

The most recent example is Mexico's imposition of a 101.1-percent prohibitive duty on red delicious and golden delicious apples. This tariff hike is based on claims by Mexican apple farmers that United States producers are selling apples to Mexico at half the fair price. There is no factual basis for these claims, yet Mexico has successfully closed the United States-Mexico border to apples and cut Washington apple producers off from their largest export market. The administration has pledged to work to resolve this impasse, but the process is likely to be long and hard fought with no guarantee of a solution through the NAFTA or WTO dispute resolution process.

Japan too has continually used protectionist measures to lock Washington apples out of its domestic market. On questionable phytosanitary grounds, Japan has erected barrier after barrier to Washington apples. Under the current protocol for the export of apples to Japan, only red delicious and golden delicious varieties may be shipped to Japan. Since the Japanese market was first opened to United States apples in 1994, Japan has required the cold treatment and fumigation of all United States apples. While scientific data supports the United States contention that this type of treatment is unnecessary, Japan insists on subjecting all additional United States apple varieties to the same costly and time-consuming tests.

Washington's wheat exports also face formidable export barriers. Since 1972, the People's Republic of China has maintained a nontariff barrier on Pacific Northwest wheat affected by TCK smut. Over the past 20 years, the United States has presented Chinese officials with scientific evidence that conclusively shows there is no risk of introducing this smut into China, but the Chinese Government refuses to budge. The continued ban on our wheat only adds to our large and growing trade deficit with China which has already reached \$40 billion.

These are just a few of the most egregious examples of the seemingly endless obstacles to Washington's agricultural exports. The time has come for the U.S. Trade Representative to take quick and decisive action against all nations that engage in unfair trade practices to lock out U.S. agricultural exports. S. 219 will give the administration the tools it needs to do just that. If this legislation can accomplish even half of what the "Special 301" process has done to protect U.S. intellectual property, we will be well on our way to a freer, fairer system of international trade in agriculture.

Mr. President, Washington, and every State in the Nation engaged in agricultural trade will gain if this legislation is signed into law. I commend my colleagues Senators GRASSLEY and DASCHLE for their insight and hard work in devising this intelligent solution to a difficult and pressing problem and am proud to join them as a cosponsor of S. 219.●

TRIBUTE TO CARMEN WARSCHAW

● Mrs. BOXER. Mr. President, I rise today to honor and congratulate Carmen Warschaw on receiving the 1997 Heart of Gold Award from the Medallion Group of the Cedars-Sinai Medical Center.

Through the years, Ms. Warschaw has shown her commitment to the people of Los Angeles, and to the people of California. She has served her community with pride and dignity. I commend her on a job well done, and an honor richly deserved.

Ms. Warschaw has served on many governing boards and commissions, including the California Fair Employment Practices Commission, the National Council of Women, the California State Board of Social Welfare, the Los Angeles County Election Security Commission, and the 1996-97 Los Angeles County Blue Ribbon Budget Task Force. She is currently an active member of the State Central Commission of California.

Ms. Warschaw has also served as a delegate to the Democratic National Convention, chairperson of the Jewish Community Relations Committee, and National Vice Chairperson of the Anti-Defamation League. She has a long tradition of supporting the arts: She was president of the Los Angeles County Art Museum, a founder of the Civic Light Opera, and a board member of the Truman Library Institute. In 1968, she was a recipient of the prestigious Los Angeles Times Woman of the Year Award.

In addition to these accomplishments and activities, Ms. Warschaw is a mother of two and a grandmother of three.

There are many heroes among us: Men and women who, like Ms. Warschaw, give something back to the world in which they live. They inspire and move us. We may not always know their names, nor recognize their faces, but their goodwill lives on in every life they touch. Their selflessness and courage is an example to us all.

I congratulate Carmen Warschaw once again, for her years of dedication and hard work on behalf of her city, her State, and her country. She is a true hero, and I salute her.●

AMERICAN LEGION AUXILIARY SCHOLARSHIP

● Mr. COVERDELL. Mr. President, I rise today to commend the American Legion Auxiliary, State of Georgia, and their efforts in assisting educational opportunities for fellow Georgians. Specifically, as it has recently come to my attention, they have distributed \$10,125 toward the education of 21 medical students in Georgia. In addition, \$3,678.55, given by the Past Presidents Parley, was equally distributed to the following medical college students: Regina Lewis, of unit 107; Laura Sargent, of unit 64; Krista Nicole Swann, of unit 160.

As we continue to strive to better our country and the educational opportunities it promotes, it is vital that we work in partnership with organizations like the American Legion Auxiliary so all of our fellow Americans may reach their goals.●

TRIBUTE TO RICHARD D. ORR

● Mr. SANTORUM. Mr. President, the Sons of Union Veterans of the Civil War [SUVCW] is a congressionally chartered organization dedicated to preserving the memory of Union veterans and their sacrifices on behalf of our Nation. Today, I rise to recognize an exceptional Pennsylvanian, Mr. Richard D. Orr, who was recently elected commander-in-chief of the SUVCW.

Richard's forefathers answered the call to duty during the Civil War. His great-great-grandfather, Pvt. Peter Paul Gallisath, served in the 5th Pennsylvania Cavalry. Another great-great-grandfather, Sgt. Martin Schaefer, served in Pennsylvania Militia of 1863, which defended the arsenal at Pittsburgh during the Gettysburg Campaign. His great-great-grandfather, Sgt. David Orr, was a member of the 14th Pennsylvania Cavalry. Other Union veterans in Richard's family include his great-great-great uncle, Capt. Bardele Gallisath of the 5th Pennsylvania Cavalry, and Medal of Honor recipient Col. Robert L. Orr, of the 61st Pennsylvania Volunteer Infantry.

Since joining the SUVCW on April 11, 1981, Richard has been very active in the organization. A life member, Richard has served the Pittsburgh Davis Camp as camp commander and treasurer. After attending his first department encampment in 1982, he immediately took an active role at the department level. He has served the Pennsylvania Department as patriotic instructor, junior vice commander, senior vice commander, counselor, department council member, and department commander. In the national organization, Richard has held the positions of committee chairman, trial commissioner, national treasurer, national counselor, junior vice commander-in-chief, and senior vice commander-in-chief.

I am pleased to note that Mr. Orr is equally active in his community. A former Eagle Scout, the new commander-in-chief continued his affiliation with the Boy Scouts of America as a volunteer for more than 35 years. In fact, Richard was awarded the District Award of Merit for his many years as a volunteer with the Boy Scouts. Similarly, the Boy Scouts' National Court of Honor presented him the Silver Beaver Award—the highest honor that can be conferred upon a volunteer. Likewise, the National Catholic Committee on Scouting recognized his contributions to youth with the St. George Award.

Mr. Orr is employed as an environmental health administrator by the Allegheny County Health Department

[ACHD]. He has worked for ACHD for the past 19 years in a variety of programs including public drinking water, waste management, food protection, housing, community environment, and emergency response. Currently, he is responsible for evaluating, acquiring, and coordinating the training needs for all ACHD employees. Richard has earned the respect of colleagues and subordinates alike for his uncompromising dedication to sound principles of environmental health and environmental protection. Others outside the ACHD have taken notice as well. Richard received two community service citations from the Allegheny County Board of Commissioners. Also, the U.S. Army Corps of Engineers presented him with the Planning Excellence Award for his role in the development of an intragovernmental plan to provide an uninterrupted supply of drinking water during environmental emergencies.

Mr. President, I ask my colleagues to join me in extending the Senate's best wishes for continued success to Mr. Orr and his family. •

FORWARD TO ETHICS IN LAW AND POLITICS BY SENATOR PAUL SIMON

• Mr. DURBIN. Mr. President, our friend and former colleague in this body, Paul Simon, has always been a man of exceptional integrity who has demonstrated exemplary leadership on national issues. He continues to contribute to the national debate as the director of the Public Policy Institute at Southern Illinois University in Carbondale.

Paul recently authored the foreword for the Loyola University of Chicago Law Journal on the subject of ethics in law and politics. While the Senate continues to investigate and debate the conduct of our federally elected officials, Paul's foreword to this journal provides valuable insight about political ethics and the public trust which I would like to share with my colleagues.

I ask that Senator Simon's foreword be printed in the RECORD.

The forward follows:

[From the Loyola University of Chicago Law Journal, Volume 28, 1996]

FOREWORD—ETHICS IN LAW AND POLITICS

(By Senator Paul Simon)

Paul Simon was a Democratic member of the United States Senate from the State of Illinois from 1985 to 1996. He has also served as member of the United States House of Representatives (1975-1984), Lieutenant Governor of Illinois (1969-1972), member of the Illinois Senate (1963-1968), and member of the Illinois House of Representatives (1955-1962). In addition to his extensive years of service in the political arena, Senator Simon is the author of numerous works, including Lincoln's Preparation for Greatness (1965), The Once and Future Democrats (1982), and The Glass House, Politics, and Morality in the Nation's Capitol (1984).

I. INTRODUCTION

I am pleased to introduce Loyola University of Chicago Law Journal's special symposium

issue on Legal Ethics. I may not be the obvious choice for this honor since I am not a lawyer. I am, however, the husband of an attorney and the father of another; moreover, I work everyday with lawyers and have drafted far more legislation than most attorneys in the profession.

My years in state and federal politics have also provided me with empathy for the legal profession. After all, politicians and lawyers share at least one unenviable distinction—they are both roundly criticized in America today for their ethical shortcomings. The public's distrust of lawyers and politicians can be traced to a common cause—to a perception that both professions have failed to live up to the full range of their responsibilities, and particularly to a sense that both too often see their obligations in terms of temporarily pleasing constituents or clients and not enough in terms of serving the national interest and the public good. This pervasive attitude is harmful, not only to the public standing of lawyers and politicians, but—more importantly—to the well-being and moral strength of the nation itself.

II. PUBLIC TRUST AND POLITICAL ETHICS

For many years, I have warned of the increasing influence of public opinion polls, focus groups, and political consultants in Washington. Office-holders have become too quick, when faced with issues of immense public importance, to stick their finger to the wind to see which way the public passions are blowing. It is easy to understand this temptation. As a Senator, I know how appealing it is to do the popular thing. Most elected officials enjoy their jobs. We are treated with respect; we are listened to and applauded; and we make decisions about matters which effect the lives of thousands, if not millions, of people. Naturally, we dislike casting votes that might jeopardize our positions. And so political self-interest makes the office-holder excessively sensitive to his constituents' desires.

Certainly, the desire to please one's constituents is not a bad thing in and of itself. Public accountability and constituent service are a vital part of the democratic process. But the legislator's duty is greater than simply serving his or her constituents' immediate interests. A representative also has an obligation, as James Madison wrote, to "refine and enlarge the public views," to use independent judgment, and to serve the public good.¹ Edmund Burke declared, in his famous speech to the electors at Bristol, that "[y]our representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."²

Burke sometimes spoke as if he believed elected officials should concern themselves solely with the national interest and not at all with local affairs.³ I certainly would not go that far. Rather, I believe representatives have two principal obligations—one to their constituents and one to the broader public good. Fortunately, those obligations do not generally conflict, and especially in matters of vital national significance, they are often closely aligned. Nonetheless, when they diverge, as they inevitably do at times, conscientious politicians face an ethical dilemma—how to balance the voice of their constituents with the call of the conscience.

Representatives must resolve this tension as best as they can. It is reasonable, in my opinion, for representatives to defer to their constituents' desires when an issue is not clear-cut and the stakes are not vital. But in fundamental cases where justice is clear, politicians must have the courage to vote their conscience. The lawmaker must recog-

nize this simple truth—that some things are more important than being reelected.

The obligation to exercise independent judgment—rather than to blindly follow public opinion—is strong in cases affecting citizens marginalized by society, such as the poor or minorities. These are people whom the general public is prone to ignore; they are often powerless to defend themselves in the "court" of public opinion. Frequently, the legislator's independent sense of justice is all that protects the underprivileged members of society from neglect or isolation. If representatives are to be worthy of their positions, they must have the courage to fight for the least fortunate, even when doing so is unpopular.

The passage of the new welfare bill is only the most recent and egregious illustration of Congress' increasing tendency to choose expediency over principle. To be sure, the political calculus in favor of the bill was clear. Welfare has become a dirty word in America today. Proportionately few welfare recipients vote, and the cases where welfare is abused are highly publicized. President Clinton certainly knew which way the political winds were blowing when he signed the bill.

But "ending welfare as we know it" is not a noble goal. "Ending poverty as we know it" is, and the latter goal requires genuine welfare reform. But that cannot be achieved without jobs for people with limited skill, without day care for single mothers with small children, and without job training for those who need it. We are pursuing "welfare reform on the cheap"—but the next generation will find it very expensive. Real welfare reform will take an additional initial investment but, in the long term, will save money, reduce crime, and make America a more productive society.

The dangerous consequences of the "welfare reform" measure have been well publicized. According to the Urban Institute's estimates, the bill will push a million more children into poverty. It will cut food stamps—basic nutrition for the poor—by nearly 20% from already low levels.⁴ This is an unconscionable act, a failure by Congress to meet its essential obligation to protect those who are neglected by society.

Candidates who yield to public passions and vote for this kind of measure may gain some temporary increase in popularity. But in the long run, citizens perceive the truth. They come to view Washington as an arena for dividing spoils among powerful factions and interest groups rather than as a proper forum for deliberating over the common good. When elected officials follow public opinion at the expense of justice, they ultimately discredit themselves and their own institutions.

By contrast, candidates who act against public opinion may find themselves penalized in the polls. But my experience is that over time the public comes to respect those men and women of principle who vote their conscience. These politicians gain an unexpected reward: a deep kind of public respect. I had a small taste of this type of reaction in 1990, when I was running for reelection to the Senate. Although I voted against the death penalty and spoke about the need to raise revenues—two very unpopular positions—I won the election by the largest margin of any seriously contested campaign for Senator or Governor. Once, in Chicago, a man approached me and said, "Senator Simon, I don't think I agree with you on anything. But I trust you, and I'm going to vote for you." Citizens yearn for candor and for officials they can trust. If all we can give them is blind obedience to current polls, we as public officials have failed our public duties.

Politicians should be distinguished by their willingness to meet the full ethical obligations of their position—to exercise independent judgment in matters of justice and

Footnotes at end of article.