

for unemployment, Medicaid, and other programs help fill the gap in family budgets, and in overall economic activity, until the economy or people's individual situations improve. If a balanced budget were required every year, that cushioning effect would not be there.

A balanced budget amendment would force us to cut spending or raise taxes to eliminate increases in the deficit caused by a slowing economy. Our fiscal policies would make the natural swings in the economy more pronounced—recessions will be deeper and longer.

The proposed super-majority vote that would permit a deficit to exist during times of economic weakness is ineffective. Congress would have to be more prescient than private sector forecasters in order to develop the needed consensus to waive the strict balanced budget requirement.

Fourth, the amendment does not adequately address how it will be enforced—making it either unenforceable or turning over enforcement to the courts or the President. The amendment would fundamentally restructure the balance of power set forth in the Constitution and could still empower unelected judges to raise taxes or cut spending, despite a restriction placed on the courts in an amendment offered by Senator NUNN in the closing moments of this debate. If the amendment were deemed unenforceable, respect for the Constitution would be severely diminished and rule of law would be undermined.

The question of who will enforce this amendment has not been adequately answered by its proponents. Will it be the courts or the President—or is it intended not to be enforceable? Placing an unenforceable amendment in our Nation's charter would result in countless constitutional violations and make all other constitutional rights, by extension, violable as well.

Judicial involvement in the budgetary process would be unprecedented, even for declaratory judgments, and yet the balanced budget amendment significantly increases judicial authority. Under this amendment, judges may be the ones asked to make the hard choices about that the Congress is accountable for making today—and I strongly believe judges lack the institutional capacity to make those decisions. It's wholly inappropriate to shift that duty to them.

The Constitution's decision to give the "power of the purse" to the legislature was not made lightly. This amendment could transfer some of that power to the courts.

Fifth, rules for fiscal policy should not be written into the Constitution. The Constitution is a miraculous document precisely because it establishes transcendent national ideals and freedoms and the structure of our Government, without micromanaging its performance. It sets individual rights and creates a system of separation of pow-

ers, our checks and balances, which protect against any one branch of government becoming too powerful.

Fiscal policies respond to current economic conditions and the structure of the economy—those conditions and structures are constantly changing and should not be restricted to today's needs. Fiscal policy should reflect a constantly changing economic environment, not written in stone in the Constitution.

Sixth, the amendment violates the our traditionally democratic principle of majority rule. The amendment requires a three-fifths supermajority vote to pass a law that allows deficit spending or a debt increase. For more than two centuries, the Constitution has only required a supermajority vote for measures vetoed by the President. Giving a minority the power to absolutely block legislative action would be an unprecedented undermining of majority rule. The wholesale transfer of power from the majority to the minority in cases where there is a recession, need to respond to an international or natural crisis, or to extend the Treasury's ability to borrow to pay the government's bills should not be permitted.

Seventh, the balanced budget amendment will create uncertainty about the reliability of government services and obligations. There is a real practical difficulty in insuring the government's budget is balanced every year. If estimates are inaccurate (as they can very well be) and mid-year revised projections show a deficit by year's end—where will the money to compensate for the deficit come from? Interest payments can't be defaulted on, cutting entitlement programs like Medicare with millions of beneficiaries count on would be extremely unpopular, especially in the circumstance that there is very little notice—which means discretionary programs would probably take the mid-year hit. Discretionary programs like student loans could be totally shut down.

In sum, this constitutional amendment is the most expansive amendment to our Constitution brought to a vote in both Houses in the last 206 years. The amendment is almost as long as the entire Bill of Rights, and it would embed fiscal policy in our Constitution. It's called the balanced budget amendment but does nothing more than say we should balance the budget—the amendment is misnamed, it should be called the "Let's Use the Constitution to Promise We Will Balance the Budget Amendment."

When the rhetoric of the virtues of financial responsibility or balance has to be translated into action which will cut the deficit, it will mean across the board cuts in programs which millions of Americans rely on for their health care and nutritional needs, to help send their children to college, to improve their highways and bridges, and to protect our environment. It dodges the toughest questions of how we can get

our national health care costs, private and public, under control—and that is both a fundamental flaw of this amendment and a disgrace. In my judgment it will hurt West Virginians and have the harshest effect on the most vulnerable people in my State and in our country. I cannot in good conscience vote for this amendment.

But I can, and will, continue my efforts to reduce the deficit, and to make government programs more responsive to those they serve, and to eliminate duplication and waste as we strive to make government leaner and more efficient, and to manage the costs of priority government programs. A lion's share of that work will be in finally dealing with health care costs and access problems that we failed to address, in part, because the importance of comprehensive health care reform to getting our national deficit under control was not sufficiently understood.

I will continue to be willing to stand up and cast the tough votes if they are necessary to improve our Nation's overall economic health. But I cannot vote for this amendment because my constituents have been denied the basic information about how this amendment would affect their daily lives. In the absence of real information of its consequences, I have had to piece together the effects based on common sense assumptions of what will happen. I am dismayed that there has been a almost uniform refusal to improve this amendment to address the real concerns which have been raised.

It seems appropriate to reflect upon the words of our Founders. I close with the words of Thomas Jefferson who drafted the venerable Constitution which this amendment proposes to radically alter. Thomas Jefferson said:

I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

That is a perpetual responsibility of Congress and the business we should be getting about today.

THE 159TH ANNIVERSARY OF THE INDEPENDENCE OF TEXAS

Mrs. HUTCHISON. Mr. President, I think the relevance of what I am going to talk about today will be brought into what has just happened. The historic opportunity that we had that was missed actually falls on the 159th anniversary of the independence of Texas.

One of my predecessors in this Chamber, Sam Houston, led the Texas army to victory at San Jacinto on March 2, 1836, his birthday.

Today, Texans everywhere celebrate that historic victory, and now that we have joined ranks in the United States, we invite all to join us in honoring the victory at San Jacinto.

Texans also remember on this day the soldiers who did not live to see that

victory, because they died a few days earlier at the Battle of the Alamo. One hundred eighty-four brave men held the Alamo for 13 days before falling to 6,000 Mexican troops.

Following a tradition begun by my recent predecessor, John Tower, on the birthday of our more distant predecessor, Senator Sam Houston, I would like to read a letter sent by the commander of the Alamo, Col. William Barret Travis, during the siege. I think it will serve as a reminder of how many people spilled blood to make our country what it is today:

To the people of Texas and all Americans in the world—Fellow citizens and Compatriots—I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or death. William B. Travis, The Alamo, 2/24/1836.

Today is a great day in the history of Texas. I am sorry that it is a sad day for America. It will be remembered as the day we did not declare independence from the debt accumulated over the last 34 years. We did not close the back door to become heroes of future generations, but while the Alamo is just a memory in our minds, we will be back to fight the battle of the balanced budget amendment. We will amend our Constitution, and we will do the right thing some day.

So while I am not able to celebrate the vote that just happened on this floor a few minutes ago, perhaps we will remember the lesson of the Alamo and perhaps we will remember that it was those who died at the Alamo, who thought they had failed to hold that bastion that paved the way for the success of the Battle of San Jacinto.

Mr. President, our Battle of San Jacinto has yet to come on the balanced budget amendment, but it will. It will come, and we will do what is right for the future generations of our country. The battle has just begun. Today was the Alamo and San Jacinto will follow.

Thank you, Mr. President.

Mr. THURMOND. Will the Senator yield?

The PRESIDING OFFICER. Will the Senator yield?

Mrs. HUTCHISON. Mr. President, I yield.

Mr. THURMOND. Mr. President, I want to commend the able Senator from Texas on what she has had to say about the Alamo. I am very pleased that South Carolina played a big part

in that historic event. William Barret Travis, the commander at the Alamo, was born in Edgefield County in South Carolina, the county in which I was born. He was a brave soldier. He fought to the end. Every person there was killed.

James Bonham, another man prominent to the Alamo, was also born in Edgefield County, SC. So we are proud that South Carolina has played a big part in the history of Texas. They saw they could not win over the Mexicans, they were overpowered. James Bonham asked for permission to go out in the countryside to search for reinforcements. He had to fight through the Mexican lines to get out. He could find no help. He fought to get back to the Alamo.

He came back to the fort and fought to his death. He knew they would die because they did not have enough support. Again, I want to commend the able Senator from Texas for telling us about the history of the Alamo.

Mrs. HUTCHISON. Mr. President, let me just say that the Senator from South Carolina, as usual, is right. The people of South Carolina did come and die at the Alamo. They were very much an important part of the independence of Texas.

I want to say that there were people from Tennessee, Kentucky, and Georgia who also played a major part. I would not be standing here today as the Senator from Texas but for the blood of those great men who migrated from the East and came over and were a very important part of the history of our Nation.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD pertaining to the submission of S. Res. 83 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. FEINGOLD. I yield the floor.

Mr. LEAHY. Mr. President, all of Vermont is saddened today by the loss of a great leader in agriculture, George Dunsmore.

George was a strong advocate for Vermont agriculture. He worked tirelessly promoting it here and abroad, and fighting for it in the legislatures of Montpelier, VT and Washington, DC.

In addition to serving in the State legislature, he had two tenures as Commissioner of Agriculture. Under his leadership the high quality image of Vermont food and agricultural products has flourished. George always looked for ways to find new markets for Vermont products. He knew that it was important for Vermont and New England to look beyond our Nation's borders to the export market.

George understood Vermont agriculture so well because he was a part of it. A dairy farmer in Franklin County, he worked both on the farm and in Montpelier for many years.

He also understood how Washington worked. He was a leader in the Na-

tional Association of State Departments of Agriculture. He also served as the agricultural specialist for my good friend JIM JEFFORDS when he was a Member of the House of Representatives.

George was a strong supporter of the State's dairy industry and the Northeast Interstate Dairy Compact. I think it is fitting that Senator JEFFORDS and I introduce this measure, Senate Joint Resolution 28, today and do so in memory of him.

Whether he was defending the purity of Vermont's maple products, looking for new markets for our apple growers or fighting for higher prices for dairy farmers, George was always a true advocate for agriculture.

My deepest sympathies go to his wife Bette Ann, and their three children.

TO MY FATHER, BY PETER TORRIERI

Mr. SARBANES. Mr. President, I want to call the attention of our colleagues to a very moving poem by my good friend Peter Torrieri of Baltimore. "To My Father" is a tribute not only to those of Italian-American heritage, but also to all of those who crossed the seas to establish families in this great Nation of ours. The immigrant legacy, deeply rooted in our history as Americans, is a facet of our society that should inspire pride and honor.

Peter Torrieri's father, Domenico, came to America during the wave of immigration in the early 1900's. His dream of a better life for himself, his wife, and their children was one that he would see slowly come to fruition. The sacrifices made by the entire Torrieri family illustrate both the strong work ethic displayed by so many immigrant families and the bonds of love and devotion that connect their family.

Domenico Torrieri, then a young man far from his home of Abruzzo, labored day in and day out all for the benefit of his family. Peter's poem shows the highest respect and esteem for his father and for all of the fathers and mothers who made this pilgrimage to the New World, hopeful that their journey would lead them to a bright future.

Peter and his wife Mary are leaders in Maryland's Italian-American community, playing important roles in preserving and passing on their heritage to the next generation as well as working tirelessly on behalf of community, health and civic organizations. As the son of immigrants and as an American who remains deeply devoted to my ethnic heritage, I invite all of our colleagues to read Peter's poem, which pays homage to his father and to all those who sailed the seas in search of a new life in America.

I ask unanimous consent the poem be printed in the RECORD.