

able to proceed through a fast track approach and make the promise of spontaneous and free collective bargaining in the workplace a reality. I hope that the players and owners will now do their part and bargain a new agreement forthwith!

Our March 26 decision to seek an injunction seems to have facilitated the resumption of baseball and thus was a great victory for the public in renewing its contact with the game which, like the Constitution, the Flag, and straight-ahead jazz is so central to the essence of the country. Hopefully, it will have the effect of promoting the collective bargaining process sooner rather than later.

Frequently, the public gains its impressions of lawyers and law from such high visibility cases and from exposure through television rather than books. I can tell you that another factor stimulating my interest in the law was watching the McCarthy-Army hearings in the spring of 1954, that fateful spring when Brown was decided. The hearings focused upon the Wisconsin Senator's investigation of alleged Communist infiltration of Ft. Monmouth, New Jersey, where my father worked. Because of ideological hysteria, "guilt" by association and rank anti-Semitism, many of our closest friends were dismissed—and, indeed, I feared that this would be my father's fate, particularly because of his announced sympathy for Paul Robeson, a hero to so many black people of his generation.

Later I had the opportunity to attend the so-called Watkins Hearings in the following September in Washington which ultimately led to McCarthy's censure. Ft. Monmouth and the McCarthy-Army hearings demonstrated how excessive government authority can trample upon individual civil liberties—and the aftermath of the Watkins Hearings redeemed our country's constitutional protection of individual rights of belief and association.

Since then, I think that televised Congressional hearings, the Watergate hearings for instance, have contributed to the public's understanding about the rule of law and its relationship to the preservation of this Republic's principles. Though, regrettably less conclusive, it may be that the Iran-Contra hearings of 1988 and the Hill-Thomas hearings of October 1991 performed a similar function in that the assumption underlying both proceedings was that government, like private individuals, must adhere unwaveringly to the rule of law.

Again, this is to be contrasted with the spectacle of law as show business on television. In my state of California, the O.J. Simpson trial has treated the nation to an episodic soap opera which appears to be more about the business of the money chase than the real substance of law and the legal profession. As Attorney General Janet Reno said about the trial:

"I'm just amazed at the number of people who are watching it. If we put as much energy into watching the O.J. Simpson trial in America . . . into other issues as Americans seem to have done in watching the trial, we might be further down the road."

A recent Los Angeles Times Mirror poll reported by Peter Jennings last month revealed that only 45 percent of adults surveyed said that they had read a newspaper the previous day, and a quarter of those responding said they spent so much time watching the Simpson trial that they did not have time for the rest of the news. At best, the siren song of sensationalism is a distraction—and, at worst, it reinforces excessively negative perceptions of law and lawyers.

My hope is that many of you will dedicate yourselves as lawyers or in other careers to a concern for the public good. Now, when Oklahoma City has made it clear that the

idea of government itself as well as the law is under attack, it is useful to reflect back upon what government, frequently in conjunction with lawyers, has done for us in this century alone in moving toward a more civilized society.

Justice Holmes said, "Taxes are what we pay for civilized society,"—an axiom often forgotten in the politics of the mid-'90s. What would our society look like without the trust busters of Theodore Roosevelt's era and the Federal Reserve System created by Woodrow Wilson? Regulatory approaches to food and drug administration, the securities market, the licensing of radio and television stations, labor-management relations (with which my agency is concerned) and trade practices are all part of the Roosevelt New Deal legacy which few would disavow in toto.

It should not be forgotten that all three branches of federal government took the lead in the fight against racial discrimination and other forms of arbitrary treatment. And as Judge (now Counsel to the President) Abner Mikva has noted: "The history of the growth of the franchise is a shining example of why we needed . . . [the] federal approach."

Today, the challenge of public service in Washington has never been more exciting or inspirational. As I have indicated, President Clinton's National Public Service echoes anew the similar initiatives undertaken by both Roosevelt and Kennedy.

I urge you to think of the government as a career in which you can use your legal experience in pursuit of the public interest. That does not mean that you have to be a Washington or "inside the Beltway" careerist, although that is another way in which to make a contribution. Many of you may choose to serve in your communities throughout the country and, at a point where your career is well-developed, elect to serve through an appointment such as mine.

In particular, if you accept such an appointment consisting of a limited term (in the case of the Board five years), I hope that you will keep in mind President (then-Senator) Kennedy's characterization of eight law makers who were the subject of this book, "Profiles in Courage." Said the junior Senator from Massachusetts:

"His desire to win or maintain a reputation for integrity and courage were stronger than his desire to maintain his office . . . his conscience, his personal standards of ethics, his integrity or morality . . . were stronger than the pressures of public disapproval."

This is a particularly vexatious problem for those who are appointed and not elected because of the inevitable and appropriate subordination of appointees—even in the arena of independent regulation—to the people's elected representatives. My own view on serving in Washington is to do the very best you can to implement the public interest in the time allotted in your term, with the expectation that you will return to your community, reestablish your roots and feel satisfied that you have—to paraphrase President Kennedy—done your duty notwithstanding some of the immediate "pressures of public disapproval."

While I consider the term limits issue to be an entirely different proposition—the people ought always to be able to freely choose their elected leaders amongst the widest possible number of candidates—my view is that the proper standard for those who are subordinate to such leaders is that attributed to Cincinnatus, the Roman general and statesman of the fifth century, who upon discharging his public duty, returned to his community rather than taking the opportunity to seize power and perpetuate himself in office.

The independence of administrative agencies might be enhanced by legislation limit-

ing Board Members or Commissioners to one term of service. The temptation to please elected superiors might decline accordingly.

Of course, all of us cannot win victories within 15 days, like Cincinnatus, and be back on our farms or in our communities so quickly. But true public service involves a self-sacrifice which rises above the immediate pressures. Do the best that you can to serve the public good.

This does not assure success or complete effectiveness. But it does allow you to make use of your acquired expertise for the best possible reasons. And this, in turn, puts you in the best position to see it through to the end with a measure of serenity that comes when you have expended your very best effort despite setbacks and criticisms you may endure in the process.

As President Lincoln said:

"If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

You graduate from a distinguished institution in the most exciting political period since the reforms undertaken by the Administration of the 1960s. I hope that some of you will be attracted to public service and help advance our society through the rule of law.

As you embark upon the excitement of a new career and challenges in the days ahead, I wish you all good luck and success on whatever path you choose.●

ROBERT P. URIBE

● Mr. LEVIN. Mr. President, I would like to recognize the lifetime achievements of Robert P. Uribe. On June 30, 1995, he will retire from his counseling position at the First Ward Community Center where he has worked for 27 years. He has served the Saginaw community in a wide variety of volunteer positions and is a respected leader in the Hispanic community.

As a counselor, Mr. Uribe has assisted countless members of the Saginaw community with their medical, financial, literacy, and other social needs. His list of volunteer service is long and impressive.

Mr. Uribe has served as chairman of the Saginaw Latin American Movement, vice chairman of the Saginaw Social Service Club, chairman of the Police Community Relations Commission, and commander of the American Legion Post 213. He has been a board member of the Spanish Speaking Center Federal Program, a member of the Michigan Governors Wage Deviation Board, a member of the Equal Education Advisory Committee, the Advisory Council on Migrant Housing, the Saginaw County Drug Abuse Council, and several affirmative action programs. Currently, Mr. Uribe is a member of the GM Hispanic leadership group, the Saginaw Economic Development Corp. and the screening committee for housing of the Saginaw Housing Commission.

Mr. Uribe has selflessly served the Saginaw community for three decades.

His volunteer efforts are a model for his fellow citizens. Please join me in saying thank you to a man who has truly made a difference, Mr. Robert Uribe.●

THE SERVICE OF LARRY HOBART

Mr. HATFIELD. Mr. President, I thank my colleagues for this opportunity to recognize the longstanding service of Mr. Larry Hobart, the executive director of the American Public Power Association. Mr. Hobart joined the APPA 35 years ago. Today, he is recognized nationally as an innovator and broker of solutions to complex problems in the public power industry.

I have come to know Mr. Hobart through our work together to address issues facing public power generally and Bonneville Power Administration in my home State of Oregon in particular. Mr. Hobart has never failed to bring constructive expertise to the table in our efforts to resolve differences among parties. I have valued tremendously the knowledge, creativity, and experience he contributes to the process.

In addition to his work in the power industry, Mr. Hobart serves as vice president and a member of the board of directors of the Consumer Federation of America, the largest consumer organization in the United States.

I was sorry to learn that Larry will be retiring from the American Public Power Association. I know I am joined by many other members of this body in expressing regret at his departure but great thanks for his many valuable contributions to the legislative process on behalf of public power.

I appreciate this chance to share with my colleagues a speech Hobart gave on a recent trip to the Northwest. His remarks demonstrate a comprehensive grasp of the complex energy and natural resource issues facing the Pacific Northwest that only decades of active involvement and much thoughtful consideration can provide. I ask that it be printed in the RECORD.

The speech follows:

UPDATE FROM YOUR CHANGING NATION'S
CAPITOL

(By Larry Hobart)

A lot of things have changed for public power in the past few years. Let me tick off six of them of importance to the Pacific Northwest:

1. The Energy Policy Act of 1992 was passed by Congress. Now the Federal Energy Regulatory Commission can order any transmitting utility, including Bonneville Power Administration under certain circumstances, to provide transmission services for any entity—utility or non-utility—generating electricity for sale for resale inside or outside of the region. FERC decisions encourage network access, comparability in pricing, and creation of Regional Transmission Groups. A more competitive bulk power supply market has developed with bidding pitting utilities against independent power producers against IOU subsidiaries against federal power marketing agencies.

2. Because of federal requirements, the price of salmon protection rose to an annual

rate of \$500 million a year, and combined with the effects of drought and lost revenues due to releases to flush fish, shoved BPA rates up near or beyond the point of noncompetitiveness, and raised the question for some preference customers as to whether federal power is the best buy.

3. Federal court interpretations of the Endangered Species Act reinforced the rigid nature of that statute, and suggested that there is no way short of an amendment by Congress that will prevent the imposition of an open-ended expense on power users that could ultimately price BPA power right out of the market and leave taxpayers to swallow an \$8 billion investment.

4. Provisions of the Pacific Northwest Electric Power Planning and Conservation Act passed by Congress and signed by President Carter 15 years ago began to look increasingly obsolete because regional planning has been eroded by individual utility purchases in a competitive bulk power supply market, environmental demands placed on the federal power system have escalated costs, demand-side management approaches are now focused more on cost-effectiveness and customer information, and renewable resources must meet the economic test of gas-fired generation.

5. Global competition for sales of goods and services in international markets caused industries and businesses to engage in continuing rounds of down-sizing and cost-cutting; electric bills—even for firms that are not considered energy-intensive—became important expense items, and for some utilities, the principle for structuring rates for big users became “whatever it takes to keep the consumer.” Retail competition became a reality across the nation. Failure to meet the challenge can now mean loss of industrial customers or even loss of the franchise.

6. And lastly, the Republicans took control of the U.S. Senate and House of Representatives. The Pacific Northwest has nine new U.S. Representatives. Tom Foley is gone as Speaker of the House, but seniority still gives your region important Republican representation. Mark Hatfield is chairman of the Senate Appropriations Committee, Bob Packwood heads the Senate Finance Committee, Frank Murkowski chairs the Senate Energy and Natural Resources Committee, Ted Stevens controls the Senate Rules and Administration Committee, and Don Young leads the House Natural Resources Committee.

Republicans attempted to “nationalize” issues in the campaign, running on a “contract with America” that stressed a balanced budget, tax cuts, and a build-up of national defenses. Meeting these goals will call for some form of new “revenues,” which currently includes sale of four federal power marketing agencies—the Alaska Power Administration, the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration.

This morning I want to talk to you about some questions I think you must consider in the face of these facts as you plan the future of public power in the Pacific Northwest.

How can we avoid flushing down the river North America's greatest renewable energy resource—the Bonneville Power Administration?

Who is responsible for saving the system?

What steps need to be taken now?

Why should we worry about it?

We face a different situation than we confronted last year. Last year, the problem was political and the answer was economic: BPA critics charged that historically low interest rates constitute a subsidy, and BPA supporters responded with a scheme to restructure repayment. This year, the problem is eco-

nomics, and the answer is political: BPA rates have become noncompetitive, and turning around the situation requires congressional decisions to change the ground rules.

If BPA's rates are not competitive, consumer-owned electric systems in the Pacific Northwest will increasingly turn to other less expensive sources of wholesale power. As the bulk power supply market expands with open access transmission, the opportunities for “shopping” the market will become greater, intensifying interest in suppliers other than BPA. Loss of load will leave BPA with the same fixed costs but fewer customers to share the burden. Even higher rates could result, giving other systems a reason to depart. The dismal reading is a “death spiral” in which BPA collapses like the pull of gravity into a black hole.

BPA is taking the business steps that any such threatened institution is expected to initiate in similar circumstances. It has backed away from a number of deals where power costs loomed larger than market prices at the margin, including a unit at McNary Dam, a gas-fired generating plant to be built by an IPP, and purchase of power from the province of British Columbia. It is seeking to control and cut costs, it is reducing personnel, it is restructuring to streamline operations, it is scaling back transmission line construction and improvements, it is emphasizing customer relations, and it is promoting packages of power at prices it hopes will hold in place existing markets. But the job is a tough one. BPA must deal with a significant body of statutory law that dictates how it operates, including 42 pages of dense language contained in the Pacific Northwest Electric Power Planning and Conservation Act. BPA must follow federal personnel practices, and accept the dictates of policymakers in the Department of Energy, the Office of Management and Budget, and the White House. It has looked at restructuring itself as a federal corporation, but the Office of Management and Budget and some members of Congress simply see such a solution as the first step toward privatization. BPA is the target of plenty of advice within the region from the regional council appointed by four governors, the press, and interest groups of all kinds.

But right now, the overriding fact about BPA economics is its open-ended obligation to pay for salmon survival. While the expenditures posted or postulated have produced questionable results in terms of fish, the one sure thing is that they represent the marginal measure of BPA's economic trouble. If these costs are not capped and cut back, their continued escalation poses the federal equivalency of bankruptcy with the loss of a source of revenue to repay taxpayer investment, the elimination of monies that might be employed to preserve fish under a practical program, and the disappearance of the regional asset at a “going out of business” sale.

What's the answer? The answer is congressional legislation, either through amendment of the Endangered Species Act or a specific statute limiting BPA's financial responsibility to an amount that allows it to price power at levels that permit a competitive response to current conditions.

Is this a special subsidy for BPA? No way! What is happening is that federal fish figures, activist jurists, and environmental groups are force-feeding BPA with experimental programs and giving no consideration to the costs versus the benefits.

Let's get real about this matter. Saving salmon with the methodology now in place is going to result in no money for repayment or fish. Randy Hardy said it right in testimony before a congressional committee earlier this year. “In today's competitive utility