



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, MONDAY, FEBRUARY 6, 1995

No. 23

## Senate

(Legislative day of Monday, January 30, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, Rabbi Joshua O. Haberman, of the Washington Hebrew Congregation.

### PRAYER

The guest Chaplain, the Rabbi Joshua O. Haberman, offered the following prayer:

Let us pray:

God of all nations, Thou has put into our minds the vision of an age when "Nation shall not lift up sword against nation \* \* \* Neither shall they learn war anymore." When human follies overshadow this vision of peace, let not cynicism overtake us. Create a new heart and renew a steadfast spirit within us so that we may see Thy light even in darkness and still believe that Thou hast put divinity into mankind and still trust that reason has not altogether forsaken the human race nor compassion frozen in our hearts.

May we ever be humble enough to learn, bold enough to act, and faithful enough to persevere in the hope for brighter days when all human families will be one as Thou art one. Amen.

Mr. HATFIELD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. HATFIELD] is recognized.

### APPRECIATION FOR RABBI JOSHUA HABERMAN

Mr. HATFIELD. I thank Rabbi Joshua Haberman for his willingness to come this week and open our Senate with a prayer. He is the rabbi of one of the largest congregations here in the Washington, DC, district. I am very grateful, and I know on behalf of the leadership of both sides we wish to express our deep gratitude to the rabbi.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. DEWINE. Mr. President, this morning the time for the two leaders has been reserved, and there will now be a period for the transaction of routine morning business until the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each.

At the hour of 10:30 a.m., the Senate will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment and the pending amendments thereto. The majority leader has indicated there will be debate only today on the amendments. Therefore, there will be no roll-call votes during today's session.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. AKAKA addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Hawaii [Mr. AKAKA] is recognized.

### OPPOSING THE BALANCED BUDGET AMENDMENT

Mr. AKAKA. Mr. President, as my colleagues know, we have all been elected to the Senate to make the difficult policy decisions that confront our Federal Government. Every day on the Senate floor, we engage in decisionmaking that is the essence of the legislative process.

Some decisions that come before the Senate are rather commonplace, such as how much to spend on scientific research or whether we will build and maintain new highways or ports. Other decisions are much more profound, such as who will become the next Supreme Court Justice, or whether or not our Nation will go to war.

No decision a Senator makes it more profound than our vote on an amendment to the Constitution. Amending the Constitution is an extraordinary legislative action that has occurred only a few times in our Nation's history.

The first 10 amendments, which we know as the Bill of Rights, were proposed and ratified almost immediately after the Constitution itself. In the next 200 years, only 16 amendments were proposed by Congress and ratified by the States.

This experience tells us that the balance and compromise crafted during the Constitutional Convention has served us very well. We are governed by a remarkably resilient document, and it is a tribute to our Founding Fathers that the Constitution has been amended so infrequently.

I am deeply concerned that the amendment we are now considering will upset the delicate balance of power forged during the Constitutional Convention of 1787. The balanced budget amendment would transfer fundamental spending and taxing authority from Congress to the executive branch. By this amendment, we would unravel mechanisms that our Founding Fathers delicately weaved into the fabric of the Constitution to keep the excesses of the executive, judicial, and legislative branches in check. I genuinely fear that the balanced budget

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

amendment would give rise to an imperial Presidency. And let us remember that domination by the Executive is what caused us to abandon our relationship with England and establish a great democracy.

During hearings convened by House and Senate committees, many professors of law and learned constitutional scholars expressed well-founded concerns that, if ratified, the balanced budget amendment would permit the President to impose taxes or fees in order to enforce the amendment. It would also implicitly or explicitly repeal the impoundment control measures contained in the 1974 Budget Act.

The notion that the Executive should be allowed to impose taxes without the concurrence of Congress is a radical proposition. It violates the constitutional principle that Congress alone should have the power to lay and collect taxes.

Our Constitution is a remarkable document. As ratified by the States, its fundamental elements are now familiar to us all: A government divided into three parts—each part separate and distinct—and each armed with tools to defend against the excesses of the other.

Yes, our Constitution has been amended over the years. We have 10 amendments that set forth fundamental rights guaranteed to all. We have a number of housekeeping amendments which establish the electoral college, provide for the election of Senators by popular vote, and establish an orderly process in the event of the death of the President. We have amendments that secure freedom and promote universal suffrage, such as the 13th, ending slavery; 14th, due process, equal protection; 15th, end discrimination; and the 19th and 26th amendments, vote for women and 18-year-olds.

But none of these amendments reorders the fundamental structure of power and authority as would occur under the balanced budget amendment. The balanced budget amendment would tilt the balance of power heavily in favor of the Executive, and, as I said earlier, promote an imperial Presidency.

There are those who argue that a balanced budget amendment is a good idea. After all, if families can balance their budgets, why cannot the Federal Government? Under the proposed amendment, the Federal Government would be required to balance its budget every year. The only time a deficit could occur would be during time of war, or when three-fifths of the House and Senate agree. While it sounds easy, there remains a glaring problem with such a simplistic approach to reducing the Nation's debt. What programs would Congress cut to achieve a balanced budget by the year 2002, the date on which the amendment would go into effect? What Federal agencies would have their budgets slashed in order to help the Federal Government meet the

requirements of the balanced budget amendment?

Estimates by the nonpartisan Congressional Budget Office call for spending cuts totaling \$1.5 trillion by the year 2002. CBO also predicts that if Social Security and defense are exempted from the balanced budget numbers then all other Federal programs would be cut across the board by 30 percent. That of course, is assuming that all cuts are equal and that partisanship is left out of the mix.

Although I wholeheartedly support and endorse efforts to balance the Federal budget, I am greatly concerned that the \$1.5 trillion in spending cuts needed to meet the goals of a balanced budget amendment by the year 2002 would have a devastating impact on a wide segment of our population. Supporters of the resolution fail to explain where these tremendous budget cuts would fall. Without assurances that Federal agencies and programs would be equitably affected, such a plan is unworkable.

I strongly back Democratic leader DASCHLE's amendment that would require Congress to pass an honest, detailed plan to balance the budget before the balanced budget constitutional amendment goes to States for ratification. It is irresponsible for us to vote on an amendment requiring a balanced budget which would necessitate draconian budget cuts without knowing what we would be cutting and how. We need to know. The American people have the right to know.

Let me mention a few more aspects of this balanced budget amendment that concern me. A constitutional amendment to balance the Federal budget could damage the economy more than strengthen it. Greater amounts of deficit cutting would be required in periods of slow growth than in times of rapid growth—an action which economists predict would result in more frequent and deeper recessions.

Such an amendment could also limit public investments that are critical to long-term growth because the amendment makes no distinction between investments such as education and training and early intervention programs for children, and other types of government spending. These investments are necessary to ensure the Nation's competitiveness and help the economy grow.

Because the amendment calls for a balanced budget every year, regardless of whether economic growth is strong or weak, larger spending cuts or tax increases would be needed in periods of slow growth than in times of rapid growth, further exacerbating an already crippled economy.

Mr. President, I know we will have ample time to debate this issue further, and I look forward to the ensuing debate.

ALAN EMORY, DEAN OF WASHINGTON-BASED NEW YORK REPORTERS

Mr. MOYNIHAN. Mr. President, I rise today to honor the dean of Washington based New York reporters, Alan Emory. Mr. Emory, a writer for the Watertown Daily Times, has been covering Washington for the last 43 years. His personal style and fabled wisdom have allowed Mr. Emory to provide his readers in upstate New York with a window to Washington.

Deemed a small town by some, Watertown's success stories include three former Secretaries of State: John Foster, John Foster Dulles, and Robert Lansing. Other notable Watertown residents included Roswell P. Flower, former Governor of New York State; and Frank Woolworth, founder of the five-and-dime store.

Having been voted president of the prestigious Gridiron Club in recognition of his many years of reporting excellence, Mr. Emory now joins the list of celebrated Watertown residents. Alan Emory was sent to Washington in 1952 when his distinguished publisher, John B. Johnson, decided to give his readers more for their money. He has certainly done that. Mr. President, I ask unanimous consent that an article from the Watertown Daily Times celebrating Mr. Emory's accomplishments and years of service be printed in the RECORD.

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

[From the Watertown Daily Times, Jan. 29, 1995]

ALAN EMORY, DEAN OF WASHINGTON REPORTERS

(The following article by Jonathan D. Salant is reprinted by permission from the January edition of Empire State Report.)

At one of U.S. Sen. Daniel Patrick Moynihan's infrequent gatherings for the Washington press corps from New York newspapers, a New York Times reporter attempted to sit in the front row.

"No, no, no," Moynihan sputters. "That's the dean's seat."

The "dean" in this case refers to Alan Emory, the 72-year-old correspondent for The Watertown Daily Times. Most of the reporters who join Emory weren't born when he came to Washington 43 years ago, the result of an effort by his publisher to give the readers something more in exchange for a price hike. The rest of the New York press corps watches Emory take his seat in front and pour a cup of coffee for the senator. They sit silent deferentially to allow Emory to ask the first question, much as the senior wire service reporter opens presidential news conferences.

Emory began covering Washington before Moynihan, who later served in the administration of four presidents, began his career in public service as an aide to then-Gov. Averell Harriman. Emory has covered Govs. Thomas Dewey, Harriman, Nelson Rockefeller, Malcolm Wilson, Hugh Carey and Mario Cuomo. He has covered Sens. Irving Ives, Kenneth Keating, Jacob Javits, Robert Kennedy, Charles Goodell, James Buckley, Alfonse D'Amato and Moynihan.

Emory has reported on the administration of Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon,