

interest PACs, which is one big reason that the PAC population has exploded over the last two decades. By contrast, someone like Forbes doesn't need to play even this game.

And while Forbes can spend whatever he wants wherever he wants, the others must obey the state-by-state ceilings. These ceilings often inspire creative cheating.

One veteran strategist says: "To stay inside the [spending] limit in Iowa, you rent all your cars in Kansas and Nebraska, and charge the accounts there. . . . Charge the cars in states where you know you won't be spending much money. Then bring the cars over to Iowa. Problem is, some poor schlepp has to drive all the cars back."

The big question is whether anything will be done. Salmore likes the idea of allowing publicly financed candidates to keep pace with the rich; if Forbes is spending big money, then remove the ceilings and allow his rivals to raise and spend the same amounts.

But Bill Bradley, a Democrat who is retiring from the Senate, is calling for a constitutional amendment that would bypass the court and allow Congress to set spending limits on rich candidates. In a speech last month, Bradley said: "Money is not speech. A rich man's wallet does not merit the same protection as a poor man's soapbox."

Charles Lewis says: "Buckley is the biggest roadblock to reform, so we either need a constitutional amendment, or . . . How do we do this in the fairest possible way?"

"I have to say, I don't know the answer."

[From the New York Times, Feb. 2, 1996]

LESS IS MORE

(By Anthony Lewis)

BOSTON.—A rich man campaigns for President on a one-plank platform: "Vote for me to cut my taxes drastically and make many of you pay more." The voters respond with enthusiasm.

It sounds like fiction, a parody of the American political process. But judging by what is happening in New Hampshire, it is reality. Three weeks before the primary there polls show Steve Forbes, the flat-tax candidate, in the lead.

A survey just taken by The Boston Globe and WJZ-TV finds 31 percent of likely voters favoring Mr. Forbes. Senator Bob Dole, who has dominated the figures for a year, is second with 22 percent. Just three weeks ago the same pollsters gave Senator Dole 33 percent, Mr. Forbes 17.

Mr. Forbes has poured millions from his personal fortune into television advertising in New Hampshire. In the new poll 85 percent of the respondents said they had seen his ads. Most of them are negative, principally attacks on Senator Dole. Just about the only affirmative argument he offers is for the flat tax.

The Forbes tax proposal would exclude the first \$36,000 in income for a family of four, then tax all earnings above that amount at a rate of 17 percent. Income from investments would not be taxed at all.

A change of that kind would be a boon for Mr. Forbes and other wealthy Americans, who now are taxed on investment income and pay a marginal rate of 39.6 percent on income over \$256,500 a year. To produce the same revenue as the present system, the flat tax would have to make the middle class pay more.

The Treasury Department analyzed a flat tax that would keep government revenue steady, one with a rate of 20.8 percent and excluding the first \$31,400. A family of four earning \$50,000 a year would pay \$1,604 more in taxes, one earning \$100,000 an additional \$2,683. But a \$200,000 family would save \$3,469.

In fact, the Forbes formula as drafted would cut Federal revenue by \$186 billion a

year. That would mean an enormous increase in the deficit or severe cuts in Social Security, Medicare and the defense budget. There is not enough discretionary civilian spending to absorb more than a small part of that amount.

Why would New Hampshire voters want to inflict such misery on themselves in order to give Steve Forbes and others in his bracket big tax cuts? Many may simply not understand the consequences.

Detailed findings of the new poll suggest that the meaning of the Forbes flat tax has not quite sunk in—but is beginning to. Asked whether they supported the Forbes tax plan, 37 percent said yes—down from 54 percent three weeks ago.

And of those who said they favored the flat tax, 45 percent said they would not be for it if it exempted investment income so the wealthy could live tax-free. Others in varying numbers dropped out of the group favoring a flat tax if it eliminated deductions for home mortgage interest or local property taxes—as the Forbes plan would.

The more attention 17 percent flat tax gets, the less likely voters are to support it. But that need not be the end of Steve Forbes. When New Hampshire supporters were asked why they liked him, the largest category of responses (37 percent) was that he was not a Washington insider. In short, angry Americans—and there are a lot of them—can work off their feelings by voting for Mr. Forbes.

The loser in all this is Bob Dole, and that is reason for regret. Even those who disagree with him on this issue or that must recognize that he is a responsible political leader and a serious man.

It is hard to take the other Republican candidates seriously. The party has lurched far to the right, but I doubt that it has become suicidal enough to nominate Phil Gramm or Pat Buchanan.

As for Steve Forbes, my guess is that he will look increasingly flaky. He told a Boston Globe interviewer this week that much of acid rain "is created by nature, not by smoke-stacks." Mr. Forbes's real contribution should be to make us think of ways to overcome the Supreme Court's misguided 1976 decision that limiting how much political candidates can spend on themselves violates their freedom of speech.

Mr. SPECTER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

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

JUDGE JOHN HELM PRATT

Mr. WARNER. Mr. President, I am pleased to place in today's RECORD a copy of a tribute to the late Senior Judge John Pratt, of the U.S. District

Court for the District of Columbia, written by his dear friend U.S. District Judge Oliver Gasch. I was privileged to serve under Oliver Gasch as an assistant when he was U.S. attorney for the District of Columbia, and I came to know Judge Pratt.

Mr. President, the recognition of the many accomplishments and contributions of Judge Pratt to his chosen profession—the law—are too numerous to list. Having served on the bench for 27 years, Judge Pratt helped to shape legal definitions of civil rights and discrimination.

Having served during World War II, Judge Pratt was honored as a distinguished member of the U.S. Marine Corps earning the Bronze Star and a Purple Heart for his service.

Judge Pratt once served as a page in the U.S. Senate. I am pleased to ask unanimous consent that the tribute in honor of the late Judge John Helm Pratt be printed in the RECORD.

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

A TRIBUTE TO JOHN HELM PRATT

We were all saddened by news of John's passing on August 11, 1995. He died at home surrounded by his devoted wife of 56 years, Bernice Safford Pratt, and five children, Sister Clare Pratt RSCJ of Rome, Italy; Lucinda Pratt Pearlman of Berkeley, California; John, Jr. of Red Bank, New Jersey; Patricia Pratt Moriarty of Wellesley Hills, Massachusetts; and Mary Pratt Brandenburg of Columbia, Maryland. In an autobiographical sketch written for his 50th Harvard Reunion, he listed the priorities which meant the most to him as: family, friends and career. He added that "family stability has contributed more than any other factor to whatever satisfactions have been mine."

John Pratt's exceptional and distinguished career can be divided into three segments: first, his education and early legal career; second, his service as a Marine in World War II; and third, his return to private practice and his appointment as a trial judge.

John's education was unusual. He attributed it to his mother: Boston Latin School, Gonzaga High School,¹ two years at Georgetown College, his transfer to Harvard College, from which he almost flunked out but graduated two years later with honors at age 19; Harvard Law School, from which he graduated in 1934.

After graduation, he became associated with the Washington firm of George Maurice Morris. Mr. Morris was a distinguished tax lawyer and John found himself doing research work on Mr. Morris's cases and his book on corporate tax law. Since John had no special interest in tax law, he was relieved when a highly controversial "stoker" case came to the firm. The Brotherhood of Railway Engineers and Firemen had sued the railroads to require installation of automatic stokers on the large steam locomotives. The record before the administrative law judge was approximately 30,000 pages. On this John and an associate worked long hours and with tremendous dedication. Their efforts were rewarded when the Sixth Circuit affirmed the favorable decision of the administrative law judge. Incidentally, one of John's opponents representing the railroads was my late brother-in-law Carleton Meyer, also a Harvard law graduate. Mr.

¹Footnotes at end of article.

Morris later became President of the American Bar Association.

I got to know John in those days because we were both interested in touch football when the weather got cool and softball during the spring and summer. John was a heavy hitter and extremely skillful at tossing forward passes. Toward the end of this period, our close friendship resulted in our establishing bachelor quarters with two other young lawyers. Our social efforts were directed toward a group of attractive young women who were recent graduates of Vassar and Bryn Mawr and who lived together in a house on 34th Street known as "The Nunnery." We waltzed at the Sulgrave Club and square danced at the Holton Arms gym. Our house was strategically located between those two buildings. John and Phil Herrick were both outstanding tennis players. They were finalists in a competition sponsored by the Junior Board of Commerce. They decided not to play it off for the large silver loving cup but to possess it jointly. I remember perfectly how we used to fill the loving cup with ice and then pour whiskey into it. Our fourth member objected to the assessments for whiskey, which were fairly large. He was overruled.

Bachelor quarters were discontinued when John got married to Bernice "Sissy" Safford. War came following Pearl Harbor and the Marines were looking for a few good men and they found John, who, as the son of a Marine Colonel, naturally was drawn in that direction.

Years later, Sissy persuaded John, when they were vacationing at Squam Lake, to dictate an account of his career including his Marine service. I have had access to these tapes. John was trained as an Aviation Volunteer Specialist, an "AVS," which he described as "silver in the hair, gold in the mouth and lead in the ass." He named some of his associates: Francis Godolphin, later Dean at Princeton; Ted Lyons, the White Sox pitcher, and Ernie Nevers, a Stanford football star. The class was divided in half, some going to Tarawa and John's half going to Kwajalein with the 4th Marine Division. After the capture of Kwajalein, John's unit was assigned to the seizure of Saipan and Tinian, the strategic atoll large enough to contain all the navies of the world. John's description of these landings and particularly seeing the death and destruction of many of his friends is heartrending. The islands were held by 40,000 Japanese who wouldn't surrender.² He recalled how a piece of shrapnel had struck him in the chest. He observed, at least they awarded me a Purple Heart.

Following the capture of these islands, John's unit, after getting some "R&R" in Maui, was assigned to Layte. Incidentally, our paths crossed at the Sentani Strip in New Guinea, where he had learned that I was located. He was on his way up to the Tacloban Strip on Leyte. Our ultimate destination was about five miles from the Tacloban Strip but neither he nor I knew the other's whereabouts. His unit was assigned 82 F4V's, which the Navy had found were unfit for carrier duty. The trouble was the Navy did not supply maintenance personnel. John, as the AVS officer, was briefing these pilots on the details of their next strike. After the briefing, he took a position in his jeep about 50 feet from the runway. The undercarriage on one of these planes gave way and John was suddenly aware that this F4V was headed toward his jeep. The propeller severed John's left arm and he sustained other serious injury. He was ultimately evacuated to Biak, where a Harvard Medical School unit had been set up.

John tells the story of an elderly nurse who was attending him. He asked her name

and she replied, Peabody. He inquired whether she was related to Endicott Peabody, the Headmaster of Groton School. She replied, he is my father. During the course of this conversation, they were both aware of the fact that another Marine, who had lost a leg, was cursing out the orderly for pain caused in the changing of his dressing. John said to Miss Peabody, you wouldn't hear language like that at Groton School, would you? She replied, without changing her expression, Father does not condone profanity at the school.

John's awards, in addition to the Purple Heart, included the Bronze Star and two Presidential Unit Citations.

Following these experiences, John ultimately returned to the Morris firm where he subsequently became a partner. He modestly described his experience there as being "jack of all trades, master of none." I remember he had several zoning cases and defended his Marine friend, Colonel Frank Schwable, who had been accused by the Commandant of misconduct, in that while a prisoner of war, the colonel had been coerced into making a confession regarding germ warfare. John won an acquittal. The decision was not popular with the Commandant, who expressed his views extensively. John, with his usual flair for describing the impact of the acquittal on other Marines, told about how, in the Rec Room of another Marine colonel, there were photographs of all the Marine Commandants, except one. That particular photograph was turned to the wall and on the back of it was the official reprimand which the Commandant received as a young Marine, when he, himself, was found guilty of misconduct.

John was appointed by President Johnson as a Judge of the U.S. District Court in 1968. I knew from my long association with him that he was a deeply religious person. He never made a show of it. It was a private matter with him. The New Catholic Catechism, distributed to the faithful about two years ago, since it was not in existence 27 years ago when John became a judge, could not have been his guiding light. He was certainly motivated, however, to follow its principles. I quote an excerpt from paragraph 1807, respecting justice: "Justice toward men disposes one to respect the rights of each and to establish in human relationships the harmony that promotes equity with regard to persons and to the common good. The just man, often mentioned in the Sacred Scriptures, is distinguished by habitual right thinking and the uprightness of his conduct toward his neighbor. "You shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor." (Citation omitted.)

In the 27 years that John served on this Court, he never sought publicity or interviews. He let the record speak for itself. He did, however, always seek to let justice prevail. Typical of this is the "Forest Haven" case, which he was struggling with at the time of his death. The case concerned the treatment of mentally retarded persons. The evidence disclosed, and John had found, that the city had failed properly to discharge its responsibilities in the care of these people. He had appointed a Special Master to oversee the functioning of his decree.

I recall one of his early cases, known as the "D.C. Nine," in which four priests, a nun, a former nun, two Jesuit seminarians and a draft resister broke into the offices of Dow Chemical and poured blood over the files of that company as a protest against the war in Vietnam. Though a devout Catholic, John could not condone such action. They were tried, convicted and sentenced.

One of the most highly publicized cases that John tried was the corruption case against the former governor of Maryland,

Marvin Mandel. After some three months of trial, because of evidence of jury tampering, John declared a mistrial. Another judge was assigned to the case, which resulted in a conviction. In looking over the extensive list of cases in which John wrote opinions, found in the "Federal Supplement," "Federal Rules Decisions," "Washington Law Reporter," and other publications, I ran across one in which minister Farrakhan was involved. The case concerned a presidential order involving sanctions against Libya and, among other things, precluded travel to that country. Minister Farrakhan denounced the sanctions and announced his intent to travel to Libya. He sought to enjoin prosecution for disobedience of a presidential decree. In granting the government's motion to dismiss, John held, among other things, that plaintiff lacked standing.

In *Broderick v. SEC*, John was confronted with a sex discrimination case. John found that Broderick herself was a victim of sexual harassment by at least three of her supervisors. More importantly, plaintiff was forced to work in an environment in which the managers harassed her and other employees by bestowing preferential treatment on those who submitted to their sexual advances. The court ordered a substantial recovery for Broderick.

In *Adams v. Bennett*, John dealt with a major nationwide desegregation issue for approximately seventeen years. He required schools receiving federal funds to show that their actions were in harmony with requirements promulgated by Congress. In conformity with a 1984 Supreme Court decision³ which held that federal courts lack standing to serve as continuing monitors of the wisdom and soundness of executive action, John dismissed this law suit which he had been administering for many years. The Office for Civil Rights of the Department of Education agreed to continue to investigate thoroughly alleged violations in programs or activities receiving financial assistance.

Two owners of the Florida Avenue Grill, the famed "Soul Food" restaurant, were sentenced to six months' imprisonment and a fine in connection with fencing activities. The defendants had pleaded guilty to a charge of interstate transportation of stolen goods after the police infiltrated an operation which directed burglaries and thefts against homes and businesses. The police confiscated approximately two million dollars worth of property.

While it is true that John was troubled by the concept of mandatory minimum sentences, like many other federal trial judges he continued trying those cases that were assigned to his Court.

Before he assumed the responsibilities of a federal judge, John's interest in community affairs is reflected by the following: He was elected President of the Harvard Club of Washington in 1949. In 1952 and 1953, he was elected president of the Associated Harvard Clubs of America. He was the President of Harvard Law School Association of the District of Columbia in 1952 and 1953. He was Chairman of the Montgomery County, Maryland Housing Authority, 1950-1953. He was Chairman of the Board of Trustees of the District of Columbia Legal Aid Agency from 1967 to 1968. He served as the Judge Advocate General 1961-1968 of the Marine Corps Reserve Officers Association. He was elected President of the Bar Association of the District of Columbia in 1965 and President of the Barristers club in 1969. He served as President of The Lawyers' Club in 1987. He served as Chairman of the Judicial Conference committee which has the responsibility of reviewing extrajudicial income reports of federal judges, known as the Ethics Committee. John, in all his activities, demonstrated the

qualifications of a leader. He was a modest man who seldom raised his voice. He didn't have to. He was completely in control of his courtroom and of any other activity which he undertook. All of us who knew John were amazed by his ability to recall with accuracy names of participants and dates of athletic and other events going back sixty or seventy years. What a mind!

Pax vobiscum.

With undying respect,

OLIVER GASCH,
Judge, U.S. District Court.

FOOTNOTES

¹About this time, John also served as a page in the U.S. Senate.

²On the southern half of the beaches the 4th Marine Division was having plenty of trouble. The unfortunate 1st Battalion of the 25th Regiment, pinned down on an onfiladed beach, observed a Japanese counterattack developing from Agingan Point around 0940. It called for help from air and naval gunfire, and both of them it obtained; the advancing Japanese were discouraged by strafing and bombing attacks and gunfire from TENNESSEE. But the battalion continued to lose men by accurate artillery fire delivered from high ground not half a mile inland. During the afternoon Colonel Merton J. Batchelder, the regimental commander, sent a part of the 3rd Battalion to help the 1st take Agingan Point." Admiral Samuel Eliot Horison's "History of United States Naval Operations in World War II," Volume VIII, p. 198.

³See *Allen v. Wright*, 468 U.S. 737, 754

TRIBUTE TO U.S. CAPITOL POLICE

Mr. WARNER. Mr. President, I wish to pay tribute to the personnel of the U.S. Capitol Police. During my tenure in the Senate, I have witnessed these officers working in all types of adverse weather conditions during all seasons. The dedication and commitment these officers displayed during the "Blizzard of '96" is commendable and worthy of recognition. I thank the Sergeant of Arms for bringing these individuals to my attention.

On Saturday, January 6, the Washington metropolitan area experienced a winter storm of record proportions. When the storm was over 2 days later, record snowfall blanketed the city. High winds, drifting snow, and severe windchill temperatures created a critical emergency situation.

While roads throughout the area were impassable, the men and women of the U.S. Capitol Police were on duty providing vital public safety and police services within the Capitol complex.

Officers who were on duty when the storm began elected to remain on duty for extended periods. Some worked for as long as 32 hours to ensure there were sufficient personnel to perform law enforcement and security operations.

Several officers used their own funds to stay at local hotels so they could report back to duty on time to relieve fellow officers. Others, such as Lynne Williams, chose to sleep on the floor of the police station so she would be available for immediate recall.

Many officers performed services above and beyond the call of duty. Officer Al Jones worked four consecutive shifts, using his own plow-equipped vehicle to clear snow from parking lots, allowing for the movement of police vehicles.

Officers Michael Poillucci, Terrell Brantley, Thomas Howard, Terry Cook,

and Angelo Cimini used four-wheel drive police vehicles to transport House and Senate Members to critical official meetings.

Officer Richard Rudd voluntarily came to work on his day off knowing he would be needed. Officer Michael Mulcahy used plumbing skills to repair a broken water pipe in the police K-9 facility. Sgt. Dennis Kitchen, Officer Peter Demas, Officer Ellen Howard, and Capt. Edward Bailor worked extended duty hours in the Operations Division to provide coordination with other congressional and Federal entities during the storm.

Officers Ted Tholen, Kevin Weinkauff, James Whitt and freight handlers Bounteum Sysamout, Barry Pickett, Debora Riddick, Charles Wilson, Christopher Westmoreland, Richard Morris, and Thomas Cuthbertson of the Off-Site Delivery Center shoveled parking lots and security inspection areas to ensure police operations were not disrupted. Mr. Ken Meadows of the vehicle maintenance section worked additional duty hours to equip police vehicles with chains and respond to motorists in need of assistance. In addition, officers assisted countless citizens whose vehicles became stuck in the snow, responded to dozens of emergency calls for police assistance, and continued to diligently protect the Capitol and congressional office buildings.

These are just some examples of the extraordinary effort by the U.S. Capitol Police officers to meet and overcome the unique challenges posed by this severe snow storm. Their actions reflect the highest standards of public service. We thank the U.S. Capitol Police for their continued good work.

TRIBUTE TO AOC EMPLOYEES

Mr. WARNER. Mr. President, on Saturday, January 6, the Washington metropolitan area experienced a winter storm which virtually shut down the city and surrounding areas. The historic snowfall, high winds, and cold temperatures caused immeasurable difficulties and crisis situations never encountered before.

Despite these dangerous conditions, employees of all units under the Architect of the Capitol, including the Senate restaurants, preformed their duties to the highest level possible. In many instances key personnel remained in the immediate area and at their posts throughout the storm. Their commitment and hard work resulted in the following accomplishments: The removal of ice and snow equal to 19 miles from sidewalks, steps, building entrances, and handicapped ramps. Maintenance of powerplant operations to ensure delivery of steam to heat the Capitol Hill complex. Arrangement for continuous operation and emergency maintenance of all mechanical and electrical systems. The maintenance and monitoring of all office communication systems and climate control systems. Response to emergency calls for repair of frozen

HVAC coils and building and roof leaks.

We should applaud the outstanding efforts these employees made on behalf of all of us during a historic weather event. I thank the Architect for providing me with this information.

THE BLIZZARD OF 1996 AND THE U.S. CAPITOL OPERATORS

Mr. WARNER. Mr. President, the blizzard of 1996 caused untold inconvenience and problems to those in the Washington metropolitan area. The record snowstorm virtually shut down this city and surrounding Virginia and Maryland suburbs.

The infrastructure which supports the U.S. Senate met the challenge. I thank the Sergeant at Arms for providing me the facts and the names of these individuals. The U.S. Capitol telephone operators who were scheduled to work during the weekend storm that struck on January 6 knew the forecast. They came to work prepared to stay as long as necessary to keep the Capitol switchboard open and covered. Their commitment to duty resulted in many remaining overnight in their offices, carrying on with their duties, as others could not get here to relieve them. Bringing in extra food and clothing, they were prepared to work through the weekend. Supervisors of the Capitol switchboard came to work a day early to make certain they would be on duty.

While these Capitol switchboard operators and supervisors are designated "emergency personnel," they consider getting to work under extreme weather conditions as simply doing their job.

I would like to commend these supervisors and operators for their exemplary public service and mention them by name:

Barbara Broce, Martha Brick, Joan Sartori, Joan Cooksey, Mary Quessenberry, Lisa Thompson, and Laura Williams.

Thanks to all of you for your fine efforts and dedication to your jobs serving the U.S. Congress and our citizens.

CHINESE NUCLEAR EXPORTS TO PAKISTAN

Mr. PRESSLER. Mr. President, I want to bring to the attention of my colleagues some very disturbing developments in weapons proliferation in south Asia. Last year may go down in history as one of the worst years for the cause of nuclear nonproliferation. New evidence released this week merely reinforces this grave conclusion.

On February 5 the Washington Times reported that, in 1995, Chinese defense industrial trading companies exported 5,000 ring magnets to Pakistan. Under the terms of an international agreement with the International Atomic Energy Agency, the export of ring magnets is strictly controlled because