For further information on this hearing, please contact Bruce Kasold at 224–3448.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. HATFIELD. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on Social Security and Family Policy to hold a hearing on Social Security and future retirees on Monday, March 11, 1996, beginning at 10 a.m. in room SD–215.

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

ADDITIONAL STATEMENTS

WHY THE ''LEAST DANGEROUS'' BRANCH IS ALSO THE BEST

• Mr. SIMON. Mr. President, I confess, I am not a regular reader of Legal Times, though my staff is, and they call articles to my attention.

But a longtime friend, Gene Callahan, sent me the first of a series of monthly columns that will be written by our former House colleague, Abner Mikva, who has also served on the Circuit Court of Appeals in Washington, DC and served as Counsel to the President.

His perspective should be of interest.

Judging by his first column, which I ask to be printed in the RECORD, it should be viewed by many more people than those who read the Legal Times, with all due respect to that readership.

His first column speaks with pride about the Federal judiciary but also has some suggestions for improvement there, suggestions that, in part, involve the legislative branch of Government.

I urge my colleagues to read Abner Mikva's first column.

The text of the column follows:

[From the Legal Times, Feb. 5, 1996]

WHY THE ''LEAST DANGEROUS'' BRANCH IS ALSO THE BEST

(By Abner J. Mikva)

Early last month, while the two political branches of government yielded to the elements and closed down for the blizzard, the Supreme Court of the United States was doing business as usual. It may have looked like a hot-dog trick to some, but Chief Justice William Rehnquist was making a point worth making: While the rest of government is perceived as sick and wanting, the judiciary, like the Energizer bunny, keeps on going.

Now that I am a disinterested observer (except for my pension, which as far as I know has no contingencies based on behavior), I find that the federal judiciary works amazingly well.

It always has been the least dangerous branch, but for a good period of its history that was because the federal judiciary did not have many demands upon it. This is no longer true. In almost every session of Congress, some new tasks are put to the federal courts. Everything from voting rights to carjacking is now considered appropriate for federal court jurisdiction.

At the same time, while the total judicial appropriation is still a small blip in the federal budget, it has been increasing exponentially. As with other rapaid growth, inevitably some money is not spent wisely.

The biggest single extravagance is Congress-driven: Should we have a federal courthouse at every crossroads in America? If the federal courts have selective and limited jurisdiction, should not the parties and their lawyers be required to come to the population centers of the country to litigate? But I remember from my days in Congress that it was a feather in the cap of a member if he or she could deliver a new courthouse (and a new judge) to some small town in the state.

Meanshile, the U.S. Courts of Appeals allow their judges to live wherever they want to within the circuit, providing chambers, equipment, and staff just to service those judges who would rather live in a bucolic place than in the big city to which the appellate court should limit its activities. (When I raised both these matters as a member of the U.S. Judicial Conference, I was met with the icy resistance of incumbent judges who like things the way they are.)

Even accounting for these blemishes (and others that I don't recount here), the federal courts are the most efficient institutions in our government. They perform their designated functions admirably. The appellate process provides a self-corrective device that fixes most of the mistakes and excesses of the lower courts. The judges really do preserve, protect, and defend the Constitution of the United States. And the reasons are pretty obvious.

First and foremost, there is the careful selection method employed to choose federal judges. There was a saying when I went to law school that the A students became law professors, the B and C students made a lot of money as practitioners, and the D students became judges. But that was never applicable to federal judges, and certainly is not true today. The large number of academicians who become federal judges indicates that legal ability is an important perrequisite for appointment. (On the Supreme Court alone, there are three former full-time law professors: Justices Antonin Scalia, Ruth Bader Ginsburg, and Stephen Breyer.)

The whole process is the closet thing that we have to a meritocracy in government. While U.S. senators have a large voice in deciding who become district judges, the candidate is subject to merit review in the first instance by the local bar associations, the local press, and all the other gauntlets that a judicial aspirant has to traverse. After finishing that section of the obstacle course, the would-be judge has to pass a full field investigation by the Federal Bureau of Investigation and a thorough vetting by the American Bar Association. Then, and only then, is the name sent to the president with the recommendation that he nominate. If the president agrees, then, and only then, is the name sent up to the Senate for confirmation.

Appointments to the Courts of Appeals are even more difficult. While the senators may not have as much say in choosing the nominee, they weigh in heavier in the confirmation process. (I still have bumps on my head from my own confirmation battle, which took more than six months and aged me many times that period. I had the National Rifle Association—a formidable opponent—on my case.)

Many are the casualties who could describe how tortuous is the path. Some bad press, a few disgruntled colleagues or clients, an over-exuberant writing—any of these can derail someone who would like to be a judge. Not all such derailments are fair or pretty, but they do provide a thorough preview of who is being appointed to the federal bench. The result is a bench both competent and clean.

There are exceptions, of course, but they are rare, compared to those of the other two branches of government. Indeed, one of the exceptions, Judge Alcee Hastings, was removed from the bench by Congress after his colleagues deemed his conduct inappropriate to judicial service. A jury had previously found him not guilty of criminal conduct in the matter, and the people of the sovereign state of Florida have since elected him to Congress.

There are other reasons why the judicial branch performs so well. The Judicial Conference, the governing body for the federal judiciary, is right for the task. Contrary to what Judge William Schwarzer wrote recently in *Legal Times* (''Governing the Federal Judiciary,'' Dec. 11, 1995, Page 24), the very fact that the judges in the conference do rotate, are not expert bureaucrats, and are not all from Washington, D.C., is a plus. I have had a close-up view of the workings of the other two branches, and neither has any systems as efficient as the 25 circuit and district judges who, along with the chief justice, make policy for the federal judiciary.

Another ingredient in the judicial success formula is the law clerks. The clerks, who come in for a year or two, are very bright, respectfully irreverent, and full of enthusiasm. Again, the rotation of clerks is a plus, and I worry that more and more judges are using career law clerks.

Senior status is another idea that works. The notion that a judge can semi-retire, still perform useful service, and open up a slot for a younger and more vigorous person is almost too good to be true.

That judges are as independent as they say they are is one of the most important reasons for the success of the judicial branch. This makes it all the more disturbing that some of my former colleagues, both on the bench and in Congress, think that Congress should exercise more vigorous oversight of the performance of judges. Sen. Charles Grassley (R-Iowa) wants judges to fill out time sheets so that he can decide whether they are working hard enough. Judge Laurence Silberman thinks that there are too many judges authorized on the D.C. Circuit, and testified to urge Congress not to fill an empty slot.

Given all the serious problems that other institutions of government have, both in their performance and in the way they are perceived, it is distressing that some would rather tinker with the judiciary. But then, there have always been those who would rather fix something that is not broken than do the serious lifting involved in real government reform.

RECOGNIZING THE IMPORTANCE OF INTERNATIONAL FAMILY PLANNING ON INTERNATIONAL WOMEN'S DAY

• Ms. SNOWE. Mr. President, today, I speak in honor of International Women's Day, which was last Friday, March 8, on an issue of tremendous importance to women and families around the world—U.S. funding for international family planning programs.

The United States has traditionally been a leader in international family planning assistance, and has had unrivaled influence worldwide in setting standards for these programs. An

estimated 50 million families around the globe use family planning as a direct result of U.S. population assistance programs.

Unfortunately, passage of the continuing resolution on January 26 came at a terrible price to U.S. population assistance programs. Time and time again during consideration of the foreign operations appropriations bill, the Senate resisted the efforts of the House to restore the Mexico City policy and to impose restrictions on funding for United Nations Population Fund [UNFPA]. Finally, opponents to family planning in the House unveiled a new, ugly strategy—slashing population assistance in the continuing resolution [CR]. Tragically, the need to avoid another Government shutdown led many Members to vote for the CR and accept what was understood to be an extremely painful funding cut. It was only later that the truly insidious nature of this provision became apparent, when it became known that this provision would simply devastate—if not obliterate—U.S.-funded international family planning programs.

Under the terms of the CR, none of the funds appropriated for international family planning can be spent until July 1. After this date, funding may be provided at 65 percent of the fiscal year 1995 level, appropriated on a monthly basis of 6.7 percent for 15 months. As a result, U.S. population assistance expenditures could drop from $547 million last year, to only $72 million during fiscal year 1996 This means a loss of revenue to the program of $475 million.

The Alan Guttmacher Institute, Planned Parenthood, and other population groups predict that as a result of these cuts, at a minimum, seven million couples in developing countries who would have used modern contraceptives will be left without access to family planning. Four million more women will experience unintended pregnancies. We can also expect 1.9 million more unplanned births, often to families living in terrible poverty and who cannot afford another child; 1.6 million more abortions and countless miscarriages; 8,000 more women dying in pregnancy and childbirth, including those from unsafe abortions; and 134,000 infant deaths.

It appears that supporters of these funding cuts are unaware that current law prohibits the use of any U.S. funds for abortion-related activities. This is not about encouraging abortion. It is about preventing unwanted pregnancies and preventing abortions. It is about helping women to space their children, so that they and their children are healthier, because children born within 2 years of their mother's last birth are twice as likely to die in infancy than those born after a longer interval. It is about families being able to support themselves and emerge from terrible poverty. It is about preventing maternal and infant death. It is an issue that should unite Members on both sides of the abortion debate.

Because of the CR, organizations that provide family planning services with U.S. funds are already determining which of their programs will have to be cut or eliminated. For example, a local affiliate of international planned parenthood in Brazil estimates that 250,000 couples who rely on its services will lose access to family planning and related health care. In Peru, a country that is among the poorest in Latin America and where 90 percent of women surveyed say they want to prevent or delay another pregnancy, more than 200,000 couples will lose services. Families in these extremely poor countries cannot afford to lose vital U.S. family planning assistance.

As a conferee for the State Department reauthorization bill, I worked hard to prevent the inclusion of House language reinstating the Mexico City policy and restrictions on UNFPA funding. Thankfully, we prevailed and the House capitulated on this front. Now it is time to take this important battle to take the next step and undue the harm caused by the House appropriators.

I am pleased to say that my distinguished colleague from Oregon, Senator HATFIELD, who has been such a champion in fighting for international family planning throughout his career, included language in the omnibus appropriations bill which would restore funding for U.S. population assistance. The Hatfield provision would nullify the funding cuts in the CR if the President certifies that they will lead to a significant increase in abortions. I applaud Senator HATFIELD for his outstanding leadership on the Appropriations Committee and for his dedication to this very important issue.

The United States has been a model nation on international family planning issues, and other countries look to our example. The implications of the cuts to U.S. aid contained in the CR are far broader than one might think. If other countries follow our lead, the impact will be devastating to the health of women and families of developing nations.

So, in honor of International Women's Day, I urge my colleagues to support the restoration of funding for international family planning. Hanging in the balance are the lives, the health, and the economic survival of women, children, and families throughout the world.●

HONORING MATTHEW EISENFELD

● Mr. DODD. Mr. President, it is with great sadness that I rise today following the death of Matthew Eisenfeld of West Hartford in the terrorist bombing in Israel. The four most recent terrorist attacks have not only threatened the fragile peace in this region, but also resulted in the death of one of our own. Matthew was a bright and caring individual who spoke out for peace in the Middle East—and his voice ultimately will not be silenced unless we give into those who use vicious acts of violence to derail efforts for peace in this region.

Throughout his short life, Matthew had a strong impact on the lives of the people he met. Clearly, he was a fine student with a good heart. He dedicated himself to others and worked hard to learn and follow the teachings of the Jewish faith.

It seems ironic that at the time of his death, Matthew was working on a haggadah, the traditional book of freedom and liberation read at Passover. He truly believed that the land of Israel that he loved so much would one day be at peace.

Following the assassination of Prime Minister Yitzak Rabin, Matthew was asked to speak at a memorial service for the slain leader. His message was full of hope that the Middle East peace process would continue. Even in the dark days immediately following the death of the Prime Minister, Matthew stood up and called on those gathered not to give up hope and stressed the necessity of continuing the work of Mr. Rabin.

We have now lost another decent and caring man whose life was a testament to peace. This is a tragedy not only for Matthew's family and friends, but also for the countless number of people who could have met Matthew and learned from him if this senseless act of hate had not occurred. We must remember Matthew's love of humanity and continue to work to spread his message of peace and hope. Soundly condemning these senseless acts of violence while rededicating ourselves to the peace process, is the finest way to honor Matthew Eisenfeld's life and the other innocent men and women who have lost their lives in these terrible bombings.●

WANTED: JOBS OF LAST RESORT

Mr. SIMON. Mr. President, one of the things I have stressed repeatedly on the floor of the Senate is that without having a jobs component for people of limited skills, welfare reform is a sham. It is public relations for those of us who hold public office, not help for people on welfare and not help for the taxpayers.

Recently, Prof. Sheldon Danziger and Peter Gottschalk had an item on the New York Times op-ed page, titled ''Wanted: Jobs of Last Resort.'' I ask that it be printed in the RECORD. I highly recommend it to my colleagues.

The article follows:

WANTED: JOBS OF LAST RESORT

(By Sheldon Danziger and Peter Gottschalk)

Members of the National Governors' Association were on Capitol Hill yesterday, once again pressing their case for welfare reform. The group has captured glowing reviews from both President Clinton and Congressional Republicans for a package of proposals that would favor block grants to the states over a guarantee of Federal aid.

Liberal Democrats in the House have criticized the plan, saying its cuts in Federal spending are simply too hard on the poor. But they have not given enough attention to