

Center's fifth chairman, there is no danger of that vision being distorted as we look to the future.

This fall we conclude the first twenty-five years of the Wilson Center's existence. It has been my privilege to serve as the fourth chairman for almost half of the Center's existence. I have had the good fortune personally of observing and delighting in the increasing prominence and impact of the Center throughout the world. The essence of the Woodrow Wilson Center of course is its Fellows who come here from all over the world to pursue their scholarly studies and participate in the life of the Center. More than 1300 Fellows and guest scholars have been in residence since its creation and the fellowship selection process has become increasingly competitive each year, compelling evidence of the Center's expanding international reputation.

Over the past quarter century the Wilson Center has retained its unique status in our nation's capital as a high quality international nonpartisan center. The great public value of a scholarly center like the Wilson Center cannot be overstated. Everyone associated with it should not only take pride in its accomplishments but also in the high reputation and standards it maintains, and to that end I would be remiss if I did not single out the two directors of the Wilson Center who have occupied that position during my tenure.

Jim Billington whose vision and skill were largely responsible for building the Center into a world-class institution and Charles Blitzer who was there at the creation and in its formative years as Dillon Ripley's able agent and in the last several years as we have been consolidating and rethinking our mission in preparation for the second twenty-five years of this great institution. The Wilson Center and the country have been well served by the stewardship of these two extraordinarily able leaders and their very able staffs.

I want to thank each of my fellow board members and friends who spoke tonight. I want to thank all of you for coming and I would like to conclude by raising my glass in a toast to the extraordinary men and women who have served on the staff of the Woodrow Wilson International Center for Scholars throughout its first twenty-five years. Its future is assured if it can maintain that caliber for the future.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I really appreciate the remarks of the distin-

guished Senator from Texas. She is a great leader and is undaunted in this balanced budget amendment fight like so many other Republicans and some Democrats willing to stand up and do what is necessary in this battle. I for one appreciate very much her leadership. She has been a leader ever since she has gotten to the U.S. Senate. She is right up there, up front, doing what she believes is correct and proper. I might add she is right. This is the most important vote any of us are going to cast in our whole time in the U.S. Senate. I have cast a lot of very important votes. But this one is in my opinion a save-the-country vote. We have to do everything we can to save this country.

Right now it is going to take the help of a lot of people out there in our country to work with our colleagues to let them know that they want this balanced budget amendment. Because, if you want to protect Social Security, if you want to protect some of these other important social spending programs, then we had better protect the dollar, our economy, and the things that will keep our Government and our Nation strong. Frankly, if we do not adopt this balanced budget amendment, I fear we might attempt a monetization of the debt which would wreck this country, and we really cannot allow that to happen.

Mr. President, I would now like to respond to some of the comments of some of the opponents of the balanced budget amendment.

Some of my colleagues contend that section 6 of House Joint Resolution 1, the section that mandates that Congress enforce the amendment through implementing legislation, is similar to section 5 of the 14th amendment, which permits Congress to enforce that amendment. Because they are similar, the argument goes, and because courts enforce the 14th amendment, courts will also be able to enforce the balanced budget amendment to the extent courts enforce the 14th amendment.

This analogy is misleading. First, courts may only enforce an amendment when legislation or executive actions violate the amendment or when Congress create a cause of action to enforce the amendment. An example of the latter is 42 U.S.C. section 1983, the 1871 Civil Rights Act that implements section 1 of the 14th amendment.

Of course, Congress has not created, and need not create, an analogous cause of action under section 6 of the balanced budget amendment. So there is no direct judicial enforcement in existence similar to section 1983, and I cannot imagine Congress giving that authority.

Second, as to the judicial nullification of legislation or executive action that is inconsistent with a constitutional amendment, the "case or controversy" requirement of article III requires that a litigant demonstrate standing. As I have stated at great length already during this debate, it is very improbable that a litigant can

demonstrate standing—that the litigant could demonstrate a particularized injury, which is what is required for standing—different from the generalized harm facing any citizen or taxpayer. Contrast this with cases under the 14th amendment, where standing was found because a litigant could demonstrate a particular, individualized, and concrete harm. The perfect illustration could be the case of Reynolds versus Sims, a 1962 case, the one man/one vote decision.

Third, in this circumstance, the separation of powers doctrine prevents courts from redressing a litigant's alleged harm. That is, courts will not entertain a suit where they cannot bring supply relief to the litigant. The most important case here is a recent case, Lujan versus Defenders of Wildlife, decided in 1992. The Constitution, under Article I, delegates to Congress taxing, spending, and borrowing powers. These are plenary powers that exclusively and historically have been recognized as belonging only to Congress. The balanced budget amendment does not alter this. Courts, consequently, will be loathe to interfere with Congress' budgetary powers. It is simply an exaggeration to contend that courts will place the budgetary process under receivership or that the courts will cut spending programs.

Fourth, the political question doctrine will deter courts from enforcing the balanced budget amendment. Budgetary matters, such as where to cut programs or how to raise revenues, are prototypically a political matter best left to the political branches of Government to resolve. Courts, under the political question doctrine, will naturally leave these matters to Congress.

Finally, it is ludicrous to assume that Congress would just sit by in the unlikely event that a court would commit some crazy act. Believe me, Congress knows how to defend itself. I would be at the forefront of that defense. Congress knows how to strip the courts of jurisdiction or limit the scope of judicial remedies. We do not like to do it, but in the case of outrageous judicial interference, and ignorance of the law, including prior case law, and of the Constitution, we would do that.

I might say that I do not think that it is necessary. Lower courts follow precedent, and the precepts of standing, separation of powers, and the political question doctrine effectively limit the ability of courts to interfere in the budgetary process.

Let me just give some examples of judicially unenforceable political questions. The guaranty clause of the Constitution, at issue in Luther versus Borden, back in 1849, was found to be outside the range of certain separated powers.

Treaty termination by the President, decided by Goldwater versus Carter. The conduct of foreign policy by the President is almost always found to be a political question.