

cheats or swindlers attempting to disguise themselves as charities, or charities acting fraudulently.

Mr. President, in recent years, charitable organizations have stepped forward and filled some of the gaps in the American safety net, gaps that will widen if extreme Republican budget cuts are enacted. Although charities will not be able to come up with the funds necessary to repair the terrible damage these cuts will cause, charities will try to help. They always have in times of crisis. The Charitable Giving Protection Act will help them in that effort. Once again, I applaud Senator HUTCHISON's hard work on this legislation, and I thank all of my Senate colleagues for helping to move it forward expeditiously.●

TRIBUTE TO JUDGE GERALD W. HEANEY

● Mr. WELLSTONE. Mr. President, on the eve of his 50th wedding anniversary, I take this opportunity to pay tribute to Judge Gerald W. Heaney, a distinguished jurist who is beginning his 30th year of service on the U.S. Court of Appeals for the Eighth Circuit. Although Judge Heaney assumed senior status on December 31, 1988, he continues to handle an impressive workload, bringing to each case the same unyielding compassion, fairness, and sense of justice that has marked his tenure on the bench since his appointment on December 1, 1966.

Gerald Heaney was born on January 29, 1918, in Goodhue, MN, a rural community in the southeastern part of the State. In that productive farming community, he learned the values of close family, honesty, and hard work: qualities that have distinguished his public service. Judge Heaney received his undergraduate education at the College of St. Thomas and his law degree from the University of Minnesota in 1941.

At the outbreak of World War II, Gerald Heaney enlisted in the U.S. Army. Serving with the distinguished 2d Ranger Infantry Battalion, his extraordinary bravery in the Battle of La Pointe du Hoc during the D-day landing at Normandy earned him the Silver Star. He was also decorated with the Bronze Star and five battle stars before he was honorably discharged with the rank of captain on January 18, 1946.

At the end of World War II, Judge Heaney married Eleanor Schmitt. Of his wife, Judge Heaney recently said, "I am fortunate to have married Eleanor. She has been the love of my life and my friend, my companion. She has brought stability to me, to our children, and to our grandchildren." In December of this year, Gerald and Eleanor Heaney celebrate their 50th wedding anniversary by renewing their wedding vows at the College of Saint Scholastic Chapel in Duluth, MN.

Judge Heaney began his legal career with the firm of Lewis, Hammer, Heaney, Weyl & Halverson. During his 20 years of private practice, Gerald

Heaney dedicated himself to serving the disadvantaged and those seeking equality. To cite one example of this dedication, Judge Heaney represented teachers in their successful fight to make Duluth the first school district in Minnesota to adopt the same pay scale for both male and female teachers. While in private practice, Judge Heaney continually demonstrated his commitment to the improvement of the State's educational system. He worked actively with the Governor and State legislature to develop a State school aid formula, which remains in use today and continues to serve as a model for the rest of the Nation. Judge Heaney also served on the board of regents of the University of Minnesota, an institution to which he has devoted a lifetime of loyal service in recognition of its importance to the lives and welfare of Minnesota citizens.

In 1966, with the support of Senators Eugene McCarthy and Walter Mondale, Vice President Hubert H. Humphrey, and congressional representative John A. Blatnik, President Lyndon B. Johnson appointed Gerald Heaney to the Eighth Circuit of Appeals. Former Vice President Walter Mondale said of Judge Heaney: "I have served many years in public life and one of the best things I did was to support the nomination of Gerald W. Heaney to be a Circuit Judge for the Eighth Circuit."

Since his appointment, Judge Heaney has authored over 2,000 judicial opinions in which he has demonstrated leadership in many different and complex areas of law including school desegregation, civil rights, employment discrimination, Social Security disability cases, criminal law, labor relations, first amendment jurisprudence, and commercial litigation. These opinions evidence Judge Heaney's guiding principle: All persons—regardless of race, color, or creed—are entitled to equal protection under the law. At the unveiling of his portrait at the Federal courthouse in St. Paul, MN, Judge Heaney commented on the challenges facing our society and those in public service, "It has been no simple task to preserve freedom, and it will not be simple in the future. Every democracy is fragile. It needs our constant and unwavering support. This is the task to which we must all rededicate ourselves."

Judge Heaney continues to leave his mark on the landscape of the law in this country. As his colleague, Judge Donald P. Lay, former chief judge of the Eighth Circuit Court of Appeals, has said,

In my judgment he is the most outstanding judge ever to serve, not only on the Eighth Circuit but throughout the United States, in the last 25 years. He is the most well-prepared judge in the circuit. His industry and dedication to law are unparalleled. His compassion and understanding of human problems is unique. He is a scholar and true gentleman in all respects.●

THE ODDS AREN'T WORTH IT

● Mr. SIMON. Mr. President, during the November elections, voters in 19 communities from seven States were asked to voice their opinion on the expansion of gambling. Many of these initiatives pitted grassroots efforts and coalitions against well-financed gambling interests. Election results supported more gambling in only 4 of the 19 communities.

It is difficult to determine whether this represents a shift in public opinion. However, it is clear that in order to make informed decisions at the ballot box, voters need objective and authoritative information. Conflicting claims remain unresolved. Nagging questions linger.

A recent editorial from the Boston Globe, "The Odds Aren't Worth It," clearly describes the need for a national study. I ask that it be printed in the RECORD.

The editorial follows:

[From the Boston Globe, Saturday, City Edition, Nov. 25, 1995]

THE ODDS AREN'T WORTH IT

Gambling tempts high-rolling risk-takers, it tempts the luckless with little to lose, and it tempts politicians. Since Atlantic City mortgaged Boardwalk to the chance industry 18 years ago, legalized gambling has expanded with amazing speed. Where once there were only two states that allowed or sponsored gambling, now there are only two—Utah and Hawaii—that don't.

In the past few weeks, however, what had seemed an inexorable acceleration has suddenly slowed to a trickle as voters and public officials across the country have fastened on gambling's dubious benefits and hidden costs.

Last week the Connecticut Senate rejected Gov. June Rowland's plans for a mammoth casino in Bridgeport. What had seemed a done deal was undone. In Maryland, a study commission recommended against increased gambling there, and most politicians agreed. On election day this month, voters in Washington state and Jefferson City, Mo., killed proposals to expand gambling, and voters in three Massachusetts communities rejected casinos; only New Bedford voted yes.

Now Congress is considering proposals to set up a national study commission that would examine the history of legalized gambling, explore the tradeoffs and provide credible data on which states and municipalities could make their own choices. The chief sponsors are Sen. Paul Simon of Illinois, a Democrat, and Rep. Frank Wolf of Virginia, a Republican. President Clinton and Sen. Dick Lugar of Indiana, a Republican seeking to challenge Clinton, both support it. Wolf believes that the commission will be approved, possibly before Christmas.

It should be. What is needed most urgently is a sober study that will sort out the conflicting claims—not only the moral arguments but also the actual economic and social effects.

Clearly, many people like to gamble. In Mississippi, which has had a no-limits attitude since 1992, a gaming publication estimated that \$29.7 billion was wagered in 1994—an amazing \$2.1 billion more than the state's total taxable retail sales. The phenomenal growth of the Foxwoods casino in Connecticut hints at the demand that might be tapped.

Yet what are the economics of gambling? It is an industry that creates no wealth but

only redistributes it—mostly from the poor to the rich, and often the rich are not even local people. A good study would provide the details.

But the signs are obvious. In the subway, and advertisement for the lottery portrays a pastel rainbow with a pot of gold at the end. Right next to it is a public service announcement describing how to apply for food stamps. The striking thing is that the two messages are addressed to the same audience: People who can't even afford to buy their own food without government help are encouraged by the government to throw what little they do have at a mirage.

Lotteries may turn out to be the most regressive form of state gambling. One of the few arguments for them other than the revenue they raise is that they closely mimic the illegal numbers games that have thrived in many communities, therefore drawing money away from organized crime.

Casinos raise additional concerns. Successful ones do provide jobs, and some older cities have looked to casinos as potential saviors. New Bedford is as good an example as any. With textiles and other industries gone and fishing on the wane, people in New Bedford are desperate for help. They voted nearly 3-1 for a casino this month. And they argue that half the cars in the Foxwoods lot are from Massachusetts anyway, so the state is exporting the gambling dollar needlessly.

Yet other casino towns have found not only that crime and vice rise rapidly with gambling but that the net effect on the economy is not salutary. Local restaurants and other retail businesses suffer; the problem of addiction to gambling, including among young people, grows; and in many places population drops. Also, the casino sometimes drives out better options. In Bridgeport, for instance, city officials said last week they would dust off a waterfront development plan—one that might provide stronger economic stimulation in the long run than gambling. The plan had been sidetracked by the casino proposal.

A solid study would give substance to all these questions.

Those selling New Bedford on a casino may be no different from the hucksters touting the pot of gold at the end of the pastel rainbow. What provides the spice, as with all gambling, is the fact that someone, sometime, actually wins the gold. But many cities and states have found the odds are no better for them than for the gamblers whose pockets they empty. •

MEASURE READ THE FIRST TIME—S. 1438

Mrs. HUTCHISON. Mr. President, I understand that S. 1438, introduced today by Senator DOLE, is at the desk, and I would ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows.

A bill (S. 1438) to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I would object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1833

Mrs. HUTCHISON. I ask unanimous consent that at 4 p.m. on Monday, December 4, the Senate turn to the consideration of Calendar No. 249, H.R. 1833, the partial-birth abortions ban, for debate only.

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

Mrs. HUTCHISON. And for the information of all Senators, debate will begin on the partial-birth abortion ban at 4 p.m. on Monday. However, no votes will occur during Monday's session of the Senate.

ORDERS FOR MONDAY, DECEMBER 4, 1995

Mrs. HUTCHISON. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 3 o'clock p.m. on Monday, December 4; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until the hour of 4 o'clock p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

PROGRAM

Mrs. HUTCHISON. For the information of all Senators, at 4 p.m. on Monday, the Senate will begin consideration of H.R. 1833 regarding partial-birth abortions. There will be no roll-call votes during Monday's session of the Senate.

Also, as a reminder to all Senators, under a previous consent agreement, at 9:30 a.m., Tuesday, the Senate will begin debate on the conference report to accompany H.R. 1058, the securities litigation bill. Senators can therefore expect rollcall votes during Tuesday's session.

ORDER FOR ADJOURNMENT UNTIL 3 P.M. MONDAY, DECEMBER 4, 1995

Mrs. HUTCHISON. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following my remarks.

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

SENDING UNITED STATES TROOPS TO BOSNIA

Mrs. HUTCHISON. Madam President, I wish to say briefly that I have just heard the majority leader, Senator

DOLE, and Senator MCCAIN state that they would be introducing a resolution—I am sure a bipartisan resolution—to support the President's efforts to send troops to Bosnia.

Madam President, there are no two people I know in the Senate that I respect more, and certainly no two people in the Senate who have given more in the military service of our country than Senator MCCAIN and Senator DOLE. I respect them, and I know that they are coming to this decision in a way that is very thoughtful and statesmanlike.

I am very sad that this is going to happen because I disagree totally with the conclusions they have reached. I think every Member is going to have to really search his or her conscience to decide what is the responsibility of a Senator or a Member of Congress in this type of action. I know all of us are going to vote our conscience. I do not think anyone will come to their conclusion based on anything except what they think is right.

I am sure debate will be heated, but I think it is very important that we have an alternative to the resolution introduced by the majority leader because many of us feel that this is the wrong decision and that for us to exercise our responsibility as Members of the Senate, we must speak out against deploying troops to Bosnia. So there will be an alternative and I hope we will be able to vote on a clear alternative, and that is a resolution to disapprove this deployment of our troops.

We will go into debate more in the next week, and I do appreciate the fact that we are going to have the opportunity next week, rather than some later time after it is too late to try to have an impact on the President's decision.

I have read the Constitution. It is very clear to me that the Founders of our country were specific in not giving the war powers to the President alone.

In fact, in The Federalist Papers, both Mr. Madison and Mr. Hamilton specifically said this is not a monarchy, therefore, the President alone should not be able to wage war. So the question becomes, what is a war? Are we sending our troops into a hostile situation in which they will be in harm's way? And does that mean that they are in a war?

I believe sending troops into a situation in which we believe there is a good chance for fatalities must be done by the President and Congress together, not by the President alone. I think it is most important, and I think it was part of the balance of powers, that the founders of our country were very careful to put in our Constitution that this kind of decision not be made by one person.

I am very concerned that we are also setting a precedent for our troops to be deployed on the ground in border conflicts, in ethnic conflicts, in civil wars that were never contemplated when we signed on to in the NATO Treaty. Nowhere in the NATO Treaty does it say