

appear, as we said earlier, at the end of these remarks. I think he stated it very well.

Let us hope tomorrow as we debate term limits the debate is civil, and that our Members debate the merits of the various proposals. But understanding that, if we do parade before this body and the country nine separate proposals in addition to the underlying 12 years in the House, 12 years in the Senate, House Joint Resolution 2, that we are doing that because of this rather bullying tactic of U.S. term limits, this self-defeating effort that they are making to try and somehow bring attention to this cause.

It is very obscure to me as to what they think they are going to achieve in this process, other than gridlock on the term limits movement. I would urge my colleagues all to seriously weigh this when they vote tomorrow, and as many as possible who do not feel compelled to follow the instructions in those nine States, take the risk and the chance of facing up to these bullies, and, in the end, after all is said and done, please vote for the passage of the one term limits proposal that is rational and has a chance of ultimately prevailing and being sent to the States for ratification: 12 years in the House and 12 years in the Senate.

I include for the RECORD the article previously referred to.

[From Newsweek, Feb. 17, 1997]

SAVE US FROM THE PURISTS—SOME SUPPORTERS OF TERM LIMITS HAVE DEVISED A TACTIC AT ODDS WITH THE BEST REASON FOR LIMITS

(By George F. Will)

Since the apple incident in Eden, the human race has been disappointing. Hence term limits for Congress may become one of the few exceptions to the rule that when Americans want something, and want it intensely and protractedly, they get it. Only the political class can enact limits, and limits would be unnecessary if that class were susceptible to self-restraint.

That is a structural problem of politics with which supporters of term limits must cope. But the organization U.S. Term Limits is an unnecessary impediment to term limits. As the House votes this week on the issue, consider what happens when a reform movement's bandwagon is boarded by people ignorant of, or indifferent to, the principal rationale for the reform.

USTL is a bellicose advocate of term limits, and, like fanatics through the ages, it fancies itself the sole legitimate keeper of the flame of moral purity. However, it has actually become the career politician's best friend. That is why it was opponents of term limits who invited a USTL spokesman to testify at recent House hearings on the subject. Opponents understand that USTL's obscurantism, dogmatism and bullying embarrass the cause.

The primary argument for term limits is not that, absent limits, there will be a permanent class of entrenched incumbents shielded from challengers by advantages of office. Although incumbents who choose to seek re-election still are remarkably safe—91 percent of them won in the turbulence of 1994 and 94 percent won in 1996—most members of Congress arrived there in this decade. (This rotation in office has been produced partly by something the nation does not wish to

rely on—revulsion arising from scandals and other malfeasance.) And the primary argument for term limits is not that Congress is insufficiently "responsive" and hence must be made "closer to the people." Rather, the primary argument is that we need "constitutional space" (the phrase is from Harvard's Harvey Mansfield) between representatives and the represented.

Term limits are a simple, surgical, Madisonian reform. By removing careerism—a relatively modern phenomenon—as a motive for entering politics and for behavior in office, term limits can produce deliberative bodies disposed to think of the next generation rather than the next election. This is the argument favored by those who favor term limits not because of hostility toward Congress, but as an affectionate measure to restore Congress to its rightful role as the First Branch of government. This would put the presidency where it belongs (and usually was during the Republic's first 150 years), which is more towards the margin of political life.

Intelligent people of good will differ about whether term limits are a good idea, and supporters of limits differ concerning the appropriate maximum length of legislative careers. Most supporters consider six House and two Senate terms a temperate solution. It is symmetrical (12 years in each chamber) and allows enough time for professional learning, yet removes the careerism that produces officeholders who make only risk-averse decisions while in office. USTL is not merely eccentric but preposterous and antithetical to dignified democracy because it insists that three House terms is the only permissible option.

If USTL merely espoused this position, it could simply be disregarded as a collection of cranks. What makes it deeply subversive of the term limits movement is its attempt to enforce its three-House-terms fetish by using a device that degrades what the movement seeks to dignify—the principle of deliberative representation. Last November in nine states with 30 House members (19 of them Republicans, whose party platform endorses term limits) USTL sponsored successful campaigns to pass pernicious initiatives. These stipulate precisely the sort of term limits measures for which those states' members should vote, and further stipulate that unless those members vote for them and only for them, then when those members seek re-election there must appear next to their names on the ballot this statement: "Violated voter instruction on term limits."

More than 70 percent of Americans favor the principle of term limits without having fixed, let alone fierce, preferences about details. But USTL, tendentiously presenting meretricious "evidence," baldly and farcically asserts that Americans believe that term limitation involving six House terms is not worth having. Because of USTL's coercive device of "instruction," there may have to be a dozen votes this week on various term limits amendments to the Constitution. And USTL's ham-handedness probably will provide a decline in votes for the most popular proposal—six House and two Senate terms. No measure is yet going to receive the 290 House votes or 67 Senate votes needed to send an amendment to the states for ratification debates. However, USTL's rule-or-ruin mischief will splinter the voting bloc that last year produced 227 votes for a 12-years-for-each-chamber amendment.

The thinking person's reason for supporting term limits is to produce something that USTL's "instruction" of members mocks— independent judgment. USTL, which thinks of itself as serving conservatism, should think again. It should think of that noble fountain of conservatism, Edmund Burke. In

1774, having been elected to Parliament by Bristol voters, Burke delivered to them an admirably austere speech of thanks, in which he rejected the notion that a representative should allow "instructions" from voters to obviate his independent judgment. He said "government and legislation are matters of reason and judgment" and asked: "What sort of reason is that in which the determination precedes the discussion?"

In the 1850s some Abolitionists were interested less in effectiveness than in narcissistic moral display, interested less in ending slavery than in parading their purity. The abolition of slavery required someone (Lincoln) who was anathema to fanatical abolitionists. Similarly, restoration of deliberative democracy will require patient people, not USTL's exhibitionists.

#### TERM LIMITS: A SOLUTION FOR A PROBLEM THAT DOES NOT EXIST

The SPEAKER pro tempore [Mr. LATOURETTE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I certainly have the greatest respect for the Member who just finished speaking and, in fact, respect him about as much as anybody in this body, but I do disagree with him on this issue. If ever there was a solution for a problem that does not exist, it is term limits for Members of Congress.

First of all, more than half of this House has served just since January of 1993, 4 years or less. One-third has served 2 years or less. There is greater turnover in elective office today than at almost any time in the history of this country.

Second, unlike Federal judges, bureaucrats, and members of the military, the terms of Members of Congress are already limited. We face the voters every other year. We are given only a 2-year term in the House. If the voters do not like what we are doing, they can easily kick us out. Elections are the best term limits ever invented. In fact, it is slightly arrogant for someone to say, I am going to limit myself only to 6 or 12 or some other number of years in office. That decision is only up to the voters, and that is the way it should be.

Actually, if term limits are needed, they are needed more for unelected people than for those who regularly have to be approved by the voters already. Many people say the real power lies in the bureaucracy anyway.

Third, term limits are unconstitutional. They were specifically considered by our Founding Fathers and specifically rejected, for a whole host of good reasons.

Fourth, term limits are undemocratic, with a small d. They would prohibit voters from voting for a candidate who might otherwise be their first choice. They would prohibit good people from running for office. They would take away freedoms that we have always held dear in this Nation.

Fifth, term limits would increase the power of unelected bureaucrats and

lobbyists. They would become the real experts, and very few Members of Congress would be able to develop experience and expertise about important matters on which they were expected to legislate.

Six, term limits would hurt small, less populous States. A State like California, with 52 Members, would be able to get far more than its share. Many smaller States gain at least some protection and some benefits if they are represented by Members with some seniority.

Seventh, term limits would cause even more money to be spent on elections. Most people want less money to be spent on election campaigns, not more. Now, some incumbents who are doing a good job and doing what their constituents want do not have to spend huge amounts to be reelected, nor do they have huge amounts spent against them. Term limits would cause big money to play an even greater role in elected politics.

Eighth, and perhaps most important of all, we would never consider applying term limits to any other field. We would never go to a great teacher or doctor or engineer or scientist and say, we know you are doing a great job, but even though we cannot prove it, we have this feeling that we need new blood every 6 years or 8 years or 12 years or whatever, so you have to go do something else. Workers in any other field would scream to high heaven if arbitrary time limits were applied to them, except possibly after a full career. I would say to anyone listening to these words, or who later reads these words: Would you want term limits applied to you?

Ninth, term limits would have cut short the careers of some of our greatest legislators. People like Howard Baker, Everett Dirksen, Sam Rayburn, Robert Taft, Daniel Webster, Henry Clay, George Norris, Robert LaFollette, and many, many others have achieved some of their greatest service after they would have been term-limited out by the proposals that we will vote on tomorrow, and several did not become even well known nationally until their later years in office, after they would have been forced out of office by the proposals we will vote on tomorrow. John Kennedy in this country and Winston Churchill in Great Britain would have been term-limited out before gaining national office under these proposals.

Finally, last but certainly not least, term limits are being pushed primarily for political reasons, not because they are needed or are good public policy. There is a great deal of hypocrisy, demagoguery and outright political posturing on this issue. Many elected officials pushing term limits are doing so just as a way to gain higher office. If an officeholder says he believes in a 6-year term limit, ask him if he will leave public office and never run for another public office after 6 years. If he really believed in term limits, he would re-

turn to the private sector and not just use advocacy of term limits as a way to gain higher office.

If you really want to see someone squirm, Mr. Speaker, ask your State legislator or any officeholder supporting term limits, will you limit yourself to 6 years in public office or are you just promoting this so you can run for higher office?

Mr. Speaker, I have been told that Mexico is the only Nation that presently has term limits for its national legislators. I do not think many people would hold Mexico up as the best example of good government for us to follow.

Mr. Speaker, as I said at the beginning of this talk, term limits solve a problem that does not exist. We should let the voters decide, and not just arbitrarily limit their choices.

#### NINE PROPOSED RESCISSIONS RELATING TO BUDGET RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-44)

The SPEAKER pro tempore [Mr. LATOURETTE] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report nine proposed rescissions of budgetary resources, totaling \$397 million, and one revised deferral, totaling \$7 million.

The proposed rescissions affect the Departments of Agriculture, Defense-Military, Energy, Housing and Urban Development, and Justice, and the General Services Administration. The deferral affects the Social Security Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 10, 1997.

#### REPORT ON CANADIAN WHALING ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-45)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and the Committee on Resources and ordered to be printed:

*To the Congress of the United States:*

On December 12, 1996, Secretary of Commerce Michael Kantor certified under section 8 of the Fishermen's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that Canada has conducted whaling activities that diminish the effectiveness of a conservation program of the International Whaling Commission (IWC).

The certification was based on the issuance of whaling licenses by the Government of Canada in 1996 and the subsequent killing of two bowhead whales under those licenses. This message constitutes my report to the Congress pursuant to subsection (b) of the Pelly Amendment.

In 1991, Canadian natives took a bowhead whale from the western Arctic stock, under a Canadian permit. In 1994, Canadian natives took another bowhead whale from one of the eastern Arctic stocks, without a permit.

In 1996, under Canadian permits, one bowhead whale was taken in the western Canadian Arctic on July 24 and one bowhead whale was taken in the eastern Canadian Arctic on August 17. The whale in the eastern Arctic was taken from a highly endangered stock. The IWC has expressed particular concern about whaling on this stock, which is not known to be recovering.

None of the Canadian whale hunts described above was authorized by the IWC. Canada withdrew from the IWC in 1982. In those instances where Canada issued whaling licenses, it did so without consulting the IWC. In fact, Canada's 1996 actions were directly contrary to IWC advice. At the 1996 Annual Meeting, the IWC passed a resolution encouraging Canada to refrain from issuing whaling licenses and to rejoin the IWC. However, Canada has recently advised the United States that it has no plans to rejoin the IWC and that it intends to continue granting licenses for the taking of endangered bowhead whales.

Canada's unilateral decision to authorize whaling outside of the IWC is unacceptable. Canada's conduct jeopardizes the international effort that has allowed whale stocks to begin to recover from the devastating effects of historic whaling.

I understand the importance of maintaining traditional native cultures, and I support aboriginal whaling that is managed through the IWC. The Canadian hunt, however, is problematic for two reasons.

First, the whaling took place outside the IWC. International law, as reflected in the 1982 United Nations Convention on the Law of the Sea, obligates countries to work through the appropriate international organization for the conservation and management of whales. Second, whaling in the eastern Canadian Arctic poses a particular conservation risk, and the decision to take this risk should not have been made unilaterally.

I believe that Canadian whaling on endangered whales warrants action at this time.

Accordingly, I have instructed the Department of State to oppose Canadian efforts to address taking of marine mammals within the newly formed Arctic Council. I have further instructed the Department of State to oppose Canadian efforts to address trade in marine mammal products within the Arctic Council. These actions grow from our concern about