective could only be accomplished if State court judges are willing to violate their oath of office by refusing to enforce the U.S. Constitution, as interpreted by the U.S. Supreme Court in cases already decided. A critical point. The Helms objective would only be accomplished, if the statute passes, if State supreme courts violate their oath of office to uphold the U.S. Constitution by interpreting the Constitution in a way contrary to the last decisions by the U.S. Supreme Court on that issue. That is the only way that the Helms objective, ultimate objective, could be accomplished.

Second, there is no assurance that all States, for all time, would use this immunity from Federal judicial review to expand, rather than to restrict, the opportunity for prayer in public places.

Think of that. State supreme courts could restrict, they will not necessarily expand upon the latest decisions by the U.S. Supreme Court, which would not, by the statute, have authority to review those State supreme court decisions.

The Helms amendment would, for example, preclude Federal courts from invalidating a State law prohibiting individuals from participating in prayer in a public building under circumstances where the U.S. Supreme Court would have held that the law represented an unconstitutional infringement of the individual's first amendment rights to engage in the free exercise of religion.

Another question often asked: Does Congress have the power to enact the Helms amendment?

The answer is, No. Although Congress does have some power to regulate the jurisdiction of the U.S. Supreme Court, the Supreme Court has held that Congress cannot constitutionally use this power for the purpose of undermining the finality of Supreme Court decisions with which the Congress disagrees. There are various precedents, various opportunities, various times when the Court has spoken on this issue. One is the *United States against Klein* in 1872. And in the *United States against O'Grady* in 1875, the Court found that there is only one Supreme Court and "it is quite clear that Congress cannot subject the judgments of the Supreme Court to reexamination and revision of any other tribunal or any other department of the Government." Yet the only objective of the Helms amendment is to subject the judgments of the U.S. Supreme Court to review under a provision by other State tribunals.

As Justice Rehnquist recently stated: "It is not the province of Congress to judge the persuasiveness of the opinions of Federal courts—that is the judiciary's province alone." That was in *United States against Sioux Nation*, a 1980 case.

The American Bar Association have also adopted a resolution asserting its position that the Congress does not have constitutional authority to enact the Helms amendment.

The Constitution does provide Congress with the means to initiate a change in the constitutional school prayer doctrine—it very much does—not by the usurpation of judicial power, but by the amendment process established in article V of the Constitution. That is the only power which this Congress can constitutionally exercise to achieve the legislative objective advanced by the pending amendment.

To repeat, the only power that our forefathers and the framers provided to amend the Constitution or to overturn the Supreme Court decisions is through the constitutional amendment process.

Mr. President, we are not here today to debate whether to amend the Constitution. We are debating today only with respect to the court-stripping amendments that are now pending

whether, by statute, to prohibit the Supreme Court from reviewing certain Federal constitutional questions.

Another question asked is: Is there any congressional precedent for removal of jurisdiction to review the constitutionality of State action?

The answer, again, is no. In the past, when Congress has disagreed with the wisdom of Supreme Court interpretations of the Constitution, Congress has initiated a change in the law by proposing a constitutional amendment. When legislators have attempted to short circuit the constitutionally established amendment process by proposing the removal of Federal jurisdiction, the Congress has adhered to its long and respected tradition of separation of powers and rejected these measures.

Another question is this: Are the issues removed from Federal court review by the Helms amendment limited to those concerning the scope of allowable prayer in public places?

Again, the answer is, no. The bill—and this is important—precludes review of any State action enforcing a law which "relates to voluntary prayer in public schools and public buildings." Thus the Federal courts would be precluded from a whole range of due process, equal protection, and other constitutional issues. For example, if a State enacted a statute allowing a school to fine and dismiss, without notice or any opportunity for a hearing, any teacher who allegedly failed to allow voluntary prayer in a classroom, the Federal courts would be precluded from determining not only whether the statute satisfied the first amendment, but also whether it satisfied due process. Nor could the Federal courts determine whether a black teacher allegedly fired on the basis of such a statute was in fact fired on the basis of race, in violation of the 14th amendment or the civil rights laws. A statute allowing Christians but not Jews to recite prayers in class would also not be subject to challenge in Federal court.

Another question sometimes asked with respect to the pending measure:

Would the removal of jurisdiction over school prayer cases under the Helms amendment impair the uniform administration of law in the State and Federal courts?

The obvious answer is yes. By removing Supreme Court jurisdiction, 51 different courts will have the final authority to interpret the Federal Constitution as it applies to prayer in public buildings. Thus despite a Federal Constitution granting rights equally to all the people of the United States, residents of Texas may not enjoy the same Federal constitutional rights as residents of New York, or vice versa. Just as the State courts should have final authority to interpret the State constitution, the Federal courts

should have final authority to construe the Federal Constitution.

As a result of the Helms amendment the first amendment would also be applied differentially to State and Federal action. The constitutionality of prayer in Federal buildings and enclaves would be measured by the standards established by the Federal courts. The constitutionality of State laws would be measured by the standards established by that State.

The removal of Federal court jurisdiction is also a direct challenge to the independence of the judiciary's constitutional authority to render interpretations of the Supreme Court binding on the other branches of Government. Passage of the Helms amendment would represent an assertion by Congress that it does not feel bound by the decisions of the Supreme Court—an assertion which threatens our system of governance.

Mr. President, I think it would be appropriate now to enter into the RECORD a comment on a letter written by former officials of the Department of Justice in opposition to the Helms court-stripping proposal. I might note that while S. 481 is not exactly word for word identical it is virtually identical to the amendment before us.

This letter is addressed to Hon. GEORGE BUSH, President of the U.S. Senate, Vice President of the United States. It is also addressed to Hon. HOWARD BAKER, the majority leader of the U.S. Senate, as well as to Hon. ROBERT C. BYRD, minority leader, U.S. Senate; Hon. STROM THURMOND, chairman of the Committee on the Judiciary, and Hon. JOSEPH BIDEN, the ranking minority member of the Committee on the Judiciary.

SIRS: As former officials of the United States Department of Justice, we are deeply concerned that the judicial system in the United States would be improperly and needlessly impaired by passage of S. 481, which would eliminate all federal court jurisdiction to determine the constitutionality of state laws relating to voluntary prayer in public schools and buildings. Before voting on S. 481, we urge you to consider the reasons why Congress has never before pursued such a legislative course.

As I said, S. 481 is virtually identical to the pending amendment by the Senator from North Carolina as it applies to school prayer.

Continuing on with the letter:

The Supreme Court of the United States was vested with the authority to render constitutional interpretations binding on the Congress, the Executive Branch and the fifty states. If the Members of Congress disagree with the wisdom of the Supreme Court's construction of any constitutional provision, such as the terms of the First Amendment governing the establishment and free exercise of religion, Article V of the Constitution provides Congress with the means to initiate a change in the law by amendment. To circumvent Article V by withdrawing all federal court jurisdiction would undermine the separate roles of Con-

gress and the judiciary and destroy the uniform interpretation of federal constitutional rights in the fifty states.

We may differ among ourselves as the correctness of the Supreme Court's decisions concerning school prayer, but we are unanimous in our judgment that S. 481 is unconstitutional. We therefore urge you to oppose S. 481.

Very truly yours,

BENJAMIN R. CIVILETTI.

ERWIN N. GRISWOLD.

CARLA A. HILLS.

NICHOLAS DEB.

KATZENBACH.

ELLIOT L. RICHARDSON.

HAROLD R. TYLER, JR.

I would now like to read a letter from Prof. Jesse Choper, now dean of Boalt Law School, University of California at Berkeley, concerning the constitutionality and wisdom of the Helms school prayer amendment. This letter is addressed to me, dated August 11, 1981.

DEAR SENATOR BAUCUS: I have your letter of July 27 concerning S. 481. Let me respond, albeit briefly, to the questions you put:

1. I profess no expertise as to whether, as a matter of original intent, the Fourteenth Amendment was meant to apply the Bill of Rights to the States.

2. Even if the Fourteenth Amendment was not intended to "incorporate" the Bill of Rights, the school prayer decisions are not "unconstitutional" because even those Justices like John M. Harlan—who argued vigorously that the Fourteenth Amendment did not apply the Bill of Rights to the States—believed that prayer and bible reading in the public schools violated the "fundamental fairness" guaranteed by the Due Process Clause of the Fourteenth Amendment. (Indeed, although Justice Frankfurter did not participate in the school prayer decisions, I am confident from his other relevant opinions that he agreed with the school prayer decisions despite his strongly stated opposition to the "incorporation" theory.)

3. Even if the school prayer decisions are "unconstitutional", I do not believe that Congress' proper course of action is to remove the Court's jurisdiction. In my view, if Congress disagrees with the Court's decisions, the honored remedy is a constitutional amendment.

4. The Supreme Court's decisions on the question of removing Supreme Court jurisdiction over an issue like school prayer are few and opaque. Therefore, there is no authoritative answer to your question. My personal view is that S. 481 would itself violate the First Amendment guarantees of religious freedom.

5. As I have indicated in my responses to questions 3 and 4 above, I think that it is not advisable, as a matter of public policy, for Congress to remove Supreme Court jurisdiction over constitutional issues generally or over the school prayer issue specifically.

One final point. S. 481 talks about "voluntary prayers in public schools." As I have argued at length elsewhere—in Volume 47 of the Minnesota Law Review—I do not believe that prayer and bible reading in public schools can be voluntary.

Please let me know if I can be of any service.

Sincerely,

JESSE CHOPER,
Professor of Law.

Mr. President, I would now like to read a letter from law professor Louis Henkin, of Columbia University Law School, again on the constitutionality and wisdom of the Helms school prayer amendment. It is dated September 3, 1981.

DEAR SENATOR BAUCUS: I respond to the several questions in your letter of July 27 about S. 481.

1. It is intrinsic to our constitutional system that the Supreme Court is the final arbiter of what the Constitution means. The Supreme Court's decisions in the "school prayer cases" are not and cannot be unconstitutional.

2. Congressional disagreement with a constitutional interpretation by the Supreme Court on a particular issue is not in my view a sufficient cause for removing the Court's jurisdiction of cases involving that issue.

3. Whether Congress has the constitutional authority to remove the Supreme Court's jurisdiction of cases involving issues like school prayer has been sharply debated. Only the Supreme Court can decide that question authoritatively. But whatever the authority of Congress in theory, I am firmly convinced that for Congress to attempt it would not achieve the purposes of the authors and would do grave damage to our constitutional system. I am unalterably opposed to S. 481 and similar bills.

Sincerely yours,

LOUIS HENKIN.

Now, Mr. President, I would like to read an excerpt from another letter I have received. This is a letter from Prof. Thomas Emerson, of Yale University Law School, again concerning the constitutionality and the wisdom of the Helms' court-stripping amendment.

Quoting from Professor Emerson's letter dated August 28, 1981:

1. There is a long-standing dispute as to whether the 14th Amendment was, as an original matter, intended to apply the Bill of Rights to the States. The issue is now, however, a purely academic one. For many years it has been settled through Supreme Court decisions that, with one minor exception, the Bill of Rights does apply to the States. The obligation of the States to observe the protections embodied in the First Amendment, including the prohibition against government establishment of religion, has been accepted law for over 50 years. Any reversal or modification of this basic constitutional doctrine would require an amendment to the Constitution and would amount to a revolutionary departure from our traditional structure of government.

2. Even if the 14th Amendment was not intended "to incorporate the Bill of Rights" the Supreme Court would probably have reached the same result by holding that freedom from government establishment of religion was a "privilege or immunity" of citizens of the United States and not subject to "abridgment" by the States under the 14th Amendment. Or possibly it would have come to the same conclusion under the due process clause of the 14th Amendment. The right to freedom of religion was a major factor in the settlement of the American

colonies and remained a fundamental tenet of American constitutional faith.

3. The fact that Congress, the President, or others believe that the Supreme Court decisions in the school prayer cases are "unconstitutional", or wrongly decided, is not cause for Congress to remove the jurisdiction of the courts from that area. The appropriate remedy is a constitutional amendment. Any attempt to achieve a constitutional amendment by manipulating the jurisdiction of the Supreme Court or the lower courts, amounts to an overruling of the principle, established since *Marbury v. Madison* in 1803, that the ultimate decision on matters of constitutional law is entrusted to the courts, not to the legislature. In other words any such action by Congress would destroy the entire structure of judicial review upon which maintenance of our constitutional rights so largely depends.

Mr. President, I think that is an important point. Let me repeat it because I think Professor Emerson states it as well and succinctly as anyone can. I am quoting now from the letter dated August 28 from Professor Emerson of the Yale Law School to me.

3. The fact that Congress, the President, or others believe that the Supreme Court decisions in the school prayer cases are "unconstitutional", or wrongly decided, is not cause for Congress to remove the jurisdiction of the courts from that area. The appropriate remedy is a constitutional amendment. Any attempt to achieve a constitutional amendment by manipulating the jurisdiction of the Supreme Court or the lower courts, amounts to an overruling of the principle, established since *Marbury v. Madison* in 1803, that the ultimate decision on matters of constitutional law is entrusted to the courts, not to the legislature. In other words any such action by Congress would destroy the entire structure of judicial review upon which maintenance of our constitutional rights so largely depends.

To continue with the letter:

4. Congress does not have the authority to remove the jurisdiction of the Supreme Court over an issue like school prayer. The power of Congress under Article III, Section 2 of the Constitution to make "exceptions" to, or issue "regulations" regarding, the appellate jurisdiction of the Supreme Court was intended to apply to minor, mostly house-keeping or procedural, matters. It was not designed to allow Congress to emasculate the function of the Supreme Court by withdrawing jurisdiction in any area where a majority of Congress disagreed with a Supreme Court decision. There is nothing in the Supreme Court cases, including *Ex Parte McCord*, which suggests the contrary.

Let me repeat that point, Mr. President, because it addresses a point which is often being raised, that Congress, under the exceptions clause, does have the authority to remove Court jurisdiction.

4. Congress does not have the authority to remove the jurisdiction of the Supreme Court over an issue like school prayer. The power of Congress under Article III, Section 2 of the Constitution to make "exceptions" to, or issue "regulations" regarding, the appellate jurisdiction of the Supreme Court was intended to apply to minor, mostly house-keeping or procedural, matters. It was

not designed to allow Congress to emasculate the function of the Supreme Court by withdrawing jurisdiction in any area where a majority of Congress disagreed with a Supreme Court decision. There is nothing in the Supreme Court cases, including *Ex Parte McCord*, which suggests the contrary.

Mr. President, that is an important point. It is an apparent point, an obvious point. If the framers intended Congress to have the right, through the exceptions clause, to remove, willy-nilly, by a bare civil majority vote, Supreme Court jurisdiction on any Federal constitutional issue, then the framers would necessarily want Congress to have the power to eliminate the Supreme Court and, at the same time, eliminate the Constitution. If the framers wanted Congress, through the exceptions clause, to have the power by a simple civil majority to prohibit Supreme Court review of any constitutional right—remember, now, we are talking about Federal constitutional rights, the Bill of Rights, for example—then the framers intended necessarily for Congress to have the constitutional authority to limit Supreme Court review over any constitutional issue and therefore eliminate the Constitution and eliminate one branch of our three branches of Government. In effect, what we would be doing is going back to the lack of rule of law that our Founding Fathers tried to get away from when they came to our country.

That is, they came to our country to avoid religious persecution, to avoid the tyranny of the monarchies of various European countries. That is why our Founding Fathers wrote a Constitution of Federal rights, so the whims of Government could not override basic Federal guarantees. If the framers, by the exceptions clause, did not intend regular procedural or house-keeping matters, those matters given to the authorities of the Congress, but rather, the Founding Fathers wanted Congress willy-nilly, through the exceptions clause, to eliminate Supreme Court appellate jurisdiction, then, necessarily, the Founding Fathers intended Congress as a matter of constitutional right to pass legislation removing limitations over any right and therefore eliminate the Supreme Court jurisdiction over procedural questions. I do not think that is what the Founding Fathers had in mind.

Continuing the letter from Professor Emerson:

5. Even if Congress had the authority to deprive the Supreme Court and other Federal courts of power to decide constitutional questions it would be reckless and irresponsible for Congress to do so. Our constitutional system has long operated under the principle that the maintenance of our system of individual rights rests in crucial part upon the power of the courts—stitutions somewhat removed from the clashes of partisan politics—to guarantee adherence to

the Bill of Rights, including the right to freedom of religion. Abandonment of this structure would be a constitutional catastrophe.

The concluding paragraph of Professor Emerson states as follows:

I have not attempted to buttress the foregoing statements by reference to court decisions, legal treatises, or similar materials because the propositions set forth are so elementary. I am sure they represent the views of the overwhelming majority of constitutional scholars. And I hope they will not be lost sight of or obscured in a maze of legal technicalities.

Again, Mr. President, the view of one man and one man only, Professor Emerson of Yale. He says that he has not buttressed his foregoing statements by references to court decisions, legal treatises or similar materials because the propositions set forth are so elementary.

I might add, Mr. President, that sometimes in this body, because we are caught up too often in such detail, overwhelmed in many cases with trivia, it is easy for us to not see the forest for the trees. Too often we see only the trees and not the elementary provisions that are so obvious to all of us if we stand back a few steps and ask what we are doing, particularly if we adopt the pending amendments.

(Mr. GORTON assumed the chair.)

Mr. BAUCUS. Mr. President, I should now like to read excerpts of a letter from another law professor—this is Prof. Eugene Gressman of the University of North Carolina at Chapel Hill School of Law—concerning the constitutionality and wisdom of the court-stripping bills before us. Professor Gressman of the University of North Carolina is a noted expert on the Supreme Court.

This is a letter dated January 26 of this year to me:

DEAR SENATOR: I regret that my involvement in preparing for the imminent Supreme Court argument in the *Chadha* "one-House veto" case, wherein I represent the House of Representatives, has prevented an earlier response to your August 12 letter. In that letter, you put forth five questions that your subcommittee will be examining in forthcoming hearings on S. 481, which would strip the Supreme Court and the lower Federal courts of jurisdiction over any case which relates to voluntary prayers in public schools and public buildings.

I preface my answers to these questions with the remark that in recent weeks I have had occasion to review the entire problem of congressional power to revise and remove certain aspects of article III judicial power from the jurisdictional ambitions of the Supreme Court and the lower Federal courts. The occasion has been thorough discussions of these matters in my courses in Constitutional Law and Federal Jurisdiction. And I am sure you are aware of the recent analysis of these jurisdictional problems by Professor Sager in last November's issue of the Harvard Law Review, "Foreword: Constitutional Limitations on Congress' Authority to Regulate the Jurisdiction of the Federal Courts," 95 Harv. L. Rev. 17 (1981). I would say that I am in thorough agreement with

Professor Sager's analysis, and with his conclusion (p. 89).

Professor Gressman now quotes Professor Sager, and I read that excerpt:

Adoption of any of the bills that are part of the proposed assault on the federal judiciary would set a dangerous and tawdry precedent by sabotaging the integrity of the judicial process. The Constitution neither empowers Congress to enact legislation of this sort, nor prevents the Supreme Court from acting to restore the balance of governmental authority. But one must hope that constraints of conscience will make those of the Constitution unnecessary. . . . But these bills propose a gross breach of the institutional premises by which we have chosen to govern ourselves, and no legislator should succumb to their temptation.

I am now reading from the letter from Professor Gressman. The last quotation was from Professor Sager by Professor Gressman. This is now Professor Gressman in a letter to me dated January 26 of this year:

If the school prayer decisions are unconstitutional, isn't that sufficient cause for the Congress to remove the Supreme Court's jurisdiction from that area?

Mr. President, that is the question that I posed to Mr. Gressman. The question is again, "If the school prayer decisions are unconstitutional, is that not sufficient cause for the Congress to remove the Court's jurisdiction from that area?" Logical question. This is Professor Gressman's response:

No. As I have explained above, no decision of the Supreme Court can be considered unconstitutional, unless the Court is somehow acting beyond the scope of its vested judicial power. Whether outsiders agree or disagree with the Court's interpretation of the Constitution, the decision itself must be deemed constitutional. Under the basic theory of the Court's role in the interpretation and application of the Constitution, the Constitution has to mean what the Supreme Court declares it to mean. Thus a decision interpreting the Constitution as applied to public school prayers cannot be considered unconstitutional. Nor can it serve as "sufficient cause" to remove the Court's jurisdiction from that area.

This is the fourth question that I posed to various law professors around the country. The question is, Does the Congress have the constitutional authority to remove Supreme Court jurisdiction over an issue like school prayer? Professor Gressman's response:

No, absolutely not. This question and answer, I know, are very controversial, and to explore all aspects of the problem would fill a fat volume. I content myself in this letter to a reference to the one Supreme Court decision that I believe makes a definitive negative answer to the question put. That decision is *United States v. Klein*, 13 Wall. (80 U.S.) 128 (1871).

In the *Klein* case, Congress sought to remove the jurisdiction of the Supreme Court over a certain kind of case arising out of the Court of Claims. It did so in purported reliance on the power of Congress in Section 2 of Article III to make "such Exceptions" to the Supreme Court's appellate jurisdiction "as the Congress shall make." The

Court invalidated this attempt to strip the Court of the designated appellate jurisdiction. The reason why the Court invalidated this purported "Exception" is what is now critically important.

The kind of case that Congress sought to exclude from the appellate jurisdiction involved suits to recover property confiscated by the Government "in insurrectionary districts" wherein the claimant introduced into evidence a Presidential pardon as to any rebellious actions; upon such proof of a pardon or amnesty, the claimant was entitled to recover his seized property. The Supreme Court had earlier held that proof of such a pardon would entitle the claimant to relief—a decision with which the Congress apparently disagreed. Thereafter, Congress expressed its displeasure with the earlier decision by providing that:

"* * * in all cases where judgment shall have been heretofore rendered in the Court of Claims in favor of any claimant [wherein proof of loyalty was shown in the form of a Presidential pardon], the Supreme Court shall, on appeal, have no further jurisdiction of the cause, and shall dismiss the same for want of jurisdiction." 16 Stat. 235.

That was the attempted legislative action in response to the Court's action.

The Court was unanimous in its determination that such an appellate jurisdiction "Exception" was impermissible. It did so after acknowledging that if the statute had "simply denied the right of appeal in a particular class of cases," it would be "our duty to give it effect" for there "could be no doubt that it must be regarded as an exercise of the power of Congress to make such exceptions from the appellate jurisdiction" as should seem to it expedient." 13 Wall. at 145.

But, said the Court, this statute did something more than create an "Exception" to its appellate jurisdiction. The statutory language, said the Court, "shows plainly that it does not intend to withhold appellate jurisdiction *except as a means to an end*." 13 Wall. at 145 (emphasis added). The impermissible end, the "great and controlling purpose is to deny to pardons granted by the President the effect which this court has adjudged them to have." *id.* The Court having earlier determined that pardons were to be taken as "equivalent to proof of loyalty," it follow that:

"* * * the denial of jurisdiction to this court, as well as to the Court of Claims, is founded solely on the application of a rule of decision, in causes pending, prescribed by Congress. The court has jurisdiction of the cause to a given point; but when it ascertains that a certain state of things exists, its jurisdiction is to cease and it is required to dismiss the cause for want of jurisdiction.

"It seems to us that is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power.

"We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power . . . Congress has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the government and favorable to the suitor? This question

seems to us to answer itself." 13 Wall. at 146-147 (emphasis added).

In other words, Congress was found to have had two unconstitutional objectives in mind in passing this "Exception" statute: (1) an interference with the judicial function of deciding a particular kind of case or controversy in a particular way; and (2) an impairment of the constitutional power of the Executive to grant pardons and to have them respected by the judiciary. Such impermissible purposes drained the statute of its claim to be a mere "Exception" to the appellate jurisdiction of the Court. Congress, in short, cannot seek unconstitutional ends under the guise of creating an exception to the Court's appellate jurisdiction.

It seems to me that the *Klein* decision and rationale constitute a complete negative answer to your Question 4.

I repeat Question 4:

Does the Congress have the constitutional authority to remove Supreme Court jurisdiction over an issue like school prayer?

Again, Professor Gressman says:

It seems to me that the *Klein* decision and rationale constitute a complete negative answer to your Question 4.

The effort in S. 481 to make an exception to the Court's appellate jurisdiction stems from disagreement with the Court's earlier decisions in *Engel V. Vitale*, 370 U.S. 421 (1962), and *Abington School District v. Schempp*, 374 U.S. 203 (1963), invalidating state requirements respecting prayers and Bible readings in public schools. In like fashion, the jurisdictional legislation in the *Klein* case stemmed from Congressional disagreement with an earlier Supreme Court decision declaring that a Presidential pardon was the equivalent of proof of loyalty.

When Congress expresses its disagreement with some Supreme Court decision by attempting to withdraw the Court's appellate jurisdiction over the subject matter of the disputed decision, the attempt seems to spawn a host of constitutional roadblocks. In *Klein*, once the effort was stripped of its "Exception" veneer, the Court found that the legislation was really aimed at invading the judicial decision-making function, as well as the Executive's vested pardoning power. In the case of S. 481, I suggest that the proposed "Exception" would run afoul of (1) the essential Supreme Court function of enforcing constitutional rights found to adhere to the school prayer situation; (2) the essential Supreme Court function of enforcing such rights on a nationally uniform basis, achieved through appellate review of the various state court decisions that deal with school prayers; and (3) the established constitutional rights of parents and children who wish not to participate in state sanctioned school prayers.

In sum, I suggest that an effort to withhold appellate jurisdiction "as a means to an end," 13 Wall. at 145, an end beyond that of controlling that jurisdiction in traditional ways, inevitably loses its status as an exercise of Congressional power to make exceptions to this jurisdiction. Put differently, legislation designed to make such an "Exception" is just as much subject to other provisions and limitations embedded in the Constitution as is any other kind of legislation. And with the *Klein* precedent in hand, the Supreme Court can be expected to peer through the patent "Exception" facade of S. 481 and to assess its constitutionality on the basis of the real ends sought to be achieved.

If the Supreme Court were to attempt to answer your Question 4, I suspect it would answer as it did in *Klein*: "This question seems to us to answer itself." 13 Wall. at 147.

The fifth question posed to various law professors around the country is as follows:

Even if the Congress has such authority, as a matter of public policy is it advisable for the Congress to remove Supreme Court jurisdiction over constitutional issues generally or over the school prayer issue specifically?

This is Professor Gressman's response to that question:

It is certainly not advisable as a matter of public policy. I would assume that it is a matter of public policy to continue to have a constitutional form of government, with the Supreme Court performing the essential role of ultimate arbiter of the meaning and application of the Constitution. That at least was the policy laid down by the Framers and articulated by John Marshall. I see no reason to tear apart the very fabric of this great document by withdrawing the Court's appellate power to make the Constitution workable, uniform and sensitive to ever-changing public issues and concerns.

If one starts tinkering with the Court's appellate jurisdiction merely to express disagreement with a particular kind of decision, the way is open, the precedent is established, for a wholesale disestablishment of constitutional rights and privileges. Freedom would then become a synonym for what current statehouse majorities are disposed to recognize.

I would be happy to expand on these notions before your subcommittee, should you deem that appropriate.

Sincerely,

EUGENE GRESSMAN,
WILLIAM RAND KENAN,

Professor of Law, Chapel Hill, N.C.

Mr. President, at this point I should like to read into the RECORD a portion of a letter from Harvard law professor Archibald Cox, concerning the constitutionality and wisdom of the Helms court-stripping amendment. This is a letter from Professor Cox to me, dated August of last year, and I will read portions of that letter which are applicable. I begin with the third question I posed to Professor Cox:

3. If the school prayer decisions are unconstitutional, isn't that sufficient cause for the Congress to remove the Court's jurisdiction from that area?

This is the response of Professor Cox:

The assumption we are asked to make in this question is either unqualifiedly false or ambiguous. The Supreme Court of the United States has final authority to interpret the Constitution; therefore, its interpretations cannot be "unconstitutional" in any legal sense.

If we are being asked to assume that we think the school prayer decisions are inconsistent with what we think to be a "correct" interpretation of the Constitution—or with what the Congress thinks to be a "correct" interpretation—then the answer is that those suppositions are not sufficient cause for Congress to remove the Court's jurisdiction. The very purpose of the Constitution was to put its provisions and interpretation

beyond the control of congressional majorities.

Mr. President, I think that states it very simply. To repeat:

The very purpose of the Constitution was to put its provisions and interpretations beyond the control of congressional majorities.

Question No. 4 that I asked Professor Cox, as well as all the other law professors to whom we wrote, is this:

4. Does the Congress have the constitutional authority to remove Supreme Court jurisdiction over an issue like school prayer?

The answer of Professor Cox is as follows:

It is impossible to give a categorical answer to this question, except as a statement of professional opinion. No precedents provide an authoritative answer one way or the other. It is my considered opinion that the so-called "exceptions clause" does not permit Congress to remove all federal court jurisdiction over a class of cases defined in terms of the constitutional right asserted, such as freedom of speech or the establishment of religion.

To repeat:

It is my considered opinion that the so-called "exceptions clause" does not permit Congress to remove all Federal court jurisdiction over a class of cases defined in terms of the constitutional right asserted, such as freedom of speech or the establishment of religion.

Question No. 5:

Even if the Congress has such authority, as a matter of public policy is it advisable for the Congress to remove Supreme Court jurisdiction over constitutional issues generally or over the school prayer issue specifically?

The answer of Professor Cox:

I believe that the removal of jurisdiction would be a radical and unprincipled change in our form of government. Reasons are stated in testimony given last spring.

To repeat:

I believe that the removal of jurisdiction would be a radical and unprincipled change in our form of government.

I conclude reading from Professor Cox's letter:

I shall be glad to have you call upon me in the future if more hearings are scheduled.

With personal regards,

Sincerely,

ARCHIBALD COX.

Mr. President, at this point I have another letter, and we have lots of letters because, as has been stated, in the opinion of the legal scholars in our country, it was overwhelming. It was not a bare majority. It is, I might say, a constitutional majority. It is clear that over two-thirds of the law professors in our country very definitely, very firmly believe that these efforts to remove the Supreme Court from jurisdiction are not only unconstitutional but are unwise.

The next letter which I have, from which I will read only a portion, is a letter from Harvard Law Professor Emeritus Paul Freund concerning the

constitutionality and wisdom of these court stripping bills.

I will begin with question No. 4 again, the same question I asked the previous correspondents. The question relates to whether Congress may deprive the Supreme Court of jurisdiction to review decisions. This is Professor Freund's answer with respect to question four:

Whether Congress may deprive the Supreme Court of jurisdiction to review decisions, including those of state courts, that turn on Federal constitutional issues, has been the subject of considerable scholarly discussion, centering on the scope of the "regulations and exceptions" clause in Article III. An argument for a broad reading of that clause is advanced by Professor Wechsler in *The Courts and the Constitution*, 65 Colum. L. Rev. 1001 (1965), but with the warning that the "practical objections" to withdrawal of jurisdiction in constitutional cases "are often overlooked." *Id.* at 1006. A restrictive view of Congressional power is taken by Professor Hart in *Exercise in Dialectic*, 66 Harv. L. Rev. 1364-65, on the ground that withdrawal would "destroy the essential role of the Supreme Court in the constitutional plan." *Id.* at 1364-1365.

In support of a broad Congressional power, reliance is placed chiefly on *Ex parte McCardle*, 7 Wall. 506 (1869), sustaining the Act of 1868 which removed Supreme Court jurisdiction over appeals (including the pending one) under a habeas corpus statute of 1867—a removal designed to save Reconstruction from an anticipated adverse decision of the Court. But several special features of that case caution against a broad reading of the decision. (1) The habeas corpus claim had been adjudicated in the Federal circuit court, and hence the case does not confront the problem of withdrawal of access to the Federal judiciary at any and all levels in specified classes of constitutional claims. (2) The withdrawal of Supreme Court jurisdiction was confined to cases arising under a particular jurisdictional statute; the withdrawal was not defined in terms of particular constitutional claims or the finding of particular facts. (3) Supreme Court review remained available by another route, apart from an appeal under the 1867 Act, and attention was pointedly directed at this fact at the close of the Court's opinion. *Id.* at See also *Ex parte Yerger*, 8 Wall. 85 (1869). The scholarly debate can be considerably narrowed, indeed avoided, in the context of S. 481. Of central importance is the principle that the power under Article III to regulate the appellate jurisdiction must not be used as a device to regulate the substantive issues, the "merits", where Congress would otherwise have no legislative power over the subject.

This is virtually the same as one of the pending amendments offered by the Senator from North Carolina.

In this light, S. 481 is not a genuine exercise of Article III power. Its divestiture affects only prayers that are "voluntary" and are not officially composed. It thus draws lines ostensibly of jurisdiction but actually of constitutional protection. It would presumably be unacceptable politically, morally and constitutionally to withdraw Federal judicial protection against certain kinds of prayer exercises in the public schools, accordingly a "jurisdictional" line is drawn between permissible and impermissible school prayers. But this is a determination of what

may and may not qualify for protection under section 1 of the 14th Amendment.

Consider how S. 481 would operate in a concrete case group of parents sue to enjoin the school board from carrying out a plan to require all pupils to recite an officially composed prayer. In this posture, the authority of the Federal courts is untouched by S.481.

As it is by the pending Helms amendment.

The 14th Amendment is available to protect the plaintiffs. Suppose now that the school board offers to stipulate that an officially composed prayer will not be used, and that objectors will be excused. At this point, may the Federal court proceed to decide whether such an arrangement is or is not an unconstitutional abridgment of the plaintiffs' free exercise of religion in light of the intrinsically coercive atmosphere of the classroom? Not at all. S. 481 would direct the district court or the Supreme Court to dismiss the case. If this is not a Congressional determination, a prescription, of the merits of the controversy it is hard to imagine what would be.

An exact parallel was presented in *U.S. v. Klein*, 13 Wall. 128 (1872). A Federal statute allowed recovery of abandoned property by owners who had never given aid or comfort to the enemy. The Supreme Court held that a presidential pardon entitled an owner to recover. Thereafter Congress enacted a proviso that evidence of a pardon should be conclusive evidence of ineligibility in a suit in the Court of Claims, and that the Supreme Court should have no jurisdiction to review a determination by the Court of Claims. Holding that the statute could not be sustained under Article III, the Supreme Court observed that the proviso "shows plainly that it does not intend to withhold appellate jurisdiction except as a means to an end. Its great controlling purpose is to deny to pardons granted by the President that effect which that court had adjudged them to have. . . . The court has jurisdiction of the cause to a given point, but when it ascertains that a certain state of things exists, its jurisdiction is to cease and it is required to dismiss the case for want of jurisdiction. It seems to us that this is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power."

This is Professor Freund in his letter.

In *Klein*, the statutory proviso was invalid under Article III because it prescribed a substantive rule of decision, and regarded in the latter light it was invalid because it conflicted with the President's pardoning power. Likewise, S. 481 cannot be sustained under Article III because it regulates prayers, not jurisdiction, and Congress, by hypothesis, possesses no substantive power over school prayers. S. 481 is governed not by *McCardle*, but by *Klein*.

Suppose, however, that a way out of the dilemma were sought by basing the legislation frankly on the enforcement provision, section 5, of the Fourteenth Amendment. This, of course, would mean an abandonment of the moral foundation advanced for S. 481 that the courts have made a fundamental error in regarding the 14th Amendment as having application to school prayers. More significantly, it would raise problems of transcendent importance regarding the balance of constitutional power in the safeguarding of basic rights.

Congress does have power under section 5 to identify specific liberties or entitlements

to equality and to provide mechanisms for their vindication by appropriate legislation. See *Katzenbach v. Morgan*, 348 U.S. 641 (1966); but cf. *Oregon v. Mitchell*, 400 U.S. 122 (1970). But does that power to "enforce" the Amendment extend to the power to supersede by simple legislation rights that have been adjudicated by Supreme Court decisions? So radical a realignment of power, so great an increase in the vulnerability of rights, has scarcely been proposed, much less adopted. Frequently dissatisfaction with decisions of the Court has led to proposals for giving Congress power to overcome decisions by subsequent legislation that is passed with an extraordinary majority. But even this very restricted plan of legislative overruling has always been thought to require a constitutional amendment. From every point of view, so fundamental a shift in the balance of forces that sustain our constitutional order would demand at least a submission to the American people for their fullest consideration.

It seems unnecessary to pursue further the question of reach of section 5 of the 14th Amendment, since S. 481 is not premised on that ground.

Question 5. The practical consequences of withdrawing Federal court jurisdiction over classes of constitutional issues are sufficiently serious to caution against such a move, even apart from its dubious constitutional validity.

It would invite fifty interpretations of our national Constitution, and leave them unresolvable.

A key point: To remove Supreme Court jurisdiction and exclude, preclude, prohibit the U.S. Supreme Court from reviewing Federal constitutional issues would invite 50, that is, separate State supreme courts, 50 interpretations of our national Constitution and leave them unresolvable, probably 50 separate Supreme Court decisions, State supreme court decisions, interpreting our Federal Constitution, and leave those 50 separate, distinct, contradictory opinions unresolvable.

It would prevent review of those state decisions that are too restrictive of local authority—e.g. if a state court were to strike down an enforced period of silent meditation in the schools.

It would leave state judges in a quandary about the binding effect of Supreme Court precedents in the field, presenting the judges with an intolerable moral dilemma.

On the one hand, State judges are sworn to uphold the Federal Constitution. They know what the latest Supreme Court decision has been on the issue before them, but if Congress prohibits Supreme Court review, that places those State court judges, as Professor Freund stated, in an intolerable dilemma of interpreting the Constitution as they see it or as the latest Supreme Court decision interpreted it, even though by definition we are hypothesizing that the Supreme Court would not have the power of review over those State court decisions.

It would deprive the Supreme Court of its normal opportunity to reconsider constitutional doctrine and alter it.

It would stimulate piecemeal erosion of Federal judicial safeguards in whatever fields a dominant majority might at any time be displeased by Supreme Court decisions. It was considerations of this kind that led Congress to reject resoundingly President Roosevelt's Court plan in 1937, despite the landslide election of 1936, the clear constitutional validity of the plan, and the weight of professional and popular criticism of crucial Court decisions.

What recourse then is available to overcome judicial decisions that prove to be unsupportable?

That is really the bottom line question, what recourse is there when the public, the people, when Congress, believe that Supreme Court decisions are unsupportable, are wrong, incorrectly decided? Professor Freund's response to that question is as follows:

There is, of course, the resort to a constitutional amendment, as in the case of the Eleventh and Sixteenth Amendments. There is resort to the Court itself for reconsideration or modification of doctrine. And there is the possibility of altering the program in question to avoid the thrust of a decision. Thus a program of school prayers recited in union might be replaced by a period of silent meditation, in which each pupil might recite inaudibly whatever sacred or secular text was dictated by his or her upbringing and faith.

Mr. President, I would now like to refer to a letter and a paper of Prof. Paul Mishkin, of the Boalt School of Law at the University of California at Berkeley, concerning the constitutionality and wisdom of the Helms court-stripping proposal, a letter dated August 7 of last year to me:

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., August 7, 1981
Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: This is in response to your letter of July 27th requesting my opinion regarding the proposals to limit lower federal court and Supreme Court jurisdiction over school prayer and other constitutional issues.

I have prepared a short paper on the subject of such efforts to limit federal court jurisdiction, which sets forth the key reasons why I believe such legislation would be inconsistent with the Rule of Law. I enclose a copy of that paper for whatever value it may be to you. I hope you will find it helpful.

Sincerely,

PAUL J. MISHKIN,
Heller Professor of Law.

Mr. President, let me read that paper, it is very brief, it is only four pages. It is entitled "On Efforts to Limit Federal Jurisdiction in Particular Constitutional Matters, Paul J. Mishkin."

ON EFFORTS TO LIMIT FEDERAL JURISDICTION
IN PARTICULAR CONSTITUTIONAL MATTERS

(By Paul J. Mishkin)

Bills being pressed in Congress would cut off the federal courts from cases having anything to do with school prayer, abortion laws, and school busing. Some of these proposals would abrogate all federal judicial power in the specified matters; others would apply only to lower courts, leaving intact

Supreme Court review of state court cases. But they all aim to undo particular constitutional principles handed down by the Supreme Court.

It has been argued that these proposals are themselves unconstitutional, and pronouncements by some leading law professors support that position. That is certainly not beyond question. But there are other fundamental reasons, of a basic order that transcends the specific substantive issues, why these bills should be rejected.

On their face, these proposals would not purport to overrule existing Supreme Court decisions. They would merely withdraw from the federal courts jurisdiction to hear cases in the specified areas. For that reason, they can be adopted by a simple majority of Congress. And by that same token, the Court's existing decisions would remain the constitutional law of the nation, their binding force as precedents undiminished.

On their face also, these bills would not affect the state courts. Yet, cases involving the specified subjects clearly can come before state courts, and those courts undoubtedly have the power and the duty to enforce the United States Constitution. Those who support curtailing federal jurisdiction because they disagree with current Supreme Court rulings must be assuming that state court judges generally—or at least those who share their views—will disregard the law laid down in those rulings. They would seek to make such state decisions controlling by ruling out actions in the federal courts. They would seek to make such decisions invulnerable to reversal by cutting off Supreme Court review. (Even where such review is not explicitly barred, the already extreme overcrowding of that Court's dockets would often produce effectively the same result.)

The proponents may or may not be right about the extent that state judges will act in disregard of previous Supreme Court authority. But precisely to the extent that they are—precisely to the extent that these bills would work as intended—the effect would be to reinforce disrespect for law.

The rule of law depends fundamentally upon consistent near-universal acceptance of an obligation of obedience to the authority of courts. That in turn depends upon recognition and acceptance of the governing authority of higher courts over lower ones. Occasional, individual, repudiation of this obligation may be tolerable. Routine, or even frequent, repudiation by judges in their official capacity is not.

Yet, these proposals expect state courts to flout the law laid down by the Supreme Court because they disagree strongly with the substance of that law. Where the proponents of this legislation share that disagreement, they would have Congress back up the judges who act that way and, by that token, encourage others to do likewise. That would in turn produce a continual series of judges consciously and overtly disregarding legitimate higher authority and being officially protected in that defiance. The effect of that could only be further to weaken general respect for law.

The proponents' position can only make sense on the premise that effectuating one's strongly held beliefs outweighs the moral demands of fidelity to law—and the long-run harm to the stability of the legal system inflicted by the repetitive public acting-out of that thesis.

This is not to say that that is the conscious view of the supporters of these proposals. Indeed, they are most often persons

who see themselves as seeking to preserve and promote stability of important values and institutions in a rapidly changing world. But that conception of self will not change the results of their proposals being enacted.

The hegemony of the rule of law is not fragile, but neither is it entirely invulnerable. It has been battered and, it seems fair to say, somewhat diminished in our times. Many of the attacks have been precisely in the name of strongly held views of moral right. But, while occasional attacks in extraordinary circumstances may be both justified and readily absorbed, routinization of such attacks—and, particularly, Congressional legitimization of them—can only generate and reinforce destabilizing tendencies. That is reason enough to reject the proposed legislation.

Mr. President, I again wish to thank the Senator from Oregon for giving me the opportunity to address these basic points. We are taking the floor because we think it is extremely important that the public, the press, and even Members of the Senate fully realize the import of these provisions so that the action we take is wise and not unwise.

Mr. President, I again thank the Senator from Oregon for yielding the floor to me.

(During the remarks of Mr. BAUCUS the following occurred:)

Mr. HELMS. Mr. President, will the Senator yield without losing his right to the floor?

Mr. BAUCUS. I might in just a moment. There are a few more letters I would like to get into the RECORD at this point, I say to the Senator from North Carolina, and at the end I would be glad to yield but only for purposes of a question.

Mr. HELMS. It is not for a question. I would ask unanimous consent to insert in the RECORD a letter following the Senator's presentation.

Mr. BAUCUS. That would be fine.

The PRESIDING OFFICER. The Senator from Oregon has the floor and has yielded to the Senator from Montana.

Mr. PACKWOOD. What was the request of the Senator from North Carolina? I did not hear it.

Mr. HELMS. I wish to insert a Dear Colleague letter in the RECORD to appear following the presentation of the Senator from Montana.

Mr. PACKWOOD. I have no objection.

Mr. HELMS. Mr. President, in connection with the pending business, I ask unanimous consent to insert a Dear Colleague letter signed by the distinguished Senator from Alabama (Mr. DENTON) and myself and have it printed in the RECORD, along with an explanation of amendment No. 2038.

The PRESIDING OFFICER. At the conclusion of the remarks of the Senator from Montana?

Mr. HELMS. Yes.

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

MR. HELMS. I thank the Senator from Montana and the Senator from Oregon.

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

U.S. SENATE.

Washington, D.C., September 7, 1982.

DEAR COLLEAGUE: On August 18 Amendment No. 2038 to the debt ceiling bill, H.J. Res. 520, was called up. This amendment is an amendment in the second degree and deals with abortion. A copy is enclosed. We want to take this opportunity to explain briefly its purposes.

The amendment accomplishes three basic goals. First, it makes permanent law the Hyde Amendment limitations on federal funding of abortion. It also extends this defunding principle so as to remove the federal government from the abortion business.

Second, the amendment gives broad protection against discrimination to medical personnel, working in institutions receiving federal funds, who have conscientious objections to abortion. In this regard, it expands the protection previously afforded in the Health Services Extension Act of 1973 and the Nurse Training Amendments of 1979.

Third, the amendment lays a congressional basis for state anti-abortion laws, and provides for an orderly reconsideration of *Roe v. Wade* by the Supreme Court. In its findings, it expresses a congressional understanding of the Constitution and the right to life different from that articulated by the *Roe* majority. Further, it contains a provision for expedited Supreme Court review of any state statutes based on the findings. In this way, the Supreme Court itself will be assured an early opportunity to reconsider the *Roe* decision.

Enclosed is a more detailed explanation of the provisions of the abortion amendment. If you have questions concerning it, please contact us or our staffs.

Sincerely,

JESSE HELMS,

U.S. Senator.

JEREMIAH DENTON,

U.S. Senator.

EXPLANATION OF AMENDMENT NO. 2038 ON ABORTION TO HOUSE JOINT RESOLUTION 520

I. SECTIONS 202 THROUGH 205

Sections 202 and 203 basically make permanent law the Hyde Amendment funding limitations which in the past have been enacted piecemeal as riders to various appropriation bills. After enactment of this measure, such riders will not be necessary. Unless specific appropriations for abortion are made in the future, there will be no need for Congress to go through the annual Hyde Amendment battles on appropriations bills. This has obvious merit for the more efficient conduct of Senate business. The language in section 203 stopping federal funding of abortion referrals is a logical extension of Hyde and is based on the power of Congress to control the use of appropriated funds.

Section 204 extends the Hyde Amendment defunding principle to teaching abortion techniques, financing research on abortion, and financing experiments on aborted children. This provision will not prohibit use of federal funds to teach techniques that, while they can be used for abortion, are also generally used for non-abortion procedures. The ban here is on using tax money to

teach the techniques of abortion or teaching procedures which can only be used to perform abortions. Likewise, the research language bans funding of research about how to perform abortions. It does not stop federal funding for compiling purely demographic data about abortions. Also, the language on experimentation prohibits federal funding for experiments on live babies after abortions but before death. Ordinary pathological and similar procedures are not within the scope of this language.

Section 205 is based on the so-called Ashbrook Amendment prohibiting the government from paying for abortions through employees' health insurance plans. Although not current law, it has passed the House and is generally in effect as a result of administrative action by the Office of Personnel Management.

II. SECTION 206

Section 206 affords medical personnel working in institutions receiving federal funds protection against discrimination on account of their objections to abortion. This is a freedom-of-conscience provision. It has antecedents in the Health Services Extension Act of 1973 and the Nurse Training Amendments of 1979.

III. SECTIONS 201, 207, AND 208

Section 201 lays a congressional basis for state anti-abortion laws, and section 207 sets out the appellate procedure leading to an orderly reconsideration of *Roe v. Wade* by the Supreme Court. Taken together, these provisions assure that the Court itself will have an early opportunity to reconsider its much criticized decision in *Roe*. They do not constitute a reversal of the Court's order in *Roe*, but they do express a congressional understanding of the Constitution and the right to life different from that articulated by the *Roe* majority.

Some critics have suggested that even if *Roe v. Wade* was wrongly decided and ought to be overruled, Congress must always act in conformity with Supreme Court precedents until the Court itself chooses to overrule them. But the Subcommittee on Separation of Powers disagreed with this position and in its Report on S. 158 stated as follows:

"This criticism rests on a profound misapprehension of the doctrine of judicial review espoused in *Marbury v. Madison* 5 U.S. (1 Cranch) 137 (1803). Under *Marbury*, the Supreme Court, presented with a proper case, must rule in accordance with its own interpretation of the Constitution rather than with a contrary congressional interpretation, because the Justice have taken an oath to uphold the Constitution. As Chief Justice Marshall stated in *Marbury*, automatic judicial deference to a legislative interpretation of the Constitution would constitute an implicit violation of the Justices' oath of office; the Justices would thereby "close their eyes on the constitution, and see only the law." 5 U.S. (Cranch) at 178. It does not follow, however, that once the Court has interpreted a provision of the Constitution members of Congress must automatically defer to the judicial interpretation. Indeed, members of Congress take the same oath that the Justices take to uphold the Constitution. Confronted with a proposed law that is consistent with his own honest construction of the Constitution and with his view of sound policy, but that conflicts with what he regards as an erroneous Supreme Court decision, a member of Congress has at least the right and perhaps the duty to vote for the bill. To do otherwise would be to close his eyes on the Constitution and see only

the case. Through its power to issue judgments that are binding on the parties to litigation, the Supreme Court will as a practical matter generally have the final word in any dispute over constitutional interpretation. But this does not preclude the possibility of a responsible dialogue between Congress and the Court.¹¹ (pp. 21-22; see also remarks of Senator Helms concerning "Separation of Powers," CONGRESSIONAL RECORD, August 18, 1982, S10739; and see generally Report on S. 158, Subcommittee on Separation of Powers of the Senate Judiciary Committee, December 1981.)

Section 207 provides for appeal as of right to the Supreme Court from lower court orders involving statutes based on this amendment. In addition, award of attorneys' fees under federal law is specifically prohibited in cases involving this bill in order to carry out the purpose of ending federal financial support in securing abortions.

Section 208 assures severability of this amendment in the event of some partial judicial invalidation.

MR. PACKWOOD. Mr. President, I thank very much my distinguished colleague from Montana who has reviewed very well the law on this subject.

This is not an issue of do you like or do you not like school prayer or do you think that it should be written by the school board or written by the Governor's son, as it is in Alabama.

This is an issue as to whether or not we are going to strip the Supreme Court of jurisdiction to pass on fundamental issues of American civil liberties and to pass it, if we do—it would be unfortunate if we do—in the passing passion of the moment because some people are disgruntled with the constitutional decisions of the Supreme Court and do not want to take the trouble of trying to amend it by statute or by constitutional amendment.

So I again thank my colleague from Montana for his extraordinary review of the law on this subject.

Mr. President, there has been prepared by Leland E. Beck, a legislative attorney for the Legislative Reference Service, a memorandum entitled "Historic Proposals to Except Particular Cases from the Appellate Jurisdiction of the Supreme Court of the United States."

I would like to read that review for the benefit of the Senate.

This report reviews the major historical proposals to except particular cases from the Supreme Court's appellate jurisdiction. The Constitutional premise for these bills is the Exceptions and Regulations Clause of Article III, § 2, of the Constitution. After enumerating the types of jurisdiction contemplated in the Constitution and specifying when that jurisdiction is to be trial in nature, the Constitution provides: "In all other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

Prior to 1956 there do not appear to have been any substantial proposals to except

particular classes of cases from the Court's jurisdiction. The authority exercised by Congress was limited to the regulation of processes of review by the Court. Numerous calls were made in the early days of the Republic for the abolition of the Court's jurisdiction to review decisions of the State courts of last resort, but none of these proposals succeeded; on the contrary, there was a steady increase in the scope of both the Supreme and inferior federal courts' jurisdiction.

Beginning in 1956, numerous proposals have been introduced to except a particular species of cases from the Court's jurisdiction. The purpose of these proposals has been to stop the Court from further elaborating particular areas of constitutional law. The proposals have included both generic rights and particular types of prospective legislative review, including: due process in subversive activities regulation, contempt of Congress, desegregation of schools, reapportionment of State legislative bodies, regulation of obscenity, prayer in public schools, abortion, gender discrimination in military conscription, and others. We will here review the proposals which have received serious Congressional attention.

The first bill to receive formidable consideration was introduced by Senator Jenner in 1957. S. 2646 proposed to except from the Court's jurisdiction "any case where there is drawn into question the validity of" five different areas of governmental regulation or activity. At the time of hearings, the bill provided:

"Notwithstanding the provisions of sections 1253, 1254, 1257 of this chapter, the Supreme Court shall have no jurisdiction to review, either by appeal, writ of certiorari, or otherwise, any case where there is drawn into question the validity of—

"(1) any function or practice of, or the jurisdiction of, any committee or subcommittee of the United States Congress, or any action or proceeding against a witness charged with contempt of Congress;

"(2) any action, function, or practice of, or the jurisdiction of, any officer or agency of the executive branch of the Federal Government in the Administration of any program established pursuant to an Act of Congress or otherwise for the elimination from service as employees in the executive branch of individuals whose retention may impair the security of the United States Government;

"(3) any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State;

"(4) any rule, bylaw, or regulation adopted by a school board, board of education, board of trustees, or similar body, concerning subversive activities in its teaching body; and

"(5) any law, regulation of any State, or of any board of bar examiners or similar body, of any action or proceeding taken pursuant to any such law, rule, or regulation pertaining to the admission of persons to the practice of law within such State."

Mr. President, I am going to deviate from this report to comment especially on items (3), (4), and (5), to indicate the breadth of their effect.

Again, (3) reads:

Any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State.

The other two following have similar language.

Mr. President, what does that mean? Does that mean that a State legislature or school board, or any other body in the State enumerated in the statute, can pass a law saying, "We regard as subversive activities the following:" and list whatever it is they wish to regard? In those days, of course, it was membership in the Communist Party, previous affiliation with the Communist Party, or Communist front organizations. But really, it could be anything that the school board wanted to define as subversive.

What Senator Jenner's bill said was no matter how broad that classification, define it as subversive and the court has no jurisdiction to review cases involving it.

I do not need to call to the attention of my fellow Senators the danger inherent in that kind of language. It is a bootstrap argument. It defines conduct you do not like or which offends your sensibilities. If you define it as subversive, you deny a person his or her rights because you have called them subversive and then you say they cannot have their rights reviewed in court.

By way of correlation, the first exception was founded on the authority of a Congressional Committee regarding witnesses and the power of contempt of Congress, and was in response to the Court's decision in *Watkins v. United States*. Second, the bill would have removed jurisdiction to review any program to assure the loyalty of government employees, in response to the court's decisions in *Service v. Dulles* and *Cole v. Young*. The third excision of jurisdiction centered on state "subversive activities" controls in response to, among other cases, *Pennsylvania v. Nelson*. A still more particular jurisdictional removal centered on rules or regulations of Boards of Education and like bodies concerning "subversive activities" by members of their teaching staff in response to the Court's decision in *Slochower v. Board of Higher Education*. Finally, the Jenner bill would have removed jurisdiction to review bar admissions practices and policies, a response to *Schware v. Board of Bar Examiners* and *Konigsberg v. State Bar of California*. All of these decisions were handed down during 1956 and 1957 and limited the Cold War loyalty and security programs. The bill was thus a major political response tuned to the perceived crisis of its time. The style of the bill, however, appears to be the first attempt to utilize in the strict linguistic sense the power of Congress to make "exceptions" to the Court's appellate jurisdiction.

Hearings were held on the bill and a substantially revised and more limited version was reported to the floor of the Senate. After it became apparent that the leadership would not call up the Jenner bill, proponents of the measure moved to attach it to another bill dealing with the federal courts. Both the new parent bill and the amendment, however, were laid on the table and were extinguished at adjournment sine die. Less problematic responses to another court decision were more successful.

A second major attempt to remove a particular subject matter from the Court's appellate jurisdiction was in response to the reapportionment decisions: *Baker v. Carr* and *Reynolds v. Simms*.

Mr. President, I ask unanimous consent that I might yield to the Senator from Connecticut (Mr. WEICKER) for the purpose of debate only without losing my right to the floor and without this being construed as the end of the speech for purposes of the two-speech rule, and I ask further unanimous consent that I might be seated during the time required by the Senator from Connecticut without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I read into the RECORD at this point some very eloquent comments made by the distinguished Senator from Montana (Mr. BAUCUS), which comments appeared in the New York Times of September 7, 1982.

The Senate adjourned for Labor Day in the middle of what most people believed was a filibuster against an amendment that would reverse the Supreme Court's historic 1962 decision preventing states from requiring prayer in public schools. Nothing could be further from reality.

The amendment at issue, sponsored by Senator Jesse Helms, Republican of North Carolina, would not overturn the 1962 decision. What it would do is prevent the Supreme Court and other Federal courts from considering future school prayer cases, thereby threatening the Court's ability—and right—to interpret the Constitution.

If Congress can strip the Federal courts of jurisdiction over school prayer cases, there is no provision in the Constitution immune from Congressional tampering.

Senator Barry Goldwater, Republican of Arizona, says: "I see no limit to the practice. There is no clear and coherent standard to define why we shall control the Court in one area but not another. The only criteria seems [sic] to be that whenever a momentary majority can be brought together in disagreement with a judicial action, it is fitting to control the Federal Courts."

"Momentary majorities" can exert enormous pressure on Congress, as anyone who has tangled with the National Conservative Political Action Committee and the rest of the New Right knows.

But court-stripping bills pose "a possible constitutional crisis that could prove the most serious since the Civil War," according to the president of the American Bar Association, Morris Harrell.

Attorney General William French Smith shares that concern. He maintains that Congress' power over Federal court jurisdiction cannot interfere with the "core functions" of the Supreme Court, and argues that the "integrity of our system of Federal law depends upon a single court of last resort having a final say on the resolution of Federal questions."

Despite objections from people such as Attorney General Smith and Senator Goldwater and organizations such as the A.B.A., Senator Helms' court-stripping proposal has gained an alarming amount of support. Three years ago, the Senate voted, 51 to 40, for a proposal identical to this year's Helms amendment (that bill died in the House). Senators, the press and the public all thought that vote was a referendum on school prayer. I hope this perception has changed.

The Senate may vote on the Helms amendment soon. I hope a majority of Senators will reject this radical proposal. Those of us who realize the implications of this measure have an obligation to prevent it from passing. We will continue our filibuster until every avenue is closed.

The Founding Fathers provided a way to reverse unpopular Supreme Court decisions: a constitutional amendment. The Framers of the Constitution wisely understood that constitutional principles must not be sacrificed on the altar of political appeasement. Court-stripping does an end-run around the constitutional-amendment process and thereby undermines the Constitution itself.

School prayer, abortion and school busing are indeed controversial issues. I doubt that there ever will be complete agreement on the public-policy questions they raise. But as those who support the filibuster in the Senate understand, Article V of the Constitution provides a means of resolving these disputes.

Let's not take the short cut offered by Senator Helms.

Mr. President, I commend in the most sincere terms my good friend, Senator Baucus, not just for his statement in the New York Times, but his efforts here, on the floor of the U.S. Senate, and his efforts within the Judiciary Committee. Senator Baucus has a record of which every American could, indeed, be proud. That is that, regardless of what his personal views might be on any one of the given issues that have been raised on the floor by Senators HELMS, JOHNSTON, THURMOND, et cetera. The fact is that he wants to maintain three separate but equal branches of government. It is just as simple as that.

Mr. President, when that division, that number, disappears, then the loser is not Senator Baucus or Senator PACKWOOD or myself. The loser becomes the American people.

Right now, the American people have three separate but equal branches of government. By the time Senator HELMS is through, if he has his way, they will only have two, or maybe even one.

That is what is at issue here, on the floor. It is not a matter of anybody's personal views on school prayer, busing, court stripping, whatever. What is at issue is whether or not the full force and effect of the Constitution as it exists today is going to be there tomorrow on behalf of every one of the citizens of this Nation. The Senator from Montana has spoken eloquently to this point and with great courage. I did not want to let this opportunity go by without saying so on the floor, without commanding him while, at the same time, including his written words on this particular subject.

(Mr. HUMPHREY assumed the chair.)

Mr. WEICKER. Mr. President, once again, we are at it. I suspect we are going to be at it for quite a period of time on this business of stripping the courts of their jurisdiction and trying

to bypass the amending provision of the Constitution of the United States. There are a lot of people I have talked to during the recess who have raised the question as to why it is we are occupying ourselves in this manner when the rest of the country is flat on its back economically; when we have 10.5 million people unemployed; when we have continued high interest rates; when we have all sorts of difficulty in the various manufacturing industries of this Nation selling our products; when we have no housing being built? Why are we talking about these social issues and why are you, Senator WEICKER, Senator PACKWOOD, Senator BAUCUS, and others, taking up the time of Congress when there are more pressing issues?

I think it is important to point out that we are not the ones who raised this on the Senate floor. That question is better directed at Senator HELMS. That question is better directed at Senator JOHNSTON, Senator THURMOND, Senator HATCH. They are the ones who have raised all these issues. There have been many times, certainly, on the floor when we have had time to engage in this very serious academic exercise. But this is not one of them. There are very urgent needs that have to be addressed.

Here we are. We have gone through a good portion of the summer and at this particular moment in time, many young people are going or trying to go back to school. They do not have the ability to do so. If you want to know what I would consider to be a relevant debate on the floor of the U.S. Senate, it is one that would address itself to the needs of the students of America. It would consider whether or not their opportunity for an education, in the college, graduate, or vocational sense, has been dented by virtue of Presidential and congressional action, and whether there is anything we can do about it to make sure that educational opportunity is there? That would be a proper matter for debate.

Or, when we have 10.5 million people unemployed, it seems to me we would want to address ourselves to what it is in our economic fabric that needs repair. Is it public service employment? Is it to try to encourage additional employment through the public sector? Is it the fact that we could restore homeownership, homebuilding, and jobs by investing in that particular industry?

Is it that maybe jobs can be created by proper attention to our transportation system? Certainly, the deteriorating highways and the deteriorating rail systems of this country are something that really do need rebuilding.

Maybe it is just that, instead of having meaningless public service employment, money should be directed toward our transportation system, and the jobs thus created would help alle-

viate the unemployment that exists in this Nation today. These are matters that would make sense. Instead, we find ourselves confronted by the great moral crusaders of our time, who feel that their point of view and their morals have to be imposed on this Nation regardless of the tragedy that exists around us at this time.

I suspect they also feel that if they do not have their point of view imposed right now, they never will. There is probably a lot of truth to that. That is the reason why some of us are on the floor. If they have a good idea, believe me, it will last until the next Congress. If, on the other hand, it is a will-o'-the-wisp, if it is something that only was fanned into reality by virtue of one election and the attitudes of our people during a short period of time, then it will not withstand the test of time.

So, Mr. President, this is a service which some of us are more than glad to provide to test the substance of what is being proposed. Is it real, solid? Is it made of the stuff that will survive time? Or is it a temporary passion that is finding expression and would best find its way into the garbage can? I suspect that latter categorization is exactly what we are confronted with here today and have been for several weeks and months.

Mr. President, I am not disposed personally toward having any votes on any of these matters. There is not much I can do about a cloture vote, but certainly, I do not feel that these are matters that should be addressed now, should be voted upon now. Let the new Congress in January 1983 come to grips with these issues.

The substance, it has been said time and time again, is what it is that is being done out here if the courts are stripped of their jurisdiction. I would like to address another aspect of the problem that might be somewhat new to the debate that has taken place heretofore. That is the matter of describing the courts as if they were truly something dropped from above or, I am sure in the minds of some of my colleagues, something ascended from below. I refer to the idea that they are something separate and apart from all of us. The fact is that these courts clearly come out of the political system. Indeed, my colleagues on the floor have their imprimatur upon every single Federal judge who sits. They were all subject to confirmation by the U.S. Senate, including the Supreme Court of the United States.

Indeed, most of those who are sitting at whatever level of the Federal judiciary were proposed by Members of this body to the then sitting executive. I have no one from the State of Connecticut who sits on the Supreme Court but certainly I can assure you that I know each member of the Fed-

eral judiciary, whether it be Federal district court or the circuit court of appeals. I did not nominate them all. I nominated some of them. But I surely approved all of them and had the opportunity to block them.

My friends who propose this type of legislation not only want to nominate; they want to confirm, and then they want to have a leash on the subject of the confirmation. I do not think the American people want that sort of justice. I think they expect, once we have done our work, that the judiciary is independent of politics, that it is independent in philosophy, it is independent of religion. They expect the judiciary to blindly serve in the sense of impartiality, blind in the sense of impartiality in the cause of justice.

But this legislation, this court-stripping legislation, is in effect a senatorial leash law. We want our judges on a leash. If they do not say what we want them to say, if they do not believe what we want them to believe, then they no longer have their jobs or, indeed, they have their jobs but in name only.

Is that the justice that everybody wants regardless of their points of view on individual issues? Is that the kind of justice you want? Because, indeed, impartial justice is what we speak for, be it black schoolchildren or women or be it those youngsters that go to school—that pretty much covers the people I am talking about in the sense of school prayer, abortion, and busing. If you adopt this principle, then, believe me, the leash law is not restricted to those persons but, rather, it applies to all of us. Maybe it will come to pass that it is very onerous and expensive on the part of Government to take care of the elderly, and so there will be men and women on this floor to try to excuse Government of its obligations to that segment of our society. Maybe it will be very onerous and expensive to be disabled or retarded and there will be those on this floor who would try to excuse Government from its obligation to that segment of our society. Maybe it will be very expensive and very onerous to be a businessman and there will be those on this floor trying to excuse Government of its obligation to that segment of the society, and so on and so on.

There is no end to the mischief that is being proposed here. It does not relate simply to the discrimination against black schoolchildren which results in a court remedy. It is not simply a matter as to whether or not there is going to be a Christian society foisted upon schoolchildren. That is not the issue. The issue is not what the choice of women is going to be. The issue here today is whether or not the right of each of us to be ourselves and to live in freedom—that is truly the issue, freedom—is going to be diminished in any sense by a point of

view held by either a minority or majority that happens to wield the power of a U.S. Senator.

Mr. BAKER. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. WEICKER. Without losing my right to the floor for the purpose of debate, I yield to the distinguished majority leader.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the Senator may yield to me under those circumstances without his speech counting as a second speech and without prejudice to any rights that the Senator from Oregon may have in respect to recognition by the Chair.

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

Mr. BAKER. Mr. President, it is clear to me that we are not going to resolve this issue today, and given that circumstance and the fact that I, for the life of me, cannot find another Senator who wishes to speak at length on this subject other than the distinguished Senators from Oregon and Connecticut, I am inclined to suggest that we may fold our tent for this day.

Mr. PACKWOOD. Will the Senator include in the order that I would have the floor coming then onto the bill tomorrow?

Mr. BAKER. Yes.

DEATH OF REPRESENTATIVE ADAM BENJAMIN, JR., OF INDIANA

Mr. BAKER. Mr. President, as in morning business, I send to the desk a resolution, on behalf of the Senators from Indiana (Mr. LUGAR and Mr. QUAYLE), and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 457

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Adam Benjamin, Jr., late a Representative from the State of Indiana.

Resolved, That a committee be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit and enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, ADAM BENJAMIN was a distinguished Hoosier legislator whose mastery of detail and

faithfulness to duty produced solid achievement.

He enjoyed bipartisan respect in the Indiana General Assembly and in the U.S. House of Representatives for his intelligence, his indefatigable work style, and his friendliness.

ADAM was extraordinarily effective in obtaining favorable transportation issue results for Indiana. I will deeply miss him as a strong legislative ally and as a gracious friend throughout many good years of Hoosier political life.●

Mr. QUAYLE. Mr. President, the sudden death of Congressman ADAM BENJAMIN of the First District of Indiana this past weekend leaves a great void for those of us who had the privilege of knowing and working with this special person.

ADAM BENJAMIN and I came to the U.S. House of Representatives together in 1977. We worked together for nearly 6 years. Even though our political parties were different, there were many areas of agreement, and our efforts in behalf of Indiana were harmonious and productive.

ADAM was given a coveted seat on the House Appropriations Committee as a freshman Congressman, and he quickly mastered the intricacies of working with the Federal budget. He served as chairman of the Legislative Appropriations Subcommittee and in this Congress was chairman of the Transportation Appropriations Subcommittee.

He worked hard on economic development of his congressional district in northwest Indiana. He was a leader in steel industry revitalization and strived for improvement of transportation throughout Indiana.

ADAM also served as a member of the Indiana House of Representatives and the State senate prior to his election to Congress in 1976.

ADAM BENJAMIN's relatively short life was dedicated to helping people. He tackled every job with intensity, good humor, and skill.

Mr. President, I feel a deep personal loss over the passing of ADAM BENJAMIN. He was a true friend and patriot. His loss will be sorely felt by his dear family, his constituency, and all of us in Indiana who valued his friendship and his leadership.

We convey to his beloved wife, Patricia, and to his children, Adam III, Alison, and Arianne our heartfelt sympathy. May God bless them and comfort them during this time of sorrow.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 457) was unanimously agreed to.

The PRESIDING OFFICER. Pursuant to the resolution just adopted, the Chair appoints the two Senators from Indiana (Mr. LUGAR and Mr. QUAYLE) as the committee on the part of the

Senate to join the committee on the part of the House of Representatives.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, let me propound this series of requests.

First of all, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. I further ask unanimous consent, Mr. President, that after the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business to extend not past 12 noon, in which Senators may speak for not more than 3 minutes each.

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

ORDER FOR RECESS ON THURSDAY FROM 12 NOON TO 1:50 P.M.

Mr. BAKER. Mr. President, it is my understanding, that there is a requirement for time for a caucus tomorrow, and I will discuss this further with the distinguished minority leader when he reaches the floor, but I ask unanimous consent then that the Senate stand in recess tomorrow from 12 noon until 2 p.m.

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

Mr. BAKER. Now, Mr. President, could I inquire, if the order in respect to the vote under rule XXII to invoke cloture provides for the waiving of the mandatory quorum call prior to the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. So there will not be a quorum call prior to the cloture vote, as I understand it, and the vote is ordered at 2 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I think, under those circumstances, I will amend my previous request in respect to the recess.

CLOTURE VOTE AT 2 P.M.

I ask unanimous consent that the Senate stand in recess tomorrow from 12 noon until 1:50 p.m., and that at 1:50 p.m. the Senate resume consideration of the unfinished business, and that at 2 p.m. under the order previously entered the Senate proceed to vote on cloture as provided under the previous order.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that at 1:50 p.m. when the Senate resumes

consideration of the unfinished business, the Senator from Oregon (Mr. Packwood) be recognized at that time.

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

Mr. BAKER. And once again, Mr. President, I ask unanimous consent that the interruption occasioned by the recess which has now been provided for not be deemed an interruption for the purpose of creating a second speech under the provisions of rule XIX.

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

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open today until 4 p.m., for the insertion of statements and the introduction of bills, resolutions, petitions, and memorials.

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

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, in accordance with the previous order, and pursuant to the provisions of Senate Resolution 457, as a further mark of respect to the memory of the deceased ADAM BENJAMIN, JR., late a Representative from the State of Indiana, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 3:21 p.m. the Senate recessed until tomorrow, Thursday, September 9, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate August 24, 1982, under authority of the order of the Senate of August 20, 1982:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Jay F. Morris, of Maryland, to be Deputy Administrator of the Agency for International Development, vice Joseph C. Wheeler, resigned.

THE JUDICIARY

Edward Rafeedie, of California, to be U.S. district judge for the central district of California vice David W. Williams, retired.

David D. Dowd, Jr., of Ohio, to be U.S. district judge for the northern district of Ohio vice Leroy J. Contie, elevated.

DEPARTMENT OF JUSTICE

Rufus W. Campbell, Jr., of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years vice James V. Serio, Jr., term expired.

Max E. Wilson, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years vice Andrew E. Gardner, deceased.

Herbert M. Rutherford III, of New Jersey, to be U.S. marshal for the eastern district of Virginia for the term of 4 years, vice Isaac G. Hylton, retired.

IN THE AIR FORCE

Maj. Gen. William E. Brown, Jr., 137-22-1897FR, U.S. Air Force, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601, in the grade of lieutenant general.

Executive nomination received by the Secretary of the Senate August 25, 1982, under authority of the order of the Senate of August 20, 1982:

MERIT SYSTEMS PROTECTION BOARD

K. William O'Connor, of Virginia, to be Special Counsel of the Merit Systems Protection Board for the remainder of the term expiring June 3, 1986, vice Alex Kozinski, resigned.

Executive nominations received by the Secretary of the Senate, August 31, 1982, under authority of the order of the Senate of August 20, 1982:

DEPARTMENT OF STATE

Peter Dalton Constable, of New York, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Richard J. Fitzgerald, of Illinois, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1985, vice Elliott D. Marshall, term expired.

Truman McGill Hobbs, of Alabama, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1985, vice Walter E. Craig, term expired.

Margaret Truman Daniel, of New York, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1987, reappointment.

Gloria Ann Hay, of Alaska, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1987, vice John Portner Humes, term expired.

DEPARTMENT OF STATE

The following-named Career Members of the Foreign Service of the Department of Commerce for promotion into the Senior Foreign Service as indicated:

Career Members of the Senior Foreign Service of the United States of America, class of Counselor:

Herbert A. Cochran, of North Carolina.

Henry Y. McCown, Jr., of Texas.

Michael J. Mercurio, of California.

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force to the grade of brigadier general, under the provisions of chapter 36, title 10 of the United States Code:

Col. Diann A. Hale, ~~xxx-xx-xxxx~~ FR, Regular Air Force, Nurse Corps.

Col. Arthur J. Sachsel, ~~xxx-xx-xxxx~~ FR, Regular Air Force, Dental Corps.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Albin, James E., xxx-xx-xxxx
 Allen, David E., xxx-xx-xxxx
 Anderson, John M., xxx-xx-xxxx
 Anna, John W., xxx-xx-xxxx
 Arbeiter, Randolph G., xxx-xx-xxxx
 Arnold, Eugene F., xxx-xx-xxxx
 Atkinson, Delbert B., xxx-xx-xxxx
 Backstrom, David W., xxx-xx-xxxx
 Bacon, Joseph L., xxx-xx-xxxx
 Bailey, Roger A., xxx-xx-xxxx
 Bassett, Kenneth R., xxx-xx-xxxx
 Bayless, Robert L., xxx-xx-xxxx
 Bell, Raymond L., xxx-xx-xxxx
 Berg, Thomas R., xxx-xx-xxxx
 Bergquist, David E., xxx-xx-xxxx
 Bettencourt, Manuel J., xxx-xx-xxxx
 Bible, Richard W., xxx-xx-xxxx
 Bischoff, Kenneth C., xxx-xx-xxxx
 Black, Donald L., xxx-xx-xxxx
 Blondin, James D., xxx-xx-xxxx
 Boettcher, Jon H., xxx-xx-xxxx
 Bofferding, Michael J., xxx-xx-xxxx
 Booker, Elbert R., Jr., xxx-xx-xxxx
 Borofsky, Clifford R., xxx-xx-xxxx
 Bow, David M. H., xxx-xx-xxxx
 Boyd, Thomas E., xxx-xx-xxxx
 Boytim, William G., xxx-xx-xxxx
 Brandon, John D., xxx-xx-xxxx
 Breuhl, Timothy E., xxx-xx-xxxx
 Bright, Thomas J., xxx-xx-xxxx
 Brown, Christopher J., xxx-xx-xxxx
 Brown, David J., xxx-xx-xxxx
 Browne, Michael J., xxx-xx-xxxx
 Bruckner, Linda G., xxx-xx-xxxx
 Brungess, James R., xxx-xx-xxxx
 Bruton, Patricia A., xxx-xx-xxxx
 Bryant, William R., xxx-xx-xxxx
 Buck, Richard J., Jr., xxx-xx-xxxx
 Bukevitz, Ronald E., xxx-xx-xxxx
 Burns, Robert D., xxx-xx-xxxx
 Bush, Stephen J., xxx-xx-xxxx
 Bys, Neil D., xxx-xx-xxxx
 Cagle, Mervin J., xxx-xx-xxxx
 Caldwell, John P., xxx-xx-xxxx
 Call, Charles M., Jr., xxx-xx-xxxx
 Carlson, Kenneth C., Jr., xxx-xx-xxxx
 Carter, William M., Jr., xxx-xx-xxxx
 Casteel, Gary E., xxx-xx-xxxx
 Catalano, Charles F., xxx-xx-xxxx
 Caulfield, Michael D., xxx-xx-xxxx
 Chaklos, John, Jr., xxx-xx-xxxx
 Chisholm, Robert K., xxx-xx-xxxx
 Cleveland, Otis L., xxx-xx-xxxx
 Cohen, Philip A., xxx-xx-xxxx
 Cook, Darild J., xxx-xx-xxxx
 Corrow, William B., xxx-xx-xxxx
 Counts, Donald R., xxx-xx-xxxx
 Courtheyn, Terry L., xxx-xx-xxxx
 Cox, Michael H., xxx-xx-xxxx
 Dalby, Jan F., xxx-xx-xxxx
 Daniels, Courtney R., Jr., xxx-xx-xxxx
 Davenport, David L., xxx-xx-xxxx
 Delp, James H., xxx-xx-xxxx
 Demetrio, James J., xxx-xx-xxxx
 Demmel, Robert J., xxx-xx-xxxx
 Demuth, Robert L., xxx-xx-xxxx
 Derego, Gerald H., xxx-xx-xxxx
 Dever, Dolores K., xxx-xx-xxxx
 Dilda, Victor F., xxx-xx-xxxx
 Douthit, William E., Jr., xxx-xx-xxxx
 Dumont, Gary G., xxx-xx-xxxx
 Dunlop, Roy W., xxx-xx-xxxx
 Durning, Albert J., xxx-xx-xxxx
 Duval, Philip R., xxx-xx-xxxx
 Eastman, Kenneth D., xxx-xx-xxxx
 Elam, Carl M., xxx-xx-xxxx
 Elder, Eric C., xxx-xx-xxxx
 Eldredge, Francis S., xxx-xx-xxxx
 Elking, Gerald J., xxx-xx-xxxx
 Elliot, Roger D., xxx-xx-xxxx
 Erickson, Alan P., xxx-xx-xxxx
 Evans, Kimmel K., xxx-xx-xxxx
 Ferrua, George S., xxx-xx-xxxx

Fitzhugh, William J., Jr., xxx-xx-xxxx
 Flickinger, Norman H., xxx-xx-xxxx
 Foley, Richard S., xxx-xx-xxxx
 Foley, Walter W., xxx-xx-xxxx
 Ford, Geraldine C., xxx-xx-xxxx
 Foster, Wilford L., xxx-xx-xxxx
 Frederick, Mark N., xxx-xx-xxxx
 Freund, Robin A., xxx-xx-xxxx
 Funck, Victor A., xxx-xx-xxxx
 Galligan, Michael K., xxx-xx-xxxx
 Galloway, Samuel E., xxx-xx-xxxx
 Gannon, John R., xxx-xx-xxxx
 Garrigan, Kevin J., xxx-xx-xxxx
 Gaskin, Lawrence W., xxx-xx-xxxx
 Gates, Thomas E., xxx-xx-xxxx
 Gaudreau, Raymond L., xxx-xx-xxxx
 Gelwix, Randall C., xxx-xx-xxxx
 Geor, Elden M., xxx-xx-xxxx
 Gilbert, Charles H., xxx-xx-xxxx
 Gilbert, Emmett R., xxx-xx-xxxx
 Gilbertson, Keith G., xxx-xx-xxxx
 Gillispie, James D., xxx-xx-xxxx
 Godart, Richard J., xxx-xx-xxxx
 Goetz, Thomas J., xxx-xx-xxxx
 Gonzalez, Jaime A., xxx-xx-xxxx
 Goodrich, David A., xxx-xx-xxxx
 Gorczyca, Raymond F., xxx-xx-xxxx
 Gore, Larry R., xxx-xx-xxxx
 Gough, Michael J., xxx-xx-xxxx
 Gower, Terry N., xxx-xx-xxxx
 Greenberg, Irving E., xxx-xx-xxxx
 Gregory, Joseph M., xxx-xx-xxxx
 Grindel, Frank S., xxx-xx-xxxx
 Gruber, Paul A., xxx-xx-xxxx
 Haas, Kenneth M., xxx-xx-xxxx
 Haas, Michael E., xxx-xx-xxxx
 Hagler, Franklin H., Jr., xxx-xx-xxxx
 Hall, Charles R., xxx-xx-xxxx
 Hammond, Gary E., xxx-xx-xxxx
 Hamon, Lawrence D., xxx-xx-xxxx
 Harden, Ronald M., xxx-xx-xxxx
 Haugen, James A., xxx-xx-xxxx
 Hayes Michael R., xxx-xx-xxxx
 Haygood, Hillis E., xxx-xx-xxxx
 Heaberger, James H., Jr., xxx-xx-xxxx
 Heinonen, Everett W., xxx-xx-xxxx
 Hemingway, Lawrence T., xxx-xx-xxxx
 Hermanson, Thomas W., xxx-xx-xxxx
 Herrell, Dennis E., xxx-xx-xxxx
 Herron, Robert L., xxx-xx-xxxx
 Hitz, Gary L., xxx-xx-xxxx
 Hoag, David M., xxx-xx-xxxx
 Hoffman, Steven R., xxx-xx-xxxx
 Holden, Richard L., xxx-xx-xxxx
 Hott, Jack R., xxx-xx-xxxx
 Howze, Richard S., xxx-xx-xxxx
 Hughes, Frederick J., xxx-xx-xxxx
 Humphrey, Warren M., xxx-xx-xxxx
 Humphries, John E., xxx-xx-xxxx
 Huneycutt, Carroll R., xxx-xx-xxxx
 Hutto, John R., xxx-xx-xxxx
 Ilardi, Richard C., xxx-xx-xxxx
 Ingermanson, Leonard A., xxx-xx-xxxx
 Jack, James E., xxx-xx-xxxx
 Jacoby, Daniel H., xxx-xx-xxxx
 Jaep, William F., Jr., xxx-xx-xxxx
 Jauquet, David R., xxx-xx-xxxx
 Jenkins, Richard W., xxx-xx-xxxx
 Jenkins, Vincent M., xxx-xx-xxxx
 Jermain, Clark A., xxx-xx-xxxx
 Johnson, Martin H., xxx-xx-xxxx
 Johnson, Richard K., xxx-xx-xxxx
 Johnston, Larry A., xxx-xx-xxxx
 Jolley, James B., xxx-xx-xxxx
 Jones, Donald K., xxx-xx-xxxx
 Jones, Donald R., xxx-xx-xxxx
 Jones, Richard D., xxx-xx-xxxx
 Jones, Robert L., xxx-xx-xxxx
 Jones, Val B., xxx-xx-xxxx
 Jordan, Jonathan G., xxx-xx-xxxx
 Jordan, Philip T., Jr., xxx-xx-xxxx
 Kallelis, Nicholas, xxx-xx-xxxx
 Kantrud, David J., xxx-xx-xxxx
 Kendrick, Frank L., xxx-xx-xxxx

Kewer, Douglas C., xxx-xx-xxxx
 Kidd, Bruce C., xxx-xx-xxxx
 King Linda J., xxx-xx-xxxx
 Kishler, Fred E., Jr., xxx-xx-xxxx
 Klein, John D., xxx-xx-xxxx
 Knauer, David A., xxx-xx-xxxx
 Koehn, Kenneth L., xxx-xx-xxxx
 Koth, Al R., xxx-xx-xxxx
 Kreidler, Bruce E., xxx-xx-xxxx
 Krzykowski, Michael T., xxx-xx-xxxx
 Kunkle Sandra L., xxx-xx-xxxx
 Kushin, Alan L., xxx-xx-xxxx
 Lawrence, James J., xxx-xx-xxxx
 Lemmermann, Rebecca, xxx-xx-xxxx
 Lemons, Michael W., xxx-xx-xxxx
 Lester, Daniel W., xxx-xx-xxxx
 Lewis, Stephen P., xxx-xx-xxxx
 Liebold, William P., xxx-xx-xxxx
 Lippincott, Robert L., Jr., xxx-xx-xxxx
 Lizotte, Dennis T., xxx-xx-xxxx
 Locher, Clara M., xxx-xx-xxxx
 Loughran, Gregory A., xxx-xx-xxxx
 Luckenbach, Michael G., xxx-xx-xxxx
 Mahau, Patricia F., xxx-xx-xxxx
 Maloney, Patrick W., xxx-xx-xxxx
 Marotta, Heather E., xxx-xx-xxxx
 Mason, John B., III, xxx-xx-xxxx
 Massey, John B., xxx-xx-xxxx
 Matsumura, Ronald J., xxx-xx-xxxx
 Matthews, Jerry R., xxx-xx-xxxx
 Matthews, Norman W., Jr., xxx-xx-xxxx
 Matthews, Wright W., xxx-xx-xxxx
 May, Michael H., xxx-xx-xxxx
 McCallum, James F., xxx-xx-xxxx
 McCollum, James M., xxx-xx-xxxx
 McGhee, Paul D., xxx-xx-xxxx
 McGlasson, Larry W., xxx-xx-xxxx
 McGowan, Robert W., xxx-xx-xxxx
 McHale, Raymond E., xxx-xx-xxxx
 McKenna, Ralph E. Jr., xxx-xx-xxxx
 McKinnon, Angus M., xxx-xx-xxxx
 McLain, Ralph J. Jr., xxx-xx-xxxx
 Meadows, Robert J., xxx-xx-xxxx
 Melton, Robert E., xxx-xx-xxxx
 Messer, Robert D., xxx-xx-xxxx
 Miller, Jacob P., xxx-xx-xxxx
 Miller, James D. Jr., xxx-xx-xxxx
 Miller, Jonathan G., xxx-xx-xxxx
 Miller, Lee A., xxx-xx-xxxx
 Mills, Gordon J., xxx-xx-xxxx
 Mills, James W. Jr., xxx-xx-xxxx
 Minner, Gordon L., xxx-xx-xxxx
 Moe, Dennis L., xxx-xx-xxxx
 Monceaux, Murphy J., xxx-xx-xxxx
 Moore, William R., xxx-xx-xxxx
 Morgan, William S., III, xxx-xx-xxxx
 Motz Ernst, xxx-xx-xxxx
 Moulds, Robert D., xxx-xx-xxxx
 Mull, Paul L. Jr., xxx-xx-xxxx
 Mulzer, Wayne J., xxx-xx-xxxx
 Nikolai, Alberta M., xxx-xx-xxxx
 Nova, Michael R., xxx-xx-xxxx
 Ogle, Scott D., xxx-xx-xxxx
 Oakland, Ronald W., xxx-xx-xxxx
 Olshaw, Leon B., xxx-xx-xxxx
 Oppy, Ralph D., xxx-xx-xxxx
 Ostrowski, David J., xxx-xx-xxxx
 Packard, Arthur M., III, xxx-xx-xxxx
 Paglialungo, James J., xxx-xx-xxxx
 Painter, Larry J., xxx-xx-xxxx
 Patterson, Terry A., xxx-xx-xxxx
 Pederson, Steven C., xxx-xx-xxxx
 Pence, Steven W., xxx-xx-xxxx
 Pickering, Alan C., xxx-xx-xxxx
 Pignataro, Philip J., xxx-xx-xxxx
 Pitz, Joseph A., xxx-xx-xxxx
 Poe, James A., xxx-xx-xxxx
 Pothier, Vincent J., xxx-xx-xxxx
 Poulsen, Pamela S., xxx-xx-xxxx
 Pumphrey, Ronald E., xxx-xx-xxxx
 Raimo, Matthew J., xxx-xx-xxxx
 Raymond, Gary W., xxx-xx-xxxx
 Read, Michael K., xxx-xx-xxxx
 Rezac, George J. J., xxx-xx-xxxx

Rickerd, David M., **xxx-xx-xxxx**
 Ridge, William M., **xxx-xx-xxxx**
 Riverapena, Miguel A., **xxx-xx-xxxx**
 Roberts, Robert C., **xxx-xx-xxxx**
 Robinson, James S., **xxx-xx-xxxx**
 Rodriguez, Hector, **xxx-xx-xxxx**
 Rogers, Timothy A., **xxx-xx-xxxx**
 Rogers, William G., **xxx-xx-xxxx**
 Rohloff, Laurence F., **xxx-xx-xxxx**
 Rolsen, Richard L., **xxx-xx-xxxx**
 Rose, William C., **xxx-xx-xxxx**
 Rowe, Daniel A., **xxx-xx-xxxx**
 Rowell, Robert F., **xxx-xx-xxxx**
 Sanders, John R., Jr., **xxx-xx-xxxx**
 Santi, Michael J., **xxx-xx-xxxx**
 Sauerbrun, Gordon A., **xxx-xx-xxxx**
 Saunders, Steven A., **xxx-xx-xxxx**
 Schlatter, Michael H., **xxx-xx-xxxx**
 Schmidt, Donald C., **xxx-xx-xxxx**
 Schmidt, Gary B., **xxx-xx-xxxx**
 Schnabel, Gilbert E., Jr., **xxx-xx-xxxx**
 Schubring, Donald H., **xxx-xx-xxxx**
 Schuller, John C., **xxx-xx-xxxx**
 Schwemler, Paul E., **xxx-xx-xxxx**
 Scott, James E., **xxx-xx-xxxx**
 Seever, Orrin C., **xxx-xx-xxxx**
 Sherman, John P., **xxx-xx-xxxx**
 Shiely, Albert R., III, **xxx-xx-xxxx**
 Shroy, Richard F., **xxx-xx-xxxx**
 Sides, John C., **xxx-xx-xxxx**
 Siegel, Richard A., **xxx-xx-xxxx**
 Smith, Larry M., **xxx-xx-xxxx**
 Smith, Phillip E., **xxx-xx-xxxx**
 Snyder, John M., Jr., **xxx-xx-xxxx**
 Sonntag, Jeffrey L., **xxx-xx-xxxx**
 Soulsby, Lester D., **xxx-xx-xxxx**
 Spence, Kenneth L., **xxx-xx-xxxx**
 Spratt, John E., Jr., **xxx-xx-xxxx**
 Springer, Charles T., II, **xxx-xx-xxxx**
 Stacy, Robert A., **xxx-xx-xxxx**
 Stamm, David C., **xxx-xx-xxxx**
 Steiner, John A., **xxx-xx-xxxx**
 Stephens, John S., **xxx-xx-xxxx**
 Stickler, David L., **xxx-xx-xxxx**
 Stiklickas, Joseph J., **xxx-xx-xxxx**
 Stone, William E., **xxx-xx-xxxx**
 Straley, Michael L., **xxx-xx-xxxx**
 Strickland, Cary L., **xxx-xx-xxxx**
 Studdard, Warren E., **xxx-xx-xxxx**
 Swain, Jerome W., **xxx-xx-xxxx**
 Talbert, Michael D., **xxx-xx-xxxx**
 Talleur, Raymond C., **xxx-xx-xxxx**
 Talley, Robert K., **xxx-xx-xxxx**
 Tayloe, Robert N., **xxx-xx-xxxx**
 Teeter, Gary W., **xxx-xx-xxxx**
 Thelen, Thomas J., **xxx-xx-xxxx**
 Thomas, Richard P., **xxx-xx-xxxx**
 Thompson, Larry J., **xxx-xx-xxxx**
 Thompson, Robert A., **xxx-xx-xxxx**
 Tibbs, Suzanne D., **xxx-xx-xxxx**
 Timoskevich, Dennis J., **xxx-xx-xxxx**
 Tinsley, Michael E., **xxx-xx-xxxx**
 Tomczak, Robert J., **xxx-xx-xxxx**
 Topliffe, John N., **xxx-xx-xxxx**
 Torstrick, Stephen R., **xxx-xx-xxxx**
 Trahan, Roy E., **xxx-xx-xxxx**
 Traylor, Eddie K., **xxx-xx-xxxx**
 Tree, James L., **xxx-xx-xxxx**
 Turner, Billie E., **xxx-xx-xxxx**
 Turney, Ronald B., **xxx-xx-xxxx**
 Uecker, Carolyn O., **xxx-xx-xxxx**
 Ulrich, Bruce E., **xxx-xx-xxxx**
 Vallo, Louis, **xxx-xx-xxxx**
 Volkman, Bryn E., **xxx-xx-xxxx**
 Vonwerne, Warren A., **xxx-xx-xxxx**
 Wagen, Thomas D., Sr., **xxx-xx-xxxx**
 Wallace, Terry L., **xxx-xx-xxxx**
 Wallin, John M., **xxx-xx-xxxx**
 Ward, Joseph P., **xxx-xx-xxxx**
 Watson, Frederick E., **xxx-xx-xxxx**
 Waylett, Susanne M., **xxx-xx-xxxx**
 Webb, Donald J., **xxx-xx-xxxx**
 Webb, Robert L., **xxx-xx-xxxx**
 Weikel, Gary L., **xxx-xx-xxxx**

Weinzierl, Thomas C., **xxx-xx-xxxx**
 Weiss, Daniel A., **xxx-xx-xxxx**
 Wells, Cecilia Salas, **xxx-xx-xxxx**
 Wessels, Larry W., **xxx-xx-xxxx**
 Wethe, Wallace K., **xxx-xx-xxxx**
 Wetters, Ronald C., **xxx-xx-xxxx**
 Wheeler, Patrick E., **xxx-xx-xxxx**
 Whisenhunt, Jeffery W., **xxx-xx-xxxx**
 Whitney, Wanda L., **xxx-xx-xxxx**
 Widney, Christopher W., **xxx-xx-xxxx**
 Wilkinson, John D., **xxx-xx-xxxx**
 Williams, Kenneth A., **xxx-xx-xxxx**
 Williams, Robert J., **xxx-xx-xxxx**
 Winans, James R., **xxx-xx-xxxx**
 Winters, Thomas C., **xxx-xx-xxxx**
 Wood, Teddy G., **xxx-xx-xxxx**
 Woolley, Donald F., **xxx-xx-xxxx**
 Worden, Leslie C., **xxx-xx-xxxx**
 Wortham, James O., Jr., **xxx-xx-xxxx**
 Wydra, Edward J., **xxx-xx-xxxx**
 Xiques, George M., Jr., **xxx-xx-xxxx**
 Young, Ruth A., **xxx-xx-xxxx**
 Zuck, Dale A., **xxx-xx-xxxx**

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10 United States Code, to perform the duties indicated, and with grades and dates of rank to be determined by the Secretary of the Air Force in accordance with section 533, title 10, United States Code.

CHAPLAIN CORPS

Aiello, William C., **xxx-xx-xxxx**
 Baldwin, Mavis S., **xxx-xx-xxxx**
 Beaman, Walter E., **xxx-xx-xxxx**
 Bell, Gerald M., **xxx-xx-xxxx**
 Brezna, Raymond G., **xxx-xx-xxxx**
 Fahner, David W., **xxx-xx-xxxx**
 Fedor, Leroy L., **xxx-xx-xxxx**
 Johnston, Robert F., **xxx-xx-xxxx**
 Krauss, Robert M., Jr., **xxx-xx-xxxx**
 Milcetich, Paul P., Jr., **xxx-xx-xxxx**
 Moffatt, Jack F., **xxx-xx-xxxx**
 Plested, Robert W. H., **xxx-xx-xxxx**
 Quinn, Lawrence T., **xxx-xx-xxxx**
 Stryjewski, John J., **xxx-xx-xxxx**
 Supa, Joseph, **xxx-xx-xxxx**
 Tibus, Andrew J., **xxx-xx-xxxx**
 Walsh, Andrew J., Jr., **xxx-xx-xxxx**
 Yates, Edcort D., **xxx-xx-xxxx**
 Zinzer, Walter W., **xxx-xx-xxxx**

JUDGE ADVOCATE CORPS

Allen, Ronald G., **xxx-xx-xxxx**
 Eckhardt, Carl W., Jr., **xxx-xx-xxxx**
 Jackson, Jerald W., **xxx-xx-xxxx**
 Kuster, Robert L., **xxx-xx-xxxx**
 Madsen, David W., **xxx-xx-xxxx**
 Miniclier, Joseph E., **xxx-xx-xxxx**
 Robinson, Donald L., **xxx-xx-xxxx**
 Starr, Eddy M., **xxx-xx-xxxx**
 Tudor, Thomas S. M., **xxx-xx-xxxx**
 Weaver, Phillip A., **xxx-xx-xxxx**
 Yee, Harry, **xxx-xx-xxxx**
 Young, Roger L., **xxx-xx-xxxx**
 Yount, Frank M., **xxx-xx-xxxx**

NURSE CORPS

Andrews, Mary F., **xxx-xx-xxxx**
 Baker, Richard D., **xxx-xx-xxxx**
 Beesinger, Carol J., **xxx-xx-xxxx**
 Bennett, Walter A., Jr., **xxx-xx-xxxx**
 Bohman, Richard C., **xxx-xx-xxxx**
 Brown, Mary E., **xxx-xx-xxxx**
 Burns, Paul A., **xxx-xx-xxxx**
 Carbone, Christine J., **xxx-xx-xxxx**
 Carver, Hazel I., **xxx-xx-xxxx**
 Cherry, Rosalie D., **xxx-xx-xxxx**
 Clemens, Mary L., **xxx-xx-xxxx**
 Collins, Wendy S., **xxx-xx-xxxx**
 Dalton, Catherine C., **xxx-xx-xxxx**
 Darnold, Jana L., **xxx-xx-xxxx**
 Deberg, Joellen, **xxx-xx-xxxx**

Donald, Linda K., **xxx-xx-xxxx**
 Drake, Gene E., **xxx-xx-xxxx**
 Edsen, Mary A., **xxx-xx-xxxx**
 Eichenauer, Ronald J., **xxx-xx-xxxx**
 Fullenkamp, Durelle B., **xxx-xx-xxxx**
 Gemberling, George C., Jr., **xxx-xx-xxxx**
 Gillespie, Mary C., **xxx-xx-xxxx**
 Gonce, Cathy A., **xxx-xx-xxxx**
 Harrington, Frances L., **xxx-xx-xxxx**
 Hatfield, Denzell K., **xxx-xx-xxxx**
 Hauck, Elaine M., **xxx-xx-xxxx**
 Hollis, Rodney C., **xxx-xx-xxxx**
 Howe, Mary A., **xxx-xx-xxxx**
 Kunkel, Barbara A., **xxx-xx-xxxx**
 Laurelanojulia Wilfredo, **xxx-xx-xxxx**
 Mallory, Ronald R., **xxx-xx-xxxx**
 McIntyre, Carol L., **xxx-xx-xxxx**
 Minnicks, Joan, **xxx-xx-xxxx**
 Mitterer, Daniel R., **xxx-xx-xxxx**
 Nugent, Mary A., **xxx-xx-xxxx**
 Oczkowski, Jane M., **xxx-xx-xxxx**
 Reeves, Carla M., **xxx-xx-xxxx**
 Robinson, Louise W., **xxx-xx-xxxx**
 Rodie, Sandra M., **xxx-xx-xxxx**
 Rumsey, Cheryl L., **xxx-xx-xxxx**
 Stratford, Leslie C., **xxx-xx-xxxx**
 Tryon, Kathryn J., **xxx-xx-xxxx**
 Walker, Mary E., **xxx-xx-xxxx**
 Walton, George A., **xxx-xx-xxxx**
 Warner, James Jr., **xxx-xx-xxxx**
 Whittaker, Robert Y., **xxx-xx-xxxx**
 Winn, Mary Martha, **xxx-xx-xxxx**
 Young, Carl A., **xxx-xx-xxxx**

MEDICAL SERVICE CORPS

Geis, Bruce A., **xxx-xx-xxxx**
 Hosman, James V., **xxx-xx-xxxx**
 Jenn, Donald A., **xxx-xx-xxxx**
 Kurowski, Kenneth J., **xxx-xx-xxxx**
 Middleton, Allen W., **xxx-xx-xxxx**
 Milner, Gary W., **xxx-xx-xxxx**
 Putnam, Patricia A., **xxx-xx-xxxx**
 Seitz, Gary J., **xxx-xx-xxxx**
 Yaege, Glen B., **xxx-xx-xxxx**

BIOMEDICAL SCIENCE CORPS

Cathcart, Alan M., **xxx-xx-xxxx**
 Cooper, James R., **xxx-xx-xxxx**
 Emmett, Frank E., Jr., **xxx-xx-xxxx**
 Fodor, William J., **xxx-xx-xxxx**
 Frank, Rex A., **xxx-xx-xxxx**
 Gentry, Michael W., **xxx-xx-xxxx**
 Greenamyer, Judith J., **xxx-xx-xxxx**
 Harraghly, Donald M., **xxx-xx-xxxx**
 Howard, Allen H., **xxx-xx-xxxx**
 Hughes, Edward B., **xxx-xx-xxxx**
 Hulse, Phillip M., **xxx-xx-xxxx**
 Jordan, Dick T., Jr., **xxx-xx-xxxx**
 Luehrs, Lewis G., **xxx-xx-xxxx**
 Meinders, Marvin D., **xxx-xx-xxxx**
 Nelson, John P., **xxx-xx-xxxx**
 Tullio, Carl J., **xxx-xx-xxxx**
 Utke, Dennis G., **xxx-xx-xxxx**
 Vierafernandez, Jorge, **xxx-xx-xxxx**
 Vura, Ronald C., **xxx-xx-xxxx**
 Wagaman, Lewis P., **xxx-xx-xxxx**
 Wall, Robert M., **xxx-xx-xxxx**
 Weiland, William C., **xxx-xx-xxxx**
 West, George V., Jr., **xxx-xx-xxxx**
 Whitney, Dale E., **xxx-xx-xxxx**
 Young, James H., **xxx-xx-xxxx**

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Bowles, David S., **xxx-xx-xxxx**
 Clark, Jay L., **xxx-xx-xxxx**
 Fallon, Thomas A., **xxx-xx-xxxx**
 Hood, Barry K., **xxx-xx-xxxx**
 Lindsay, Jon K., **xxx-xx-xxxx**
 Michel, Howard E., **xxx-xx-xxxx**

Pratt, Lawrence R., **xxx-xx-xxxx**
 Roth, Mark A., **xxx-xx-xxxx**

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE*To be lieutenant colonel*

Bowles, David S., **xxx-xx-xxxx**
 Boyd, Michael L., **xxx-xx-xxxx**
 Carr, Michael L., **xxx-xx-xxxx**
 Deer, Thomas E., **xxx-xx-xxxx**
 Donnelly, John J., **xxx-xx-xxxx**
 Ellis, Smokey F. C., **xxx-xx-xxxx**
 Fallon, Thomas A., **xxx-xx-xxxx**
 Foster, Leland C., Jr., **xxx-xx-xxxx**
 Hood, Barry K., **xxx-xx-xxxx**
 Jevcak, Joseph J., **xxx-xx-xxxx**
 Jolly, Charles F., **xxx-xx-xxxx**
 Kurinec, Ronald G., **xxx-xx-xxxx**
 Stafford, Millard D., Jr., **xxx-xx-xxxx**
 Tucker, Paul K., **xxx-xx-xxxx**
 Updyke, Junius E., **xxx-xx-xxxx**
 Vinkels, Gunars, **xxx-xx-xxxx**

CHAPLAIN

Clayton, Bennie H., **xxx-xx-xxxx**

LINE OF THE AIR FORCE*To be major*

Davis, Ryan M., **xxx-xx-xxxx**
 Ellis, Roger F., **xxx-xx-xxxx**
 Lindsay, Jon K., **xxx-xx-xxxx**
 Roth, Mark A., **xxx-xx-xxxx**

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE*To be major*

Aaron, Gregory J., **xxx-xx-xxxx**
 Abadie, Peter J., **xxx-xx-xxxx**
 Abrami, John R., **xxx-xx-xxxx**
 Abravaya, Ralph I., **xxx-xx-xxxx**
 Adams, Alan L., **xxx-xx-xxxx**
 Adams, Terry R., **xxx-xx-xxxx**
 Adams, Theodore D., **xxx-xx-xxxx**
 Adamski, John, **xxx-xx-xxxx**
 Adsit, Jay R., **xxx-xx-xxxx**
 Agrella William, **xxx-xx-xxxx**
 Aguirre, Ralph G., **xxx-xx-xxxx**
 Ahmann, James, R., **xxx-xx-xxxx**
 Aitkencade, Philip B., **xxx-xx-xxxx**
 Albertazzie, Thomas E., **xxx-xx-xxxx**
 Albin, James E., **xxx-xx-xxxx**
 Albright, Robert E., **xxx-xx-xxxx**
 Albritton, James E., **xxx-xx-xxxx**
 Alchian, Allen A., **xxx-xx-xxxx**
 Aldrich, David G., **xxx-xx-xxxx**
 Alexander, Johnny D., **xxx-xx-xxxx**
 Alford, Truman G., Jr., **xxx-xx-xxxx**
 Alford, William L., **xxx-xx-xxxx**
 Allen, David E., **xxx-xx-xxxx**
 Allen, Michael D., **xxx-xx-xxxx**
 Allgood, James E., **xxx-xx-xxxx**
 Allison, Kenneth L., **xxx-xx-xxxx**
 Allison, Lavoin K., **xxx-xx-xxxx**
 Almassy, Richard J., **xxx-xx-xxxx**
 Almond, Daniel L., **xxx-xx-xxxx**
 Alston, Howard R., Jr., **xxx-xx-xxxx**
 Alt, John J., **xxx-xx-xxxx**
 Alves, Paul J., **xxx-xx-xxxx**
 Alvey, Wallace R., **xxx-xx-xxxx**
 Anarde, Russell J., **xxx-xx-xxxx**
 Anderl, Robert S., **xxx-xx-xxxx**
 Andersen, Leslie C., **xxx-xx-xxxx**
 Andersen, Paul C., **xxx-xx-xxxx**

Anderson, Donald C., **xxx-xx-xxxx**
 Anderson, Emery D., **xxx-xx-xxxx**
 Anderson, Herbert K., Jr., **xxx-xx-xxxx**
 Anderson, James R., **xxx-xx-xxxx**
 Anderson, John M., **xxx-xx-xxxx**
 Anderson, Kenneth R., **xxx-xx-xxxx**
 Anderson, Stanley K., **xxx-xx-xxxx**
 Anderson, Wayne J., **xxx-xx-xxxx**
 Andrews, Steven H., **xxx-xx-xxxx**
 Andrus, James C., **xxx-xx-xxxx**
 Angle, George M., Jr., **xxx-xx-xxxx**
 Anna, John W., **xxx-xx-xxxx**
 Arbeiter, Randolph G., **xxx-xx-xxxx**
 Arbogost, Harold O., Jr., **xxx-xx-xxxx**
 Archer, Michael D., **xxx-xx-xxxx**
 Armbrust, Gregory N., **xxx-xx-xxxx**
 Armour, Robert W., **xxx-xx-xxxx**
 Armstrong, George A., III, **xxx-xx-xxxx**
 Armstrong, John M., **xxx-xx-xxxx**
 Arndt, Linda J., **xxx-xx-xxxx**
 Arnold, Brian A., **xxx-xx-xxxx**
 Arnold, Eugene F., **xxx-xx-xxxx**
 Artman, William D., **xxx-xx-xxxx**
 Asbury, Clinton J., III, **xxx-xx-xxxx**
 Ashbaugh, John B., **xxx-xx-xxxx**
 Asher, Charles R., **xxx-xx-xxxx**
 Asher, Michael D., **xxx-xx-xxxx**
 Ashing, David W., **xxx-xx-xxxx**
 Ashleman, Eddie F., Jr., **xxx-xx-xxxx**
 Ashley, Charles W., **xxx-xx-xxxx**
 Ashton, David J., **xxx-xx-xxxx**
 Askins, Edward A., **xxx-xx-xxxx**
 Atkinson, Delbert B., **xxx-xx-xxxx**
 Atkinson, John M., **xxx-xx-xxxx**
 Atwood, Eugene G., **xxx-xx-xxxx**
 Aucoin, James S., **xxx-xx-xxxx**
 Audley, David R., **xxx-xx-xxxx**
 Augustine, Charles D., **xxx-xx-xxxx**
 Austin, Robert A., **xxx-xx-xxxx**
 Autry, Larry D., **xxx-xx-xxxx**
 Avallone, Joseph A., **xxx-xx-xxxx**
 Averitt, Donald W., **xxx-xx-xxxx**
 Avery, Stephen E., **xxx-xx-xxxx**
 Avon, Joseph G., **xxx-xx-xxxx**
 Ayers, Louis M., Jr., **xxx-xx-xxxx**
 Ayres, Harrison G., Jr., **xxx-xx-xxxx**
 Babbitt, Harold L., **xxx-xx-xxxx**
 Baccarella, Peter C., Jr., **xxx-xx-xxxx**
 Bachman, Robert G., **xxx-xx-xxxx**
 Backman, Stephen M., **xxx-xx-xxxx**
 Backstrom, David W., **xxx-xx-xxxx**
 Bacon, Joseph L., **xxx-xx-xxxx**
 Baethge, Jonathan D., **xxx-xx-xxxx**
 Bagley, Hollis R., **xxx-xx-xxxx**
 Bailey, Burnell W., **xxx-xx-xxxx**
 Bailey, Larry A., **xxx-xx-xxxx**
 Bailey, Michael L., **xxx-xx-xxxx**
 Bailey, Richard L., **xxx-xx-xxxx**
 Bailey, Roger A., **xxx-xx-xxxx**
 Bain, Keith E., **xxx-xx-xxxx**
 Baird, Jay L., **xxx-xx-xxxx**
 Baker, Francis J., Jr., **xxx-xx-xxxx**
 Baker, Glenn F., **xxx-xx-xxxx**
 Baker, Jack T., **xxx-xx-xxxx**
 Baker, Robert D., **xxx-xx-xxxx**
 Baker, Robert F., **xxx-xx-xxxx**
 Baker, Rodney W., **xxx-xx-xxxx**
 Baker, Stephen L., **xxx-xx-xxxx**
 Baker, William P., **xxx-xx-xxxx**
 Baldwin, Peter, Jr., **xxx-xx-xxxx**
 Ball, George J., **xxx-xx-xxxx**
 Ballard, Leroy D., **xxx-xx-xxxx**
 Ballard, Robert L., **xxx-xx-xxxx**
 Ballas, Richard D., **xxx-xx-xxxx**
 Baltzer, Robert L., **xxx-xx-xxxx**
 Bangs, Daniel P., **xxx-xx-xxxx**
 Banister, John H., Jr., **xxx-xx-xxxx**
 Banner, Clifden A., **xxx-xx-xxxx**
 Bannon, Michael T., **xxx-xx-xxxx**
 Bante, Thomas M., Jr., **xxx-xx-xxxx**
 Banton, George R., **xxx-xx-xxxx**
 Baptiste, Samuel J., **xxx-xx-xxxx**
 Baptiste, Thomas L., **xxx-xx-xxxx**
 Barber, Gary N., **xxx-xx-xxxx**
 Barber, Ronald L., **xxx-xx-xxxx**
 Bard, Nathan R., Jr., **xxx-xx-xxxx**
 Barker, Kenneth R., Jr., **xxx-xx-xxxx**
 Barker, Sheila M., **xxx-xx-xxxx**
 Barlow, Robert A., **xxx-xx-xxxx**
 Barnes, Gary I., **xxx-xx-xxxx**
 Barnes, Michael R., **xxx-xx-xxxx**
 Barnett, William H., Jr., **xxx-xx-xxxx**
 Barnum, Gary E., **xxx-xx-xxxx**
 Barrett, Ronald R., **xxx-xx-xxxx**
 Barry, James R., Jr., **xxx-xx-xxxx**
 Bartholomew, Donald F., Jr., **xxx-xx-xxxx**
 Barton, Joseph S., **xxx-xx-xxxx**
 Barton, William H., Jr., **xxx-xx-xxxx**
 Bartsch, Thomas M., **xxx-xx-xxxx**
 Baschab, Roger G., **xxx-xx-xxxx**
 Basler, Nicholas J., **xxx-xx-xxxx**
 Bassett, Kenneth R., **xxx-xx-xxxx**
 Bates, Donald G., **xxx-xx-xxxx**
 Bates, John W., **xxx-xx-xxxx**
 Bates, Richard L., **xxx-xx-xxxx**
 Bates, Rodney L., **xxx-xx-xxxx**
 Bath, Thomas A., **xxx-xx-xxxx**
 Batten, Albert L., **xxx-xx-xxxx**
 Baughn, Lawrence E., Jr., **xxx-xx-xxxx**
 Bauman, John V., **xxx-xx-xxxx**
 Baxter, Tommy J., **xxx-xx-xxxx**
 Bayless, Robert L., **xxx-xx-xxxx**
 Beal, Thomas L., **xxx-xx-xxxx**
 Beard, Richard E., Jr., **xxx-xx-xxxx**
 Beat, Anthony M., **xxx-xx-xxxx**
 Beck, Norman M., Jr., **xxx-xx-xxxx**
 Becker, Donald J., **xxx-xx-xxxx**
 Beckett, Richard A., **xxx-xx-xxxx**
 Bedor, Wayne M., **xxx-xx-xxxx**
 Bell, Thomas I., **xxx-xx-xxxx**
 Beisner, Christopher C., **xxx-xx-xxxx**
 Belisle, Thomas M., **xxx-xx-xxxx**
 Bell, Dennis R., **xxx-xx-xxxx**
 Bell, Glenn E., **xxx-xx-xxxx**
 Bell, Raymond L., **xxx-xx-xxxx**
 Bell, Stephen C., **xxx-xx-xxxx**
 Belote, Frank L., Jr., **xxx-xx-xxxx**
 Bender, Donald C., **xxx-xx-xxxx**
 Bender, Richard L., **xxx-xx-xxxx**
 Benedict, William P., **xxx-xx-xxxx**
 Benefield, Horace, Jr., **xxx-xx-xxxx**
 Bennett, Larry E., **xxx-xx-xxxx**
 Bennett, Robert B., **xxx-xx-xxxx**
 Bennett, William C., **xxx-xx-xxxx**
 Benzel, Douglas A., **xxx-xx-xxxx**
 Berardino, Joseph J., **xxx-xx-xxxx**
 Berecek, Emil M., III, **xxx-xx-xxxx**
 Berg, Harold E., **xxx-xx-xxxx**
 Berg, Thomas R., **xxx-xx-xxxx**
 Bergquist, David E., **xxx-xx-xxxx**
 Bergquist, Timothy M., **xxx-xx-xxxx**
 Berkland, David E., **xxx-xx-xxxx**
 Berkshire, Ronald A., **xxx-xx-xxxx**
 Berland, William L., **xxx-xx-xxxx**
 Bernard, John E., **xxx-xx-xxxx**
 Bernard, Richard E., **xxx-xx-xxxx**
 Berry, Michael J., **xxx-xx-xxxx**
 Berry, Thomas A., **xxx-xx-xxxx**
 Berry, Thomas J., Jr., **xxx-xx-xxxx**
 Bertran, Eldon E., **xxx-xx-xxxx**
 Bess, Michael P., **xxx-xx-xxxx**
 Bethel, Harry E., **xxx-xx-xxxx**
 Betsch, Keith A., **xxx-xx-xxxx**
 Bettencourt, Manuel J., **xxx-xx-xxxx**
 Beulke, Linda M., **xxx-xx-xxxx**
 Bevins, Barbara J., **xxx-xx-xxxx**
 Bible, Richard W., **xxx-xx-xxxx**
 Bickel, Larry E., **xxx-xx-xxxx**
 Bienstock, Steven A., **xxx-xx-xxxx**
 Bierie, John M., **xxx-xx-xxxx**
 Biggs, Michael N., **xxx-xx-xxxx**
 Bigum, Randall K., **xxx-xx-xxxx**
 Billings, Lynn K., **xxx-xx-xxxx**
 Bina, David A., **xxx-xx-xxxx**
 Binder, Gregory A., **xxx-xx-xxxx**
 Binnebose, James P., **xxx-xx-xxxx**
 Birchak, Paul K., **xxx-xx-xxxx**
 Bird, Donald M., **xxx-xx-xxxx**

Birkett, Edward F., III, <u>xxx-xx-xxxx</u>	Bright, Duane E., <u>xxx-xx-xxxx</u>	Cabezas, Jorge E., <u>xxx-xx-xxxx</u>
Bischoff, Kenneth C., <u>xxx-xx-xxxx</u>	Bright, Thomas J., <u>xxx-xx-xxxx</u>	Caffall, William E., <u>xxx-xx-xxxx</u>
Bischoff, Mark U., <u>xxx-xx-xxxx</u>	Brims, Richard C., <u>xxx-xx-xxxx</u>	Cafiero, Mario S., <u>xxx-xx-xxxx</u>
Bjorklund, Raymond C., <u>xxx-xx-xxxx</u>	Brinkmann, Daniel M., <u>xxx-xx-xxxx</u>	Cagle, Lloyd L., <u>xxx-xx-xxxx</u>
Black, Donald L., <u>xxx-xx-xxxx</u>	Briski, David F., <u>xxx-xx-xxxx</u>	Cagle, Mervin J., <u>xxx-xx-xxxx</u>
Blackledge, Kenneth R., <u>xxx-xx-xxxx</u>	Brock, John R., Jr., <u>xxx-xx-xxxx</u>	Caisse, Eugene J., <u>xxx-xx-xxxx</u>
Blackmore, Gay D., <u>xxx-xx-xxxx</u>	Brockl, Paul D., <u>xxx-xx-xxxx</u>	Caldwell, John P., <u>xxx-xx-xxxx</u>
Blair, Susan M., <u>xxx-xx-xxxx</u>	Brodel, Robert S., <u>xxx-xx-xxxx</u>	Call, Charles M., Jr., <u>xxx-xx-xxxx</u>
Blakelock, Ralph A., Jr., <u>xxx-xx-xxxx</u>	Brooks, Michael E., <u>xxx-xx-xxxx</u>	Callen, Monte H., Jr., <u>xxx-xx-xxxx</u>
Blalock, Lamberton W., Jr., <u>xxx-xx-xxxx</u>	Brown, Christopher J., <u>xxx-xx-xxxx</u>	Callen, Thomas R., <u>xxx-xx-xxxx</u>
Blameuser, Lawrence F., Jr., <u>xxx-xx-xxxx</u>	Brown, David J., <u>xxx-xx-xxxx</u>	Callender, Marion E., Jr., <u>xxx-xx-xxxx</u>
Blandin Robert R., <u>xxx-xx-xxxx</u>	Brown, Edward E., <u>xxx-xx-xxxx</u>	Campbell, Charles K., <u>xxx-xx-xxxx</u>
Blank, Richard A., <u>xxx-xx-xxxx</u>	Brown, Gerald L., <u>xxx-xx-xxxx</u>	Campbell, Clarence L., Jr., <u>xxx-xx-xxxx</u>
Blanton, Hoy M., <u>xxx-xx-xxxx</u>	Brown, James E., <u>xxx-xx-xxxx</u>	Campbell, Donald W., <u>xxx-xx-xxxx</u>
Blatt, Ronald W., <u>xxx-xx-xxxx</u>	Brown, Richard B., <u>xxx-xx-xxxx</u>	Campbell, John H., <u>xxx-xx-xxxx</u>
Blind, John A., <u>xxx-xx-xxxx</u>	Brown, Robert C., Jr., <u>xxx-xx-xxxx</u>	Campbell, Walter B., III, <u>xxx-xx-xxxx</u>
Blodgett, Dennis R., <u>xxx-xx-xxxx</u>	Brown, Robert M., <u>xxx-xx-xxxx</u>	Cannon, James P., <u>xxx-xx-xxxx</u>
Blondin, James D., <u>xxx-xx-xxxx</u>	Brown, Roy W., III, <u>xxx-xx-xxxx</u>	Caramanica, Nicholas G., <u>xxx-xx-xxxx</u>
Bloomer, Raymond H., Jr., <u>xxx-xx-xxxx</u>	Brown, Samuel, Jr., <u>xxx-xx-xxxx</u>	Cardinal, Lawrence D., <u>xxx-xx-xxxx</u>
Blum, Gary R., <u>xxx-xx-xxxx</u>	Brown, William J., <u>xxx-xx-xxxx</u>	Carleton, Jon R., <u>xxx-xx-xxxx</u>
Boatright, Rodney L., <u>xxx-xx-xxxx</u>	Browne, Michael J., <u>xxx-xx-xxxx</u>	Carlson, David A., <u>xxx-xx-xxxx</u>
Boatwright, James E., III, <u>xxx-xx-xxxx</u>	Browning, James D., <u>xxx-xx-xxxx</u>	Carlson, Kenneth C., Jr., <u>xxx-xx-xxxx</u>
Bobbitt, David W., <u>xxx-xx-xxxx</u>	Browning, Roger S., <u>xxx-xx-xxxx</u>	Carlson, Robert O., Jr., <u>xxx-xx-xxxx</u>
Boehme, Michael P., <u>xxx-xx-xxxx</u>	Browning, Ronald K., <u>xxx-xx-xxxx</u>	Carmichael, Steven, <u>xxx-xx-xxxx</u>
Boerum, Kenneth R., <u>xxx-xx-xxxx</u>	Brownlee, Calfort M., <u>xxx-xx-xxxx</u>	Carpen, Thaddeus R., Jr., <u>xxx-xx-xxxx</u>
Boettcher, Jon H., <u>xxx-xx-xxxx</u>	Broyhill, Ted K., <u>xxx-xx-xxxx</u>	Carpenter, David W., <u>xxx-xx-xxxx</u>
Bofferding, Michael J., <u>xxx-xx-xxxx</u>	Broyles, Danny R., <u>xxx-xx-xxxx</u>	Carpenter, John R., <u>xxx-xx-xxxx</u>
Bogenrief, James D., <u>xxx-xx-xxxx</u>	Bruce, Robert C., <u>xxx-xx-xxxx</u>	Carpenter, Richard F., <u>xxx-xx-xxxx</u>
Bohlin, Daniel J., <u>xxx-xx-xxxx</u>	Bruckner, Linda G., <u>xxx-xx-xxxx</u>	Carraway, James E., <u>xxx-xx-xxxx</u>
Bolander, Ralph E., <u>xxx-xx-xxxx</u>	Bruening, William S., <u>xxx-xx-xxxx</u>	Carrier, Rick T., <u>xxx-xx-xxxx</u>
Bolick, Thomas R., <u>xxx-xx-xxxx</u>	Brumm, Terry L., <u>xxx-xx-xxxx</u>	Carroll, Clarence D., <u>xxx-xx-xxxx</u>
Bolinger, Robert E., <u>xxx-xx-xxxx</u>	Brunelle, Francis R., <u>xxx-xx-xxxx</u>	Carroll, Stephan R., <u>xxx-xx-xxxx</u>
Boller, Richard A., <u>xxx-xx-xxxx</u>	Bruner, Charles D., <u>xxx-xx-xxxx</u>	Carryer, Roy D., <u>xxx-xx-xxxx</u>
Bollich, William P., <u>xxx-xx-xxxx</u>	Brunsgess, James R., <u>xxx-xx-xxxx</u>	Carson, John H., <u>xxx-xx-xxxx</u>
Bontly, William A., <u>xxx-xx-xxxx</u>	Brunn, Herbert L., <u>xxx-xx-xxxx</u>	Carter, John H., <u>xxx-xx-xxxx</u>
Booker, Elbert R., Jr., <u>xxx-xx-xxxx</u>	Brust, Terry J., <u>xxx-xx-xxxx</u>	Carter, Raymond N., <u>xxx-xx-xxxx</u>
Booker, Theodore G., <u>xxx-xx-xxxx</u>	Bruton, Patricia A., <u>xxx-xx-xxxx</u>	Carter, Ronald D., <u>xxx-xx-xxxx</u>
Boone, David B., <u>xxx-xx-xxxx</u>	Bryant, Henry A., <u>xxx-xx-xxxx</u>	Carter, William M., Jr., <u>xxx-xx-xxxx</u>
Booth, William H., <u>xxx-xx-xxxx</u>	Bryant, James M., <u>xxx-xx-xxxx</u>	Cartwright, Chester R., <u>xxx-xx-xxxx</u>
Bordelon, Vernon P., Jr., <u>xxx-xx-xxxx</u>	Bryant, Leonard W., <u>xxx-xx-xxxx</u>	Carver, William A., <u>xxx-xx-xxxx</u>
Boren, Robert I., <u>xxx-xx-xxxx</u>	Bryant, William R., <u>xxx-xx-xxxx</u>	Case, Versel T., <u>xxx-xx-xxxx</u>
Borofsky, Clifford R., <u>xxx-xx-xxxx</u>	Buchanan, Delbert H., Jr., <u>xxx-xx-xxxx</u>	Casey, Ronald C., <u>xxx-xx-xxxx</u>
Boss, William D., <u>xxx-xx-xxxx</u>	Buchanan, Walter E. L., III, <u>xxx-xx-xxxx</u>	Cashero, Gary A., <u>xxx-xx-xxxx</u>
Bourdon, Donald J., <u>xxx-xx-xxxx</u>	Buck, Richard J., Jr., <u>xxx-xx-xxxx</u>	Caspers, Joseph R., <u>xxx-xx-xxxx</u>
Bouris, Harry L., <u>xxx-xx-xxxx</u>	Buck, Walter P., III, <u>xxx-xx-xxxx</u>	Cassanova, Eugene, III, <u>xxx-xx-xxxx</u>
Bovey, Edward M., <u>xxx-xx-xxxx</u>	Buckley, Raynor L., II, <u>xxx-xx-xxxx</u>	Cassity, Michael T., <u>xxx-xx-xxxx</u>
Bow, David M. H., <u>xxx-xx-xxxx</u>	Budd, Suzanne M., <u>xxx-xx-xxxx</u>	Casteel, Gary E., <u>xxx-xx-xxxx</u>
Bowden, Joseph A., <u>xxx-xx-xxxx</u>	Buebendorf, Charles J., <u>xxx-xx-xxxx</u>	Catalano, Charles F., <u>xxx-xx-xxxx</u>
Bowen, Craig S., <u>xxx-xx-xxxx</u>	Buffalo, Edith B., <u>xxx-xx-xxxx</u>	Cathcart, Terry L., <u>xxx-xx-xxxx</u>
Bowman, Gene S., <u>xxx-xx-xxxx</u>	Bugner, John R., <u>xxx-xx-xxxx</u>	Catts, Erwin C., III, <u>xxx-xx-xxxx</u>
Bowman, Steven C., <u>xxx-xx-xxxx</u>	Bukevitz, Ronald E., <u>xxx-xx-xxxx</u>	Catullo, Anthony A., <u>xxx-xx-xxxx</u>
Box, Rickey L., <u>xxx-xx-xxxx</u>	Bullington, Jay A., <u>xxx-xx-xxxx</u>	Caudle, Keith H., <u>xxx-xx-xxxx</u>
Boyd, Charles S., <u>xxx-xx-xxxx</u>	Bullock, Joan G., <u>xxx-xx-xxxx</u>	Caulfield, John B., <u>xxx-xx-xxxx</u>
Boyd, George E., <u>xxx-xx-xxxx</u>	Bunch, John G., <u>xxx-xx-xxxx</u>	Cavendish, Ronald L., <u>xxx-xx-xxxx</u>
Boyd, Thomas E., <u>xxx-xx-xxxx</u>	Burdick, Raymond J., <u>xxx-xx-xxxx</u>	Caywood, Douglas E., <u>xxx-xx-xxxx</u>
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Boyle, Patrick M., <u>xxx-xx-xxxx</u>	Burke, Bryant N., Jr., <u>xxx-xx-xxxx</u>	Chabot, Guy A., <u>xxx-xx-xxxx</u>
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Brainerd, Helen A., <u>xxx-xx-xxxx</u>	Burns, Daniel L., <u>xxx-xx-xxxx</u>	Chapman, John C., <u>xxx-xx-xxxx</u>
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Brandon, John D., <u>xxx-xx-xxxx</u>	Burns, Robert, III, <u>xxx-xx-xxxx</u>	Chase, Gregory M., <u>xxx-xx-xxxx</u>
Braselman, William W. R., Jr., <u>xxx-xx-xxxx</u>	Burnside, Robert M., <u>xxx-xx-xxxx</u>	Chase, John S., <u>xxx-xx-xxxx</u>
Braun, Louis D., III, <u>xxx-xx-xxxx</u>	Busboom, Stanley L., <u>xxx-xx-xxxx</u>	Chase, Joseph D., <u>xxx-xx-xxxx</u>
Brazell, Willis E., Jr., <u>xxx-xx-xxxx</u>	Busby, Stephen M., <u>xxx-xx-xxxx</u>	Chedister, Robert W., <u>xxx-xx-xxxx</u>
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 Hosman, James V., **xxx-xx-xxxx**
 Jenn, Donald A., **xxx-xx-xxxx**
 Krause, William E., Jr., **xxx-xx-xxxx**
 Kurowski, Kenneth J., **xxx-xx-xxxx**
 Lamarine, David A., **xxx-xx-xxxx**
 Liszewski, Richard S., **xxx-xx-xxxx**
 Middleton, Allen W., **xxx-xx-xxxx**
 Milner, Gary W., **xxx-xx-xxxx**
 Myers, Robert H., **xxx-xx-xxxx**
 Neuberger, Jeffrey L., **xxx-xx-xxxx**
 Peedin, Floyd R., **xxx-xx-xxxx**
 Putnam, Patricia A., **xxx-xx-xxxx**
 Scheer, Robert H., **xxx-xx-xxxx**
 Schroeder, Richard E., **xxx-xx-xxxx**
 Seitz, Gary J., **xxx-xx-xxxx**
 Sexton, William P., **xxx-xx-xxxx**
 Shaw, William D., **xxx-xx-xxxx**
 Snell, George C., **xxx-xx-xxxx**
 Sutterer, Larry J., **xxx-xx-xxxx**
 Yaege, Glen B., **xxx-xx-xxxx**

Young, Charles R., xxx-xx-xxxx
 BIOMEDICAL SCIENCES CORPS
 Artiola, Edward W., xxx-xx-xxxx
 Brothers, John E., xxx-xx-xxxx
 Buch, Lee C., xxx-xx-xxxx
 Burgoon, Charles C., xxx-xx-xxxx
 Cathcart, Alan M., xxx-xx-xxxx
 Childers, Louis, xxx-xx-xxxx
 Cooper, James R., xxx-xx-xxxx
 Crowder, Harvey R., xxx-xx-xxxx
 Dehler, John H., xxx-xx-xxxx
 Doane, Thomas R., xxx-xx-xxxx
 Dunlap, James H., xxx-xx-xxxx
 Emmett, Frank E., Jr., xxx-xx-xxxx
 Fodor, William J., xxx-xx-xxxx
 Frank, Rex A., xxx-xx-xxxx
 Gentry, Michael W., xxx-xx-xxxx
 Greenamyer, Judith J., xxx-xx-xxxx
 Hagen, Carl H., xxx-xx-xxxx
 Harraghy, Donald M., xxx-xx-xxxx
 Hill, Ronald C., xxx-xx-xxxx
 Howard, Allen H., xxx-xx-xxxx
 Hughes, Edward B., xxx-xx-xxxx
 Hulse, Phillip M., xxx-xx-xxxx
 Hyatt, Thomas L., xxx-xx-xxxx
 James, Viola S., xxx-xx-xxxx
 Jordan, Dick T., Jr., xxx-xx-xxxx
 Juhas, Andrew M., xxx-xx-xxxx
 Kasa, Thomas J., xxx-xx-xxxx
 Kelleher, William J., xxx-xx-xxxx
 Keller, William C., xxx-xx-xxxx
 Kiel, Johnathan L., xxx-xx-xxxx
 Krogwold, Roger A., xxx-xx-xxxx
 Luehrs, Lewis G., xxx-xx-xxxx
 Maher, Edward F., xxx-xx-xxxx
 Marcondooley, Royetta, xxx-xx-xxxx
 McCloy, David L., xxx-xx-xxxx
 McCullough, George D., xxx-xx-xxxx
 McDade, Richard L., xxx-xx-xxxx
 McNamee, Corinne K., xxx-xx-xxxx
 Meinders, Marvin D., xxx-xx-xxxx
 Merchant, Peter D., xxx-xx-xxxx
 Nelson, John P., xxx-xx-xxxx
 Ostraat, Randall C., xxx-xx-xxxx
 Peacock, Joseph R., xxx-xx-xxxx
 Perry, Robert G., xxx-xx-xxxx
 Pratt, George K., xxx-xx-xxxx
 Reed, Michael J., xxx-xx-xxxx
 Riggs, Raleigh E., xxx-xx-xxxx
 Rohrig, William L., xxx-xx-xxxx
 Root, Charles F., Jr., xxx-xx-xxxx
 Seignious, George W., IV, xxx-xx-xxxx
 Shirtz, John J., xxx-xx-xxxx
 Stanley, Marie E., xxx-xx-xxxx
 Swindling, William S., xxx-xx-xxxx
 Tillman, Dale W., xxx-xx-xxxx
 Tullio, Carl J., xxx-xx-xxxx
 Utthe, Dennis G., xxx-xx-xxxx
 Varca, Philip F., xxx-xx-xxxx
 Varmecky, James R., xxx-xx-xxxx
 Vierafernandez, Jorge, xxx-xx-xxxx
 Vura, Ronald C., xxx-xx-xxxx
 Wagaman, Lewis P., xxx-xx-xxxx
 Wall, Robert M., xxx-xx-xxxx
 Weiland, William C., xxx-xx-xxxx
 West, George V., Jr., xxx-xx-xxxx
 Whitney, Dale E., xxx-xx-xxxx
 Wilber, Russell H., xxx-xx-xxxx
 Young, James H., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel under provisions of title 10, United States Code, section 5912, subject to qualification therefor as provided by law:

Adamson, James C., xxx-...
 Allen, George F., Jr., xxx-...
 Allen, James W., III, xxx-...
 Allen, Charles R., Jr., xxx-...
 Ande, Robert V., xxx-...
 Anderson, Peder A., xxx-...
 Anderson, Ralph C., xxx-...

Anderson, Delane E., Jr., xxx-...
 Averitt, Richard G., III, xxx-...
 Bacon, Paul C., xxx-...
 Bailey, James R., Jr., xxx-...
 Bailey, Jay R., xxx-...
 Bailey, John C., III, xxx-...
 Barrow, John C., xxx-...
 Barrows, Frank P., III, xxx-...
 Becker, James S., xxx-...
 Beland, Carlton L., xxx-...
 Bowman, Harry J., xxx-...
 Bradstreet, Bernard F., xxx-...
 Brahm, Russell N., xxx-...
 Brahmstadt, Clifford A., xxx-...
 Bromley, Ray P., xxx-...
 Brooks, Kevin P., xxx-...
 Brueckner, Martin F., xxx-...
 Brzytwa, Edward J., Jr., xxx-...
 Budinger, Charles J., xxx-...
 Burg, William J., xxx-...
 Burgemeister, Alvin H., xxx-...
 Burgess, William V., xxx-...
 Butler, Ronald V., xxx-...
 Calkins, Gordon O., Jr., xxx-...
 Campbell, Clarence A., Jr., xxx-...
 Carey, Donald F., Jr., xxx-...
 Casey, Maurice M., xxx-...
 Cathey, Michael R., xxx-...
 Cernick, Randolph F., xxx-...
 Chapman, Joseph R., Jr., xxx-...
 Charbonneau, Edwin T., xxx-...
 Coats, James D., Jr., xxx-...
 Colella, Anthony R., xxx-...
 Cooper, William C., xxx-...
 Costello, Michael J., xxx-...
 Crawford, James F., xxx-...
 Crews, Clifford J., xxx-...
 Cripe, Daniel L., xxx-...
 Curnow, Francis J., xxx-...
 Dalton, James J., II, xxx-...
 Danskin, John W., xxx-...
 Dau, James E., xxx-...
 Davis, Nancy A., xxx-...
 Douglass, Robert C., xxx-...
 Dowds, Charles J., xxx-...
 Doyle, Kevin M., xxx-...
 Duffy, David A., xxx-...
 Dunlap, James V., xxx-...
 Dyer, Glenn W., xxx-...
 Easton, John O., xxx-...
 Euler, John L., xxx-...
 Favor, Joseph M., xxx-...
 Feltner, Jonathan P., xxx-...
 Ferland, James T., xxx-...
 Finnegan, William J., xxx-...
 Flaherty, Thomas J., xxx-...
 Furbee, Charles W., III, xxx-...
 Fergerson, James L., xxx-...
 Galvin, Gerald T., xxx-...
 Gardner, Robert G., xxx-...
 Gill, James R., xxx-...
 Gonzalez, Gabriel A., xxx-...
 Grader, Dwight J., xxx-...
 Graham, Kenneth D., xxx-...
 Green, Michael J., xxx-...
 Gregory, Willis M., xxx-...
 Hale, Douglas A., xxx-...
 Hamnquist, Richard A., xxx-...
 Hare, Richard C., xxx-...
 Harper, Wilmer K., xxx-...
 Harris, Mary J. D., xxx-...
 Heinemeyer, Klauspeter, xxx-...
 Hill, Robert, III, xxx-...
 Hill, Randle, Jr., xxx-...
 Hill, Charles D., Jr., xxx-...
 Hill, John W., xxx-...
 Hilliard, Frank P., xxx-...
 Himes, Harris D., xxx-...
 Hitchcock, William T., Jr., xxx-...
 Holland, Michael P., xxx-...
 Howie, Robert G., Jr., xxx-...
 Isbell, William P., xxx-...
 James, Tommy L., xxx-...
 Johnnides, Victor, xxx-...

Kaufman, Thomas W., xxx-...
 Keir, Harold V., xxx-...
 Keller, Robert P., Jr., xxx-...
 Kern, Harold C., III, xxx-...
 Kerr, William M., xxx-...
 Kinsey, George H., xxx-...
 Klocek, Joseph J., xxx-...
 Kosinski, Ronald G., xxx-...
 Kowalski, Michael V., Jr., xxx-...
 Kroen, William C., Jr., xxx-...
 Kropp, Edward H., xxx-...
 Kruger, Lewis W., xxx-...
 Lampo, Stephen F., xxx-...
 Laterra, Joseph, xxx-...
 Lemoine, Ned J., xxx-...
 Lewis, Tyrone L., xxx-...
 Lewis, Francis E., xxx-...
 Ley, Andrew J., xxx-...
 Loughman, Robert J., xxx-...
 Lynch, Stephen J., xxx-...
 MacNamee, John T., xxx-...
 Mange, Gerald B., xxx-...
 Martinazzi, Robert, xxx-...
 Maxey, Richard D., xxx-...
 McAninch, Thomas W., xxx-...
 McGinty, James P., xxx-...
 McGrath, Wayne J., xxx-...
 McMullan, Thomas P., xxx-...
 McNeill, Thomas P., xxx-...
 Metschan, John A., xxx-...
 Mills, John M., xxx-...
 Monserrate, Lawrence C., xxx-...
 Moore, James D., xxx-...
 Morgan, Charles D., xxx-...
 Morgan, Ronald B., Jr., xxx-...
 Nemetz, Paul T., xxx-...
 Nisewaner, Ken W., xxx-...
 Nullmeyer, William M., xxx-...
 Oberdorf, John G., xxx-...
 O'Hare, Patrick A., xxx-...
 Oleszycki, Charles R., xxx-...
 Olson, Kenneth R., xxx-...
 O'Neill, Charles W., xxx-...
 O'Rourke, Robert J., xxx-...
 Pardoe, Craig J., xxx-...
 Parish, Mark D., xxx-...
 Patrick, Carl W., xxx-...
 Payne, John S., xxx-...
 Perry, Larry E., xxx-...
 Peterson, Jeffrey L., xxx-...
 Poole, Henry J., xxx-...
 Powell, Norris L., xxx-...
 Powers, John C., xxx-...
 Preston, James J., xxx-...
 Reilly, Michael W., xxx-...
 Remily, Daniel R., xxx-...
 Remme, Michael J. W., xxx-...
 Reynolds, David B., Jr., xxx-...
 Richard, Lawrence G., xxx-...
 Richards, Robert M., Jr., xxx-...
 Robinson, Theodore C., III, xxx-...
 Romanetz, Nicholas S., xxx-...
 Rooth, Eric L., xxx-...
 Rose, George D., xxx-...
 Rossey, Paul W., xxx-...
 Rottrup, Lowell C., xxx-...
 Ruebenacker, Paul C., xxx-...
 Ruzicska, Joseph G., xxx-...
 Sanford, Steven R., xxx-...
 Sawyer, David T., xxx-...
 Scheer, Arthur L., Jr., xxx-...
 Schultz, Frank A., III, xxx-...
 Schwarz, William O., xxx-...
 Scotten, William E., xxx-...
 Shaw, Dennis R., xxx-...
 Sinclair, James W., xxx-...
 Skatoff, Leonard L., Jr., xxx-...
 Smith, Donald D., xxx-...
 Snipes, Douglas C., xxx-...
 Souders, John E., xxx-...
 Stabile, Michael A., xxx-...
 Stacey, Wayne R., xxx-...
 Steiner, Ted A., xxx-...
 Stocker, Norman R., xxx-...

Stout, Larry, [xxx-...]
 Straley, John A., [xxx-...]
 Sullivan, Richard J., [xxx-...]
 Tibbs, Don F., [xxx-...]
 Trapp, Sidney D., Jr., [xxx-...]
 Utley, Thomas R., [xxx-...]
 Vogt, H. C., [xxx-...]
 Vontagen, Karl E., [xxx-...]
 Wallace, Paul H., [xxx-...]
 Walters, Kenneth J., [xxx-...]
 Weaver, Henry J., [xxx-...]
 Weh, Allen E., [xxx-...]
 Weiner, William J., [xxx-...]
 Welch, Robert E., [xxx-...]
 Wells, John D., Jr., [xxx-...]
 Whitaker, Alexander W., [xxx-...]
 White, David H., Jr., [xxx-...]
 Whitworth, John R., [xxx-...]
 Wiggins, Bruce E., [xxx-...]
 Wilson, Eleanor M., [xxx-...]
 Winters, William D., Jr., [xxx-...]
 Wright, Broadus H., [xxx-...]
 Wright, Robert B., [xxx-...]
 Young, Walter R., [xxx-...]

Executive nomination received by the Secretary of the Senate September 1, 1982, under authority of the order of the Senate of August 20, 1982:

DEPARTMENT OF STATE

Kenneth W. Dam, of Illinois, to be Deputy Secretary of State, vice Walter J. Stoessel, Jr.

Executive nominations received by the Secretary of the Senate September 2, 1982, under authority of the order of the Senate of August 20, 1982:

DEPARTMENT OF STATE

Henry Allen Holmes, of the District of Columbia, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

Rozanne L. Ridgway, of the District of Columbia, a Career Member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the German Democratic Republic.

DEPARTMENT OF EDUCATION

Lawrence F. Davenport, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education, vice Vincent E. Reed, resigned.

COPYRIGHT ROYALTY TRIBUNAL

Edward W. Ray, of California, to be a Commissioner of the Copyright Royalty Tribunal for a term of 7 years from September 27, 1982, reappointment.

Executive nominations received by the Senate September 8, 1982:

DEPARTMENT OF STATE

W. Allen Wallis, of New York, to be Under Secretary of State for Economic Affairs, vice Myer Rashish, resigned.

DEPARTMENT OF EDUCATION

Gary L. Bauer, of Virginia, to be Deputy Secretary for Planning and Budget, Department of Education, vice Gary L. Jones.

Charles L. Heatherly, of Virginia, to be Deputy Under Secretary for Management, Department of Education, vice Kent Lloyd, resigned.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1982, vice Kennon V. Rothschild, term expired.

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1985, reappointment.

PEACE CORPS

Edward A. Curran, of Maryland, to be Deputy Director of the Peace Corps, vice Everett Alvarez, Jr.

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be lieutenant colonel

Rome, William J., [xxx-xx-xxxx]

To be major

Rogerson, John H., [xxx-xx-xxxx]

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

MEDICAL CORPS

Colonels

Berman, Irwin, [xxx-xx-xxxx]
 Cadol, Donald E., [xxx-xx-xxxx]
 Rasberry, James N., [xxx-xx-xxxx]

Lieutenant colonels

Brodie, Donald E., [xxx-xx-xxxx]
 Brown, Tommy J., [xxx-xx-xxxx]
 Kahn, Patricia J., [xxx-xx-xxxx]
 Komes, Sermsook, [xxx-xx-xxxx]
 Laneve, Ralph J., [xxx-xx-xxxx]
 Lazarini, Jose A., [xxx-xx-xxxx]
 McCreary, Maurice L., [xxx-xx-xxxx]
 Milnor, William H., [xxx-xx-xxxx]
 Osterholzer, Heinz O., [xxx-xx-xxxx]
 Pierce, Edward V., [xxx-xx-xxxx]
 Podgore, John K., [xxx-xx-xxxx]
 Rhodes, Miller F., [xxx-xx-xxxx]
 Rosen, Howard M., [xxx-xx-xxxx]
 Sandri, William N., [xxx-xx-xxxx]
 Shelton, Edward J., [xxx-xx-xxxx]
 Theard, Franz C., [xxx-xx-xxxx]
 Watanabe, Henry, [xxx-xx-xxxx]
 Williamson, Gary B., [xxx-xx-xxxx]
 York, Lester A., III, [xxx-xx-xxxx]

Majors

Flynn, Mary M., [xxx-xx-xxxx]
 Gelnett, Mary J., [xxx-xx-xxxx]
 Moss, Jesse, Jr., [xxx-xx-xxxx]
 Parker, James W., [xxx-xx-xxxx]
 Taveau, Horatio S., [xxx-xx-xxxx]

Captains

Andersen, Christian T., [xxx-xx-xxxx]
 Castro, Timothy J., Jr., [xxx-xx-xxxx]
 Davis, William H., [xxx-xx-xxxx]
 Gordon, Wayne H., [xxx-xx-xxxx]
 McLeod, John F., III, [xxx-xx-xxxx]
 Pfaff, James A., [xxx-xx-xxxx]
 Radentz, William H., III, [xxx-xx-xxxx]
 Rochon, Roy B., [xxx-xx-xxxx]
 Roser, John F., Jr., [xxx-xx-xxxx]
 Simon, Paul J., [xxx-xx-xxxx]
 Smith, Robert G., [xxx-xx-xxxx]
 Stuuy John W., [xxx-xx-xxxx]
 Whitlock, Warren L., [xxx-xx-xxxx]
 Wright, Jack L., [xxx-xx-xxxx]

ARMY NURSE CORPS

Lieutenant colonel

Taylor, Venorise M., [xxx-xx-xxxx]

Majors

Greenfield, Elizabeth, [xxx-xx-xxxx]

Vanhorne, Arlene M., [xxx-xx-xxxx]
 Wiegand, Joyce L., [xxx-xx-xxxx]

Captains

Baxter, Roger D., [xxx-xx-xxxx]
 Booth, Christine K., [xxx-xx-xxxx]
 Connor, Susan G., [xxx-xx-xxxx]
 Driggers, Karen R., [xxx-xx-xxxx]
 Howell, Mary E., [xxx-xx-xxxx]
 Kirby, Diana C., [xxx-xx-xxxx]
 Perkins, Charles B., [xxx-xx-xxxx]
 Silvers, Selah G., [xxx-xx-xxxx]

First lieutenants

Daly, Mary C., [xxx-xx-xxxx]
 Sunshine, Mary M., [xxx-xx-xxxx]

MEDICAL SERVICE CORPS

Majors

Goodwin, Larry N., [xxx-xx-xxxx]
 Lynn, David E., [xxx-xx-xxxx]
 Macdonald, Edward A., [xxx-xx-xxxx]
 Proctor, Michael I., [xxx-xx-xxxx]
 Sheets, David L., [xxx-xx-xxxx]
 Thompson, James W., [xxx-xx-xxxx]
 Wells, Dawn, [xxx-xx-xxxx]

Captains

Baker, Nancy A., [xxx-xx-xxxx]
 Bell, Clinton M., Jr., [xxx-xx-xxxx]
 Bice, William S., [xxx-xx-xxxx]
 Chapin, Mark G., [xxx-xx-xxxx]
 Crook, Kenneth R., [xxx-xx-xxxx]
 Hartley, Michael W., [xxx-xx-xxxx]
 Kocisak, William M., [xxx-xx-xxxx]
 Lord, Stephen E., [xxx-xx-xxxx]
 Mack, Fred D., [xxx-xx-xxxx]
 Mulligan, Gregory P., [xxx-xx-xxxx]
 Perry, Randy, [xxx-xx-xxxx]
 Stanley, David L., [xxx-xx-xxxx]
 Toelkes, David E., [xxx-xx-xxxx]
 Treadway, Steven G., [xxx-xx-xxxx]
 Williams, Dennis L., [xxx-xx-xxxx]
 Zimmerman, Brian L., [xxx-xx-xxxx]

First lieutenants

Collier, Ann M., [xxx-xx-xxxx]
 Hellman, Joseph P., Jr., [xxx-xx-xxxx]
 Norris, Gary C., [xxx-xx-xxxx]
 Sanford, Edward J., [xxx-xx-xxxx]

Second lieutenant

Palange, Valentina H., [xxx-xx-xxxx]

DENTAL CORPS

Majors

Lund, Douglas F., [xxx-xx-xxxx]
 Stewart, Jack C., [xxx-xx-xxxx]
 Stonerock, Robert L., [xxx-xx-xxxx]

Captains

Boice, Gregory W., [xxx-xx-xxxx]
 Cook, Lawrence J., [xxx-xx-xxxx]
 Foster, Newton H., IV, [xxx-xx-xxxx]
 Nosal, Gregory, Jr., [xxx-xx-xxxx]
 Powell, Douglas A., [xxx-xx-xxxx]
 Quinones, Deogracia, [xxx-xx-xxxx]
 Smith, Milton L., [xxx-xx-xxxx]
 Worthington, Roger C., [xxx-xx-xxxx]
 Yard, Robert A., [xxx-xx-xxxx]

VETERINARY CORPS

Major

Slaytor, Michael V., [xxx-xx-xxxx]

Captains

Baxter, Nathan F., [xxx-xx-xxxx]
 Bludau, Colin E., [xxx-xx-xxxx]
 Long, Richard E., [xxx-xx-xxxx]
 MacIntire, Jeffrey S., [xxx-xx-xxxx]
 Martin, Dale G., [xxx-xx-xxxx]

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Batchelder, Craig D. Perretta, David A.
Beierl, John S. Pfaff, Stephen H.
Carlson, Christopher P. Plosay, James R.
Clark, Julia D. Ramsey, Robert G., Jr.
David, Harold W., Jr. Ruud, Paul E.
Elliott, Wade B. Souter, Charles R.
Greer, Gordon B., Jr. Stanford, Michael L.
Hanson, James C. Veto, Timothy A.
Harris, Michael W. Vojvoda, Richard A., Jr.
Mischke, John G. Ward, Robert E., Jr.
Morse, Christopher A. Woodard, Charles W.

Luisito J. Arevalo, Enlisted Commissioning Program candidate, to be appointed a

permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Allison, Douglas V. Johnson, Alan F.
Bergs, Ivars R. Kegley, Gary L.
Coy, Lawrence S. Kirby, Stephen H.
Croy, Jeffrey S. Lasky, Larry W.
Dupree, Richard A. McCabbe, John C., II
Farquharson, Ian B. McClure, Michael D.
Husemann, Michaels, David S.
Christopher J. Piotrowski, David C.

Searight, David L. Stoffregen, James R.
Senteio, Stephen M. Sullivan, Terence P.
Smith, Peter F. White, William D.
Solohub, Roman T. Woodyard, Bruce L.

Capt. Lloyd B. Nichols, U.S. Navy, Retired, to be reappointed a permanent captain from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

Commander Kermit R. Booher, Jr., Medical Corps, U.S. Navy, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.