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1. letter	John Whitehead to Howard Baker, re international negotiations, 2p R 6/26/06 NLS F00-013 #94	7/16/87	P1/F1
2. memo	Risque to Vice President et al, re status of stratospheric ozone negotiations, 2p R " " #95	7/23/87	P1/F1

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THE WHITE HOUSE

WASHINGTON

September 1, 1987

MEMORANDUM FOR NANCY J. RISQUE

FROM: RALPH BLEDSOE

SUBJECT: Advice from Legal Counsel on Ozone Protocol

Nancy, following discussions with Ben Cohen of the White House Counsel's Office, we felt the following action is appropriate, given the State Department's need for authority to proceed with the signing of the final protocol by Lee Thomas. First, Lee will have to been given signing authority by the Secretary of State, and the State lawyers say this must be done prior to Lee's departure. (Since Secretary Shultz will be meeting with his Soviet counterpart on September 16, it was felt this should be done as soon as possible because of the preparation for that meeting.)

Ben Cohen thinks that we can communicate to State that we have no problem with them seeking interagency clearance according to the Circular 175 process, provided:

o There is no circulation of the President's negotiating instructions.

o It is made clear that comments will not be entertained which reopen issues already settled by the President's instructions.

o The memorandum to Secretary Shultz requesting his approval reflects that exercise of the full power, including signing, depends on concurrence in the final text by interested agencies.

o Distribution includes at least the agencies represented on the delegation (State, EPA, Commerce, USTR, Justice, DOE) plus Interior and OMB; and at most includes agencies that received the President's negotiating instructions.

Given Lee Thomas' intent to personally interact with the key people interested in this issue, and the representation on both the negotiating and signing delegations of most of the major parties, this process should work out without having to reopen all the previous discussions.

Richard Benedick is having a meeting of the negotiating delegation tomorrow, Wednesday, September 2, at 4 p.m. I suggested he also invite Interior and OMB. I will also attend.

Human Events

THE NATIONAL CONSERVATIVE WEEKLY

VOL. XLVII No. 25 JUNE 20, 1987

P. 6 P. 8

Hearings So Far Support Administration On Contras

By M. STANTON EVANS

For a city and nation already weary of the topic, the current two-week hiatus in the Iran/Contra investigation is a pause that refreshes.

What is perhaps most remarkable about the hearings so far is how little they have produced that is either new or different, at least as concerns the central issues in the controversy. Most of what has been aired to date has been a rehash of what was already known, albeit with furbelows and minor revelations concerning secondary aspects of the story.

As in all such disputes, there are two levels of discussion — the controversy itself, and the controversy about the controversy. The first concerns the substantive policies pursued by the Reagan Administration in its dealings with Iran and effort to help the Contras. The second concerns the statements made by various officials of the Administration *about* the policies, and whether these were accurate and timely.

What has emerged from the hearings at the first level, concerning the policies themselves, confirms in almost all particulars what the Administration previously said about the Iran/Contra strategy. This could conceivably change when Lt. Col. Oliver North comes to the witness stand, but the proceedings so far — like those of the Tower Commission before them—have underscored the essentials of the Administration version.

Those essentials, it will be recalled, concerned a tri-partite effort in which the Reagan government (*a*) sought to develop relations with so-called "moderate" (non-Khomeini) elements in Iran, (*b*) authorized sale of weapons to those elements through private and third-party intermediaries, and (*c*) winked at diversions of overpayments to such intermediaries, along with other third-party and private funds, to the Nicaraguan anti-Communist resistance.

FAWN HALL

GEN. SECORD

This story has been subjected to considerable battering and derision since Atty. Gen. Edwin Meese first disclosed it last November. The notion of an initiative to Iranian moderates has been described as laughable — a supposed cover-up for a policy of trading arms for hostages. The diversion of overpayments for such arms and other forms of third-party assistance to the Contras, meantime, have been attacked as violations of the so-called "Boland amendments" (named for Democratic Rep. Edward Boland of Massachusetts), prohibiting aid to the Nicaraguan anti-Communists.

The hearings so far have focused almost entirely on the second of these charges (the Tower Commission having dealt much more extensively with Iran). Committee Democrats — and some Republicans — have been voluble in arguing that the Administration violated the Boland amendments by encouraging private or other indirect assistance for the Contras, and flaying White House attorney Brett Sciaroni for daring to say otherwise.

Also subject to brutal pounding for alleged Boland amendment violations were Assistant Secretary of State Elliott Abrams, who solicited third-party backing for the Contras, and retired Air Force Gen. Richard Secord, who managed an extensive network of private and third-party assistance, assertedly in cooperation with Col. North.

Of particular significance in this respect was an exchange between Gen. Secord and Rep. Boland, in which the latter suggested that private aid to the Contras was banned by his amendment, while Gen. Secord argued otherwise ("I understand the words, Mr.

(*Continued on page 7*)

What 'Misery Nations' Can Learn From The Far East
See page 10

In this issue...

Capital Briefs

★ As the Iran-Contra hearings drone on, the job of defending the President has fallen largely on Rep. **Henry Hyde** (R.-Ill.) and Sen. **Orrin Hatch** (R.-Utah). Particularly disappointing to the White House and many of his constituents has been freshman Sen. **Paul Trible** (R.-Va.), who has gone out of his way to blow up the controversy.

★ **Trible**, who faces what could be a tough fight for re-election next year, defends his actions: "I think each of us brings to this task somewhat of a different perspective. There are other members of the committee that feel compelled to defend all that's gone on. I have been asking hard questions. I think probing questions are necessary to the pursuit of truth."

★ **Trible** was appointed to the Iran/Contra committee by Senate Minority Leader **Bob Dole**. Perhaps not so coincidentally, Trible has since endorsed Dole for the GOP presidential nomination. On the committee, Trible has aligned himself with GOP Senators **Warren Rudman** (N.H.) and **Bill Cohen** (N.H.), who, as the Washington *Post* notes, "are among the most aggressive committee members exploring the alleged misdeeds of the Reagan Administration and its covert agents."

★ A day after announcing that he had contracted AIDS from multiple blood transfusions during 1982 heart surgery, tax- and spending-limitation crusader **Paul Gann** told a packed news conference in Sacramento last week that he intends to spend the rest of his life working for more testing to identify potential AIDS victims.

★ Fighting back tears, Gann, who came to prominence as the co-sponsor with Howard Jarvis of California's famous Proposition 13 tax-limit measure, said that, "instead of selfishly trying to protect ourselves by keeping secrets, we should be leading the fight to protect our friends and loved ones...." "We have to face it," said Gann. "There's no cure for AIDS. The only way to control it now is to find out who has it and let others know. Personally, I'm for **testing everyone** and telling everything."

★ Conservative Rep. **Bob Walker** (R.-Pa.) will offer an amendment to the State Department authorization bill this week that would put a restriction on passports for any American going to Central America for the purpose of helping the Sandinista government or helping Communist guerrilla movements in the region. If enacted, the measure would require State to designate on the passport that it is not to be used for those purposes. "This amendment," Walker told *Human Events*, "will put us on record, so that, if there is another **Ben Linder** kind of case, the State Department could make the case that he's down there in violation of his own passport."

★ It's a three-man race for the GOP presidential nod, at least among GOP regulars in **Wisconsin.** A poll at the GOP state convention showed **George Bush** the first choice with 36.3% support, followed by **Bob Dole**, 29.5% and **Jack Kemp** 20.9%. Far back were Pat Robertson, 3.6%; Pete du Pont, 3.3%; Al Haig, 2.9% and Paul Laxalt, 0.4%.

★ A poll by Marist College's Institute for Public Opinion of **New York State Republicans** yielded a similar line-up. Bush 33.7%; Dole 17.6% and Kemp 17.5%.

★ One problem with all the polls at this point is the apparently large number of still **undecided GOP voters**, a group larger than the pollsters have discovered. When the Republican National Committee, for example, included a survey question in a recent mailing to its active contributors asking them if they had decided on a GOP candidate for 1988, a startling 71 per cent of the respondents said they had not yet done so.

★ The **AFL-CIO**, which endorsed Walter Mondale early for the 1984 Democratic nomination—an act which helped cement Mondale's image as a tool of the special interests—won't be anointing any candidate this time around. Reason: Labor officials agree that there are too many candidates for one to emerge soon as Labor's consensus choice.

★ A taxpayer bailout for **Ted Turner**? Rep. **Wally Herger** (R.-Calif.) will offer an amendment on the House floor to delete $1 million slated to go to Turner's 1990 "Goodwill Games" with the Soviets in Seattle. Herger discovered that Rep. **Don Bonker** (D.-Wash.) had slipped the money into an authorization bill for the Department of State and the U.S. Information Agency (USIA). The funds were supposed to then be funneled to the Seattle Goodwill Games Organizing Committee for unspecified U.S.-Soviet "exchanges" associated with the games. Turner lost tens of millions of dollars on the 1986 Goodwill Games, which excluded Israel and South Korea and were used by the Soviets for propaganda purposes.

★ Less than two months after the United States deported **Karl Linnas** to the Soviet Union to face a death sentence as an accused Nazi war criminal, letters that Linnas and his wife wrote to an American pen pal back in 1947 have surfaced that tend to support Linnas' insistence that he was an ardent anti-Communist who had no sympathy for the Nazis. The recipient of the letters, a Baltimore woman who had lost track of the Linnases after they immigrated to the U.S. in 1951, learned of the accusations against Linnas only after he had been deported to the USSR, when it was too late to do him any good. At that point, she gave the old letters to Linnas' daughter, who provided copies to the Los Angeles *Times*.

★ One of the letters, dated Sept. 3, 1947, and written by Linnas and his late wife from a refugee camp in southern Germany, "rails at 'these damn Communists,' " according to the *Times*. "You and all the people of America must know what had Nazis and communists done to the little nation" of Estonia, Linnas wrote in broken but comprehensible English. Another letter, written the next month, refers to "this hideous Germany." Linnas, who was condemned to die by the Russians in absentia in 1962, had always maintained that he was framed because of his **anti-communism** and opposition to the Soviet takeover of his native Estonia.

Human Events

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The Declaration of Independence begins: "When in the course of *Human Events*...." In reporting the news, *Human Events* is objective; it aims for accurate presentation of all the facts. But it is not impartial. It looks at events through eyes that are biased in favor of limited constitutional government, local self-government, private enterprise and individual freedom. These principles represented the bias of the Founding Fathers. We think the same bias will preserve freedom in America.

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Constitutionality in Doubt

House Committee Approves D.C. Statehood

The House District of Columbia Committee voted 6 to 5 on June 3 in favor of HR 51, a bill which would create the "State of New Columbia" from most of the area which now constitutes the District of Columbia. The less than 67-square-mile area, minus a tiny enclave encompassing the Capitol, White House, Supreme Court and many federal buildings along the Mall, would beat out

MAZZOLI

Rhode Island as the nation's smallest state in area and its two senators and a congressman would represent only 636,000 residents.

To the Democrats' chagrin, serious constitutional questions about the bill were raised by one of their colleagues, Rep. Romano L. Mazzoli of Kentucky, who, as a member of the House Judiciary Committee since 1975, is a veteran of constitutional disputation. Unconvinced by the answers he received, Mazzoli ended up voting with the committee's five Republicans against the bill.

A chief staffer for D.C. congressional Delegate Walter E. Fauntroy, the author of the statehood bill, expressed concern for the future of the bill if Mazzoli is still opposed when the measure reaches the House floor, perhaps in September.

There will, however, be an earlier hurdle than that: the bill's immediate destination is the Rules Committee, where many questions await it.

One of Mazzoli's complaints is that, at Fauntroy's urging, the D.C. City Council revised the proposed controversial state constitution approved in convention by the delegates and voters of the District in 1982, and replaced it with an alternative "more palatable" to Congress. "This is a new document," said Mazzoli, "which bears in no way the work done by the constitutional convention." Rep. Stan Parris of Virginia, the ranking Republican on the committee and a staunch opponent of statehood, agreed, remarking, "I don't think you can casually discard the other constitution. They ignored all of the work done by the convention and the vote by the citizens."

Parris also blasted a national poll commissioned by statehood proponents showing 52 per cent support for statehood among Americans across the country. Parris wondered what the figure would have been had one of the questions asked whether the respondent favored statehood if it violated the U.S. Constitution. The contention that the majority of Americans support two senators and a congressman for D.C. also seems to be contradicted by the fact that the 1978 District voting amendment to the U.S. Constitution gained the ratification of only 16 states before the seven-year approval period expired in 1985.

There are other great obstacles to D.C. statehood. On April 3 of this year, a superb and, for statehood proponents, devastating Justice Department report, little noticed by the press, listed a myriad of historical, practical and constitutional arguments, in great detail and fully documented, concluding that statehood for the District of Columbia is hazardous to the separation of powers, unconstitutional, unworkable and antithetical to the intentions of the Framers of our Constitution.

The work of Assistant Atty. Gen. Stephen J. Markman of the Justice Department's Office of Legal Policy, the report makes these points, among others:

• While the Department of Justice fully supports home rule for the District, as now in operation, it opposes statehood, which attempts to achieve, through simple legislation, the objectives of the 1978 District voting rights amendment, a proposal considered and rejected by the states.

• Granting statehood to the Nation's Capital appears to be inconsistent with the language both of Article I, Section 8, Clause 17 (the District Clause), and, absent the consent of Maryland (from which the land was originally taken), Article IV, Section 3 of the Constitution. It also raises troubling questions regarding the 23rd Amendment, which in 1961 gave the District three electoral votes in presidential elections. In light of this it seems that amending the Constitution is the only means of making D.C. a state.

• In order to serve their function in America's federal government, the states must be independent of the national government. The District of Columbia, however, is not independent. It is an economic and political subdivision of the federal government, with some $522 million in federal funds budgeted for D.C. in fiscal year 1987. The District's only major industry is government and its only interest would be to increase the size of the federal government. Close to two-thirds of the District's residents in the labor market are employed either directly or indirectly in the business of the federal government. A full third of the city's workforce is employed directly by the federal government.

In 1982 D.C. Mayor Marion Barry himself conceded as much when, in criticizing the Reagan Administration policy of shrinking the federal government, he maintained that, for every federal worker laid off as a result of government reductions in force, one person would be thrown out of work in the private sector.

• Demands for District representation are not something new, but came up shortly after the establishment of the Capital in the District in 1800, and continued throughout the 19th Century. A proposal for District representation was even made by Alexander Hamilton at the New York ratifying convention; Congress rejected it.

The Framers were well aware of the arguments in favor of giving residents of the federal district representation — arguments similar to those in favor of HR 51 — yet they, in their wisdom, rejected them.

• In the past, liberal Democrats Robert Kennedy, Edward Kennedy, and even today's leading proponent of statehood, Walter Fauntroy, have strongly opposed making the Nation's Capital a state.

Atty. Gen. Robert Kennedy pointed out in 1963, "All the foreign embassies would be located in Maryland [or New Columbia under HR 51], dependent on it for police protection, and subject to its zoning and other requirements.... The total inconsistency is evident between such a situation and the intention of the Framers...."

While testifying in support of the now-failed 1978 District voting amendment, Sen. Edward Kennedy (D.-Mass.) dismissed what he called "the statehood fallacy," and stated that "the District is

Fried on Losing Side

High Court Ruling Upholds Property Rights

In a major victory for property rights, the Supreme Court last week ruled 6 to 3 that when governments are found to have acted improperly on zoning or other regulations, property owners have the right to be compensated for the time that they were unable to use their land.

The 5th Amendment's requirement that "just compensation" be paid whenever government "takes" private property, said Chief Justice William Rehnquist, applies retroactively when rules blocking development are later found to have been incorrect.

"Temporary takings," he said, "which...deny a landowner all use of his property, are not different in kind from permanent takings, for which the Constitution clearly requires compensation."

On the losing side was the Reagan Justice Department, in the person of Solicitor General Charles Fried, who has recently angered conservatives with a series of odd positions.

In his brief in the case, Fried had maintained that the Constitution provides "no remedy" in cases of this kind. However, Rehnquist and the High Court majority managed to find one. It's called the 5th Amendment.

neither a city nor a state. In fact, statehood may well be an impossible alternative, given the practical and constitutional questions involved in changing the historical status of the Nation's Capital."

A pamphlet entitled "Democracy Denied," circulated in support of the 1978 amendment, and endorsed by Fauntroy, plainly acknowledged that granting statehood to the District of Columbia "would defeat the purpose of having a federal city

MARKMAN

over which Congress would have exclusive control." "This would be in direct defiance of the prescriptions of the Founding Fathers," Fauntroy said at the time.

But now that the 1978 amendment has been resoundingly rejected by the American people in the seven-year ratification process, Kennedy and Fauntroy have flip-flopped.

• The argument that ours is the only capital of a democracy in the world to deny representation to its citizens was also addressed by the Framers. Madison repeatedly made it plain that the United States' form of government is unique: "a compound republic partaking both of the national and federal character."

Alexander White made the case for not, like the British, placing the capital in an important trade center whose inhabitants would have a huge influence: "It is the commercial importance of the city of London which makes it the seat of government; and what is the consequence? London and Westminster, though they united send only six members to parliament, have a greater influence on the measures of government than the whole empire besides. This is a situation in which we never wish to see this country placed."

• It is difficult to maintain that the residents of the District of Columbia have no voice in the national government. In fact, because of their proximity to the center of power they have far more influence than the average American. Madison foresaw this 200 years ago when he remarked, "Those who are most adjacent to the seat of legislation will always possess advantages over others. An earlier knowledge of the laws, a greater influence in enacting them, better opportunities for anticipating them, and a thousand other circumstances will give a superiority to those who are thus situated."

All members of Congress in a sense represent the District, considering the amount of time they spend working and living there (often more time than in their constituencies). As a separated seat of government, D.C. belongs to all Americans. The Framers did not envision it as a handful of edifices encapsulated by a state, as HR 51 proposes, but as a grand federal city for the citizens of all states.

This is only a bite-size portion of the Justice Department report. Markman has pulled apart every conceivable argument in favor of statehood, and has innovatively made some little-heard, historically sound cases against it. His Justice Department study should be read by every member of the Rules Committee before voting on this radical proposal.

The real question is whether the liberal Democrats will pay any honest attention to the legal and constitutional questions or be swayed by the prospect of adding one more to their number in the House and two in the Senate.

But Other Dangers Lie Ahead

PACs Win First Skirmish In Senate Battle

Political action committees—and the taxpayers—last week won the first test vote in the Senate on Democrat-conceived legislation designed to severely gut their activities and to impose federal funding of Senate races (see HUMAN EVENTS, June 13). With Republicans mounting a filibuster against the punitively anti-PAC Byrd–Boren amendment, the vote to cut off debate was 53 to 47—far short of the 60 votes needed to break the filibuster by invoking cloture and thereby bring the measure to a vote.

Reacting to the setback, Senate Majority Leader Robert Byrd (W.Va.) vowed to "stay on this bill all this week and next week." At the same time, however, he seemed to concede that the measure was a long-shot for passage and suggested that "we might find a framework for compromise."

To Byrd and co-sponsor David Boren (D.-Okla.), "compromise" could well mean the equally controversial alternative offered by Republican Sens. Mitch McConnell (Ky.) and Robert Packwood (Ore.). Branded as "worse than Byrd–Boren" by many PAC leaders, this measure (which its sponsors claimed they introduced just as a "diversionary tactic" to derail the Democratic package) would cut PAC contributions from their present level of $5,000 to zero per election cycle, increase public disclosure of political party finances, restrict negative political television commercials, and establish a new commission to study campaign financing problems.

"Call it 'compromise' or 'diversionary tactic,' McConnell–Packwood could easily become the 'Son of Frankenstein' as far as PACs are concerned," warned one conservative Senate staffer. "Once Bob Byrd loses his fourth cloture vote and realizes his bill is dead, he'll make the Republican alternative a bipartisan bill, get it passed, and achieve his end of further gutting freedom of expression in elective politics."

Boren himself appeared to give credence to this scenario. After last week's cloture vote, he declared: "It's time for a lot of creative thinking. [The final PAC legislation] has to be a bipartisan measure to get over the hump."

Recognizing the clear and present danger that some more stringent anti-PAC bill could become law, Republican Sens. Rudy Boschwitz (Minn.) and Ted Stevens (Alaska) quickly dropped their names from the list of co-sponsors of McConnell–Packwood. (Stevens, a member of the powerful Senate Rules Committee, is pushing his own initiative to reduce but not eliminate PAC contributions by individuals).

An entirely different avenue toward "election reform" is a package of amendments offered by Sen. Steve Symms (R.-Idaho) designed to reduce built-in political advantages that incumbent congressmen already have under the law.

Among the Symms amendments are a prohibition on the use of forced dues by organizations for political purposes (a long-standing practice of labor unions), limiting the franked mail excesses of congressional newsletters and banning pictures of members therein, and requirements that members reimburse the government for "non-political" travel on military aircraft.

"By virtue of their incumbency, Members of Congress are provided various *de facto* campaign expenses," noted one Symms adviser. "These amendments would create a more level campaign 'playing field' by reducing the edge taxpayers are forced to give incumbents by law."

In a larger sense, the current Senate debate over election reform is the latest development in a process that, beginning in the wake of the Watergate revelations of the early 1970's, has led to greater federal restrictions on and public disclosure of campaign financing. As a result, government regulation of House and Senate campaigns has been vastly enhanced and the rate of challengers

BYRD

SYMMS

defeating incumbents for those offices greatly reduced.

As HUMAN EVENTS noted last week, there are opponents of both spending limitations and public financing provisions, but they are generally shy of speaking out for fear of political retribution. With the debate on Byrd–Boren reaching a crescendo, one conservative solon did, however, speak his mind bluntly on the entire issue of campaign limitations. "There's something very un-American about the whole approach," declared Phil Gramm (R.-Tex.). "This debate is totally dominated by nonsense."

Will Justice Back ATV Recall?

By a 2-to-1 vote last December 12, the Consumer Product Safety Commission (CPSC) initiated an effort to recall more than two million all-terrain vehicles (ATVs) sold in the United States over the last five years. Should the courts eventually uphold the CPSC action, it would be the largest and most expensive product recall in U.S. history, costing manufacturers of the three- and four-wheeled recreational vehicles, which are similar to dirt bikes, between $1 and $2 billion.

About four months ago, the commission asked

SCANLON

the Justice Department to represent it in the case to be brought against the ATV manufacturers, but Justice has not decided whether to do so. Should the department decline, the commission could then file suit on its own, but it is not clear that the CPSC would be willing — or able — to take on the considerable costs that would entail.

For that reason, liberals in Congress, the media, and the Naderite consumerist movement have been mounting a relentless pressure campaign designed to get Justice to pursue the recall.

Among the campaign's elements:

• On April 12, CBS-TV's nationwide "60 Minutes" program did one of its patented exposes, complete with tragic accounts of children who were killed or horribly disabled as the result of ATV-related accidents. Though an industry spokesman was allowed to appear, the slant of the show was decidedly anti-ATV and in favor of the proposed recall. At one point, host Ed Bradley branded the ATV as "by far the most dangerous vehicle on the market today."

• On May 6, Rep. Doug Barnard Jr. (D.-Ga.), chairman of the House Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, sent a very peremptory letter to Atty. Gen. Edwin Meese, strongly urging that the Justice Department "bring the case requested by the CPSC."

Saying he had heard that the department had met with "lawyers for the industry and [had] received briefs from the manufacturers of ATVs," Barnard demanded answers to a series of questions "no later than May 18," including the dates and circumstances of all meetings between Justice Department and industry representatives, the names of all participants, copies of "all briefs and other written materials submitted by the manufacturers."

• In a follow-up letter dated May 29, Barnard angrily complained that he had received no reply to his earlier letter. Noting that he was "informed that the ATV manufacturers have proposed discussing a 'settlement' of the case, and that staff of the Justice Department and/or the Consumer Product Safety Commission are considering such discussions," Barnard told Meese:

"I strongly urge the Department and the CPSC to proceed with this matter and to bring the action... without further delay, as the commission decided back in December 1986. If settlement negotiations are warranted, let them proceed *after the case has been brought*," Barnard added.

Barnard is generally conservative on most issues, but he has retained several Naderite staffers hired by his liberal predecessor as subcommittee chairman, the late Rep. Benjamin Rosenthal (D.-N.Y.). According to Capitol Hill sources, Barnard's hardline opposition to the popular recreational vehicles is largely reflective of the influence of these staffers, including Theodore Jacobs, the subcommittee's chief counsel.

• On June 4, liberal Rep. James Florio (D.-N.J.) called CPSC Chairman Terrence M. Scanlon to appear before his Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness. The hearing was a carefully orchestrated event, designed to subject Scanlon, a staunch conservative, to a barrage of criticism from a series of witnesses, ranging from the father of a seven-year-old California girl killed by a lawn dart sold in apparent violation of federal rules, to several liberal predecessors on the commission, to Scanlon's current colleagues, Commissioners Anne Graham and Carol Dawson.

Both Graham and Dawson enjoy long ties to the conservative movement. Since being named to the commission by President Reagan, however, the two commissioners have evidenced a tendency to be far more pro-interventionist and pro-regulation than Chairman Scanlon, and it was they who voted over Scanlon's objections last December to sue to force ATV manufacturers to grant refunds to customers who decide to return the vehicles.

At the June 4 show trial, Rep. Dennis E. Eckhart (D.-Ohio) produced a memo to Scanlon from Graham, written only the evening before and apparently leaked for maximum effect, in which she and Dawson accused the commission chairman of trying to undermine the proposed ATV recall — a charge he vigorously denied.

Despite the many-faceted campaign to induce Justice to go forward with the proposed lawsuit, by late last week the department had shown no signs of buckling. While the department has agreed to represent the commission in negotiating with the manufacturers to try to find ways to increase ATV safety, it has not agreed to pursue the proposed suit, possibly because of doubts concerning the wisdom and fairness of such a move.

Contrary to the negative hype that has been stirred up against ATVs, experts who have followed the issue closely say that the evidence indicates that, when time in use is factored in, the incidence of ATV-related injuries is not appreciably different from that of other off-road recreational vehicles, such as dirt bikes and snowmobiles.

Nor is it clear, as critics contend, that the frequency of accidents can't be reduced significantly through greater stress on the use of helmets and other safety measures, increased operator training, and similar efforts.

Appearing on "60 Minutes," for instance, Commissioner Graham downplayed the degree to which carelessness or misuse has contributed to ATV accidents, suggesting that the problem is only in the machines themselves. Referring to an exhaustive CPSC study, Graham declared:

"We found that under normal circumstances these machines tip over. It's a case of normal and foreseeable use, not misuse."

The reality, however, was quite different. What the CPSC study actually found was that "in those cases where there was sufficient data to evaluate operator actions, the operator did in fact make a significant contribution to accident causation in virtually every case."

Specifically, the agency determined that alcohol consumption was a factor in 14 per cent of all ATV accidents and 30 per cent of all fatal accidents; excessive speed was a factor in 29.6 per cent of the accidents studied; 11 per cent involved collisions. Moreover, 31 per cent of all ATV accidents involved the carrying of passengers, and 9.7 per cent of injuries occurred while operating on paved roads — practices that manufacturers strongly warn purchasers against. In addition, 70 to 80 per cent of those injured were not wearing helmets.

In his dissent to the proposed recall, a copy of which was obtained by HUMAN EVENTS from a non-commission source, Scanlon said he strongly supports "notifying and warning past and prospective purchasers of ATVs of the risks associated with driving the vehicle." Scanlon said he also joined with his colleagues in requiring that rider training be "made available, at the manufacturers' expense, to all those who will be purchasing an ATV." Noting that inexperienced riders "are at 13 times greater than average risk the first month they ride," Scanlon said there is a "strong case" for requiring such training.

But, said Scanlon, he is strongly opposed to the decision of his colleagues to impose mandatory refunds for those wishing to return three-wheel ATV models or four-wheel, adult-size models that were purchased for use by children. (The commission majority did not even address the amounts to be refunded for various vehicles, apparently leaving this quagmire for the courts to decide.)

Not only would such recalls be "unnecessarily intrusive," said the commission chairman, but, because manufacturers would be allowed under the CPSC action to resell the returned, used vehicles to new, less experienced riders, they would likely be counterproductive, resulting in "increased deaths and injuries."

"Philosophical considerations aside," wrote

Scanlon, "both measures can be expected to result in a transfer of many ATVs from experienced to inexperienced riders, something we know greatly increases risk. In fact, our own data lead to the conclusion that, if one-third (200,000) of the adult-size ATVs presently being used by children were turned in (as part of the recall) and then resold (as the commission majority has voted), there could be as many as 50 additional deaths and 16,000 extra injuries.

"Similarly, if one-third (500,000) of all the three-wheeled ATVs are turned in pursuant to a recall and later resold, as voted, our data suggest that an additional 100 deaths and 40,000 injuries could be expected."

Scanlon expressed the belief that increased warnings of the safety risks, together with mandatory provision of rider training, would, "if promptly implemented, be sufficient to bring about a significant reduction" in ATV accidents.

"But if the commission wanted to go further," he added, "other alternatives would have made more sense than" the proposed recalls. "For instance, stopping the sale of adult-sized ATVs (over 125 cc's) to children could prevent up to 100 deaths and 30,000 injuries per year at little or no cost. Moreover, there is ample precedent for such a step, such as laws preventing young children from riding motorcycles while allowing some of them to ride mopeds.

"In short," said Scanlon, "the recall proposals which the commission has voted are an inappropriate remedy to the risks posed by ATVs. There were, and are, better ways to promote safer use of ATVs which I hope the commission will pursue to the fullest possible extent."

But, at this point, the determination of whether those "better ways" are actually pursued may well have more to do with what the Justice Department decides concerning the proposed lawsuit than with anything the three CPSC members decide.

President Must Decide

State Department Pushes Radical Ozone Treaty

Environmentalists were again on the warpath—and the media and their cartoonists were having a field-day — over remarks reportedly made by Secretary of the Interior Donald Hodel while arguing that the U.S. should not go along with an international agreement to halt the depletion of the ozone layer—a depletion that many argue has led to an increase in the incidence of skin cancer. The agreement — which the State Department had hoped to sneak through almost unnoticed — was based on limiting and eventually all but eliminating the production and use of chlorofluorocarbons (CFCs) and halogens, chemicals considered responsible for the deterioration of ozone in the atmosphere.

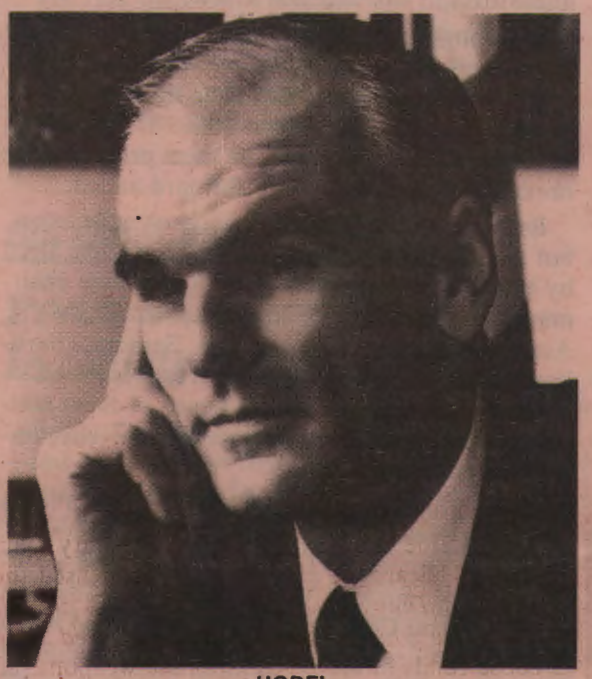
The Washington *Post* and others reported that at a Cabinet meeting Hodel said that, instead of signing this agreement, the Administration should offer as an alternative the recommendation that people wear "hats, sunglasses and sun-screening lotion" if they were concerned about the risks of skin cancer.

Shortly after this story appeared, representatives from various environmental groups, wearing hats, sun-block lotions and dark glasses called on Hodel to resign.

In fact, Hodel made no such recommendation to replace international efforts to protect the ozone layer with a program of "personal protection."

"I want to get this on the record," Hodel told HUMAN EVENTS. "I did not argue that sunglasses and hats and lotions were the solutions [to the ozone problem] . . . I don't think it came out in the meeting in that way at all.

"There was discussion during the meeting; we were concerned about human health. We know



HODEL

that at a period of time when we don't think the ozone layer was being depleted by CFCs that we've seen a 750 per cent increase in skin cancer. That suggests people have changed their behaviors and gone into the sun more... people desiring a good tan, for example.

"Even if we enter into an agreement on CFCs, we have an ongoing commitment to join with the American Cancer Society to warn people of the hazards of exposure to ultraviolet light. It is really two separate issues. This was not offered as an alternative to an international agreement."

A major aspect of this whole controversy, as Hodel noted, is the supposed link between ozone depletion and the rise in the incidence of skin cancer. Ozone is a gas in the stratosphere that acts as a filter for harmful ultraviolet (UV) rays from the sun and overexposure to UV rays is a major cause of skin cancer.

Although it has never been actually proved, the use of CFCs and also a class of chemicals called halogens is thought by some scientists to be related to the depletion of ozone in the atmosphere. These chemicals are in wide use in a variety of everyday applications: aerosols (banned unilaterally in the U.S. in 1978 and by a mere handful of countries subsequently); air conditioning; fire extinguishers, cleaning solvents (such as those used in dry cleaning); foam insulation and foam cushions, among others. They also have wide application in industry, especially the automobile industry, and in the military.

If the use of CFCs continues unabated, the argument goes, there will be a depletion of ozone, more UV rays reaching earth and an increase in the incidence of skin cancer. This theory, however, relates to projected *future* increases in the incidence of skin cancer. There is, at present, no scientific evidence linking the current increases in the incidence of skin cancer to depletions in the ozone layer.

Indeed, in a letter to Rep. John Dingell (D.-Mich.), chairman of the House Committee on Energy and Commerce, Dr. Margaret Kripke of the University of Texas System Cancer Center, one of the country's leading cancer research institutes, said:

"Speaking of the increasing incidence of skin cancer...there is at present *no evidence* that a decrease in the ozone layer is responsible for the recent increase in the incidence of skin cancers. There have been several erroneous statements in the press recently, linking the increases in skin cancer to ozone depletion. It is important to note that...(common skin cancers) develop over a period of decades...decreases in global ozone are too recent to account for the rising incidence of skin cancer over the past 20 years. The implication...that increased UV radiation has resulted from decreased stratospheric ozone has no scientific basis at the present time."

Given that the present increase in the incidence of skin cancers cannot be attributed to ozone depletion, Hodel's suggestion that, apart from any agreement limiting CFCs, people be educated on how to protect themselves from excessive exposure to sunlight is eminently sensible, just as education has reduced cigarette smoking.

It is clear that Hodel's remarks were leaked out of context and mangled in the media in order to draw attention away from the very serious reservations he expressed about the way the State Department and the Environmental Protection Agency have gone about negotiating the agreement to limit CFCs.

The controversial protocols to reduce and eventually eliminate CFCs grew out of the 1985 Vienna Convention for the Protection of the Ozone Layer. In his message to the Senate supporting ratification of the convention, President Reagan said it addresses an important environmental issue "primarily by providing for international cooperation in research and exchange of information. It could also serve as a framework for the negotiations of possible protocols containing harmonized regulatory measures that might in the future be considered necessary to protect this critical global resource."

But officials at the State Department, led by chief negotiator Richard Benedick, and at the Environmental Protection Agency, have used that highly tentative language to push their own radical negotiating program for international controls on CFCs, and they have done so largely out of sight of the Administration.

Such out-of-sight maneuverings are hardly new for Mr. Benedick. As HUMAN EVENTS readers might recall, back in July 1985, on the eve of an international conference on population control in

Mexico City, Benedick, then head of State's Office on Population Affairs, organized opposition to the official White House policy of withholding all funds for international organizations that encourage abortion as a means of population control.

Furious at not being chosen a member of the U.S. delegation to Mexico City, Benedick arranged a transfer out of the Population Office into State's Environmental Health and Natural Resources desk, where he proceeded to work quietly on the CFC agreement.

Now that more light has been shed on his activities, however, Benedick disclaims any desire to keep the protocol maneuverings hush-hush. "Our negotiating position was authorized last November," Benedick told the Washington *Post* May 29, "and it's hard to imagine that people weren't aware of it." In a follow-up story the next day, the *Post* claimed that State's negotiating position "was cleared throughout the government."

But that's not what senior government officials have told HUMAN EVENTS. According to them, the proposed U.S. negotiating position, calling for "up to a 95 per cent reduction in CFCs," was not brought to the attention of the Working Group of the Domestic Policy Council—let alone the entire government — until February of this year. Even Benedick has now admitted he was "misquoted" in the May 29 *Post* story.

DINGELL

Given the enormous impact any agreement on CFCs is likely to have, Hodel argued that the Cabinet should have been kept fully abreast of the negotiations and be able to evaluate all options so that the President would not be "boxed in."

In fact, after Hodel and others sounded some preliminary cautionary notes at a DPC meeting three weeks ago, Secretary of State George Shultz, reportedly at the urging of Benedick and his boss, John Negroponte, wrote Attorney General Meese that the Geneva negotiations on CFCs should be withdrawn from discussion by the DPC. The Attorney General, the day after receiving that letter, wrote Shultz to make it clear that the CFC negotiations would remain a topic for discussion by the full DPC, and State and EPA would not be allowed to circumvent normal Cabinet procedures on a matter of such importance.

Nor is Hodel alone in these concerns. Rep. Dingell, who is sponsoring a resolution supporting the international efforts under way to resolve the ozone problem, has also raised doubts as to the way the State Department and EPA have handled the negotiations.

At a hearing on the Geneva talks, Dingell said, "My support for a protocol is not without limits. Indeed, I am deeply concerned that our chief negotiator, Ambassador Richard Benedick, and his EPA staff support, are negotiating almost on a 'seat-of-the-pants' basis.' I am concerned they lack adquate technical and policy support within the Administration and that they may be bowing too far toward those seeking very stringent reductions *now*."

"Seat-of-the-pants" is an apt description. The November document laying out the State Department's negotiating position admits that "given the complex chemistry and dynamics of the atmosphere, scientific uncertainties currently prevent a conclusive determination of safe levels of emissions [of CFCs]." This assessment is repeated in the document. Yet despite this admission, State and EPA have gone ahead with negotiations aimed at drastic reductions in emission levels.

Recent scientific studies also cast doubt on the relation of CFC emissions to the so-called "Arctic hole." Environmentalists and others pushing for stringent regulations of CFCs point to the annual appearance, observed since 1979, of a "hole" in the ozone layer over the South Pole. This hole, which appears for a few months and then disappears, is actually a reduced concentration of ozone, which some believe is caused by CFCs.

But a recent report by the American Geophysical Society provides compelling evidence that the hole

(*Continued on page 17*)

HEARINGS / From page 1

Boland, but it also tells me that private funding is legal").

Despite the fulminations of committee Democrats, the record discloses that this interpretation by Secord is entirely correct. On this point, indeed, we have the words of Rep. Boland himself, in floor debate two years ago this week. Addressing the topic of private aid to the Contras under then highly restrictive statutory language, Boland said:

"...The Contras, who haven't received $1 from the U.S. government for more than a year, are doing just fine. They continue their military operations in Nicaragua and they have increased their numbers. *They have done this with funds provided by private groups, mostly from the United States.* Those funds have helped purchase weapons, ammunition, food, clothing, medicine—everything the Contras have needed to maintain themselves as an army in the field.

"Now comes the Michel amendment [authorizing $27 million in Contra aid] and provides humanitarian assistance on top of that.... Is this a policy of restraint by the U.S. government? Does this really hold back anything? *Hardly, in light of the fact that, as we all know, the private groups will continue to provide money for arms and ammunition.* The effect of the Michel amendment, and that private aid, is going to be more money for the Contras than they have ever received in the past." (Emphasis added.)

At no point in this discussion did Boland suggest that such private aid was illegal, even though a highly restrictive amendment was then on the books barring tax-supported assistance to the Contras, direct or indirect, by any intelligence agency of the U.S. government. *Thus Boland himself, when these matters were being debated on the floor of the House, took a tack directly opposite to that suggested in the course of the current hearings.*

Similar data exist on almost all other aspects of the Contra dispute, though you would never guess it from the usual publicity. For instance, the solicitation of third-party assistance from the Sultan of Brunei, for which Elliott Abrams has been raked over the coals, was not only *not* prohibited by statute, but was specifically sanctioned by the Intelligence Authorization Act, adopted in December 1985, which said that "*nothing in this section precludes... activities of the Department of State to solicit... humanitarian assistance for the Nicaraguan democratic resistance.*"

(If you read the transcript closely — which of course most people don't — you will discover that the attack on Abrams was for failing to disclose this solicitation to the Congress—even though the solicitation itself was entirely and concededly legal.)

As for official involvement in coordinating assistance for the Contras, the Intelligence Authorization Act also specifically sanctioned tax-supported provision of communications, communications equipment and "advice" for the Contras by the U.S. government (exact amounts of funding and other details being classified). Moreover, the restrictions in the various Boland amendments always referred to "intelligence" agencies of the government, a definition that explicitly did not include the National Security Council (the argument made by Brett Sciaroni). As noted by Rep. Bill McCollum (R.-Fla.):

"There's a lot of discussion about whether the NSC was indeed covered by this. In 1981, before we got to those Boland amendments we passed, the President issued Executive Order 12333, which explicitly excluded the NSC from the definition of an intelligence agency. That was done in concurrence and consultation with Congress."

What has emerged from the Contra hearings to this point, in other words, is starkly different from the conventional image. Despite the fixation of the media with paper-shredding or smuggled documents, the conduct that has been revealed so far is nothing like the caricature of executive agents flagrantly violating the clear intent of Congress.

What we see instead is an ambiguous and constantly changing set of congressional guidelines in which certain types of help to the Contras were first prohibited then permitted, while other types (such as private aid) were permitted all along and were clearly understood by all concerned to be occurring. Far from blatantly violating these complicated guidelines, the Administration obviously sought to fit its behavior closely to them—and on what has been disclosed to date apparently succeeded.

Hart's 'Third Conservative Generation'

By JOHN CHAMBERLAIN

Some three years ago young conservatives began meeting every two weeks in the Washington offices of the Heritage Foundation to discuss the future of the Reagan revolution.

The coordinator of the meetings was Ben Hart, a founder of the *Dartmouth Review* who had actually been bitten by a liberal on the campus for his temerity in distributing a conservative magazine. Hart soon discovered that the tapes of the Heritage meetings were providing good clues to hundreds of conservatives who were spotted about the government and in the newer conservative think tanks. The tapes seemed to prove that personnel was just as important as policy when it came to pushing Reaganism.

Analyzing the tapes, Ben Hart discovered that things had gone with a rush after Reagan had come to town. As Ed Feulner, the president of Heritage, put it, before Reagan won in 1980 all the conservatives inside the Washington Beltway could meet in a single room for lunch. But along about 1983 Heritage Vice President Burt Pines noticed that there seemed to be hundreds of young people going in and out of his buildings, "carrying briefcases, hosting freedom fighters, and holding strategy meetings."

The swarming young were "writers, self-proclaimed experts on policy, heads of organizations, congressional chiefs of staff, key people in the Administration." Pines decided it was up to Heritage to get to know them. The results were the fortnightly meetings and a book called *The Third Generation: Young Conservative Leaders Look to the Future*, edited by Ben Hart.*

The "third generation" that Hart talks about believes in principled political action but is willing to go through the "credentialing process" of getting low-paid political jobs and acquiring experience. The members of this generation, largely under 35 years of age, expect to be moving up the bureaucratic ladder after Reagan, a "transitional" figure, has retired. They are willing to wait, for they are generally optimistic that time is on their side.

The "first generation" conservatives, says Hart, were "intellectual groundbreakers" such as Frederick Hayek, the author of *The Road to Serfdom*, Russell Kirk, who wrote *The Conservative Mind*, and Bill Buckley, who started the *National Review*. But when Barry Goldwater lost in 1964, it became apparent that organization was a *sine qua non* if the conservatives were to translate intellectual groundbreaking into political victory. So the "second generation" conservatives learned the ins and outs of fund-raising, started think tanks, and set up political action committees.

They got their man into the White House in 1980. Reagan has been satisfactory to them in many ways, but the problem of personnel remains. Too many top Reagan appointments have gone wrong, and with the loss of the Senate, Reaganism is faced with a two-year hiatus in which the presidential veto power is a forlorn weapon of last resort.

The 30 "third generation" participants who are quoted in Hart's anthology are generally optimistic about the opportunity to renew their attack after 1988.

They may differ in their priorities when it comes to pushing such moral issues as anti-abortion and prayer in the public schools, but they are generally agreed on rolling back the "evil empire."

Containment," says Peter Ferrara, "is a failure," but discretion warns us against taking the Soviets head on. As Hart says, direct military action on the part of the U.S. "tends to stir up anti-American sentiments in the very nations we attempt to liberate."

The Marines are not needed to win in Nicaragua if we give the Contras sufficient support. "The proper conduct of foreign policy," says Frank Lavin, "is to reconcile our goals in the international arena with our capabilities." Ferrara adds that "we must... seem to roll back Soviet domination wherever... it appears to be weakening, for instance in Angola and Mozambique... [but] unlike the Soviet Union, America's democratic political system will not allow the U.S. to fight on a dozen different fronts." It is circumspection, not timidity, to recognize this.

Gregory Fossedal, taking a commonsense stance, told one session "the emergence of anti-Communist guerrilla forces in Afghanistan, Cambodia, Mozambique, Angola and Nicaragua is one of the most important political developments of our times. Not only has the romance of revolution shifted from the Communists to the anti-Communists, but the Soviet empire is on the defensive.... We need only give sanction and support to existing indigenous movements fighting against Soviet colonial control."

Libertarians do not always get on with conservatives, particularly on moral issues, but the Manhattan Institute's Walter Olson and the Cato Institute's Doug Bandow both expressed a willingness for libertarians to join with Ben Hart's conservatives in a "common opposition to the left."

Olson says the libertarian-conservative split of 15 years ago should be mended. If Frank Meyer, the apostle of fusionism, were alive today, he would applaud such a sentiment.

Another division in the course of being mended is that between the conservatives and the blacks. Bill Keyes, the head of Black PAC, Joseph Perkins, and Deroy Murdock are all eloquent on the need for this. Reagan, says Murdock, "benefited from the efforts of such blacks as J. A. Parker, Thomas Sowell, Walter E. Williams, and E. V. Hill." Unfortunately, Reagan, taking bad advice, has ignored his true black friends when it comes to issuing invitations to the White House.

Hart's contributors will be around for years to come. They will carry conservatism well into the 21st Century. Where can you find 30 young liberals to keep pace with Ben Hart's conservative-libertarian group?

King Features Syndicate, Inc.

***Ben Hart, a member of the Heritage Foundation management staff, is the author of* The Third Generation *and a founder of the* Dartmouth Review.

*Regnery Gateway, 950 North Shore Drive, Lake Bluff, Ill. 60044. 270 pages, $17.95.

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How's Your Political I.Q.?

(Answers on page 18.)

1. What was the name of Grenada's Communist party that was headed by Maurice Bishop?
2. Who first proposed the "Atoms for Peace Program"?
3. Which President's book collection became the core for the Library of Congress?
4. Who said, "If men were angels, no government would be necessary"?
5. What is the name of the Maoist-Communist insurgency in Peru?

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UNIONS / From page 11

jobs, including putting everyone on a first-name basis.

With all this, Trowbridge, whom I still put into the status quo school, sees unions holding on, especially if they adjust to the new competitive realities.

Collective bargaining need not be characterized as "concession bargaining" but rather as "competitive," "survival" or "reality" bargaining. Witness a number of recent settlements featuring two-tier wage systems, "backloading" where most wage increases are in the final year of a three-year contract, increased control over benefit costs as in health care, and reduction in restrictive work rules and job classifications.

Times have changed, says Trowbridge, and "both labor and management must respond to that change with innovative and thoughtful responses. Certainly neither party can afford the luxuries and excesses of the past in today's global economy."

Which way, unions? I think their crossroads dilemma boils down to partnership or adversarialism, cooperation or confrontation, competition or protectionism, labor relations deregulation or continuation of special privilege—survival or further decline, even eventual extinction.

The danger I see today is that with the short-run weaker dollar and easing of the trade deficit the status quo school will have its way, albeit inadvertently, that unions and management will continue to cross swords, that unions and unionized industries like autos and steel will both continue to decline, relatively if not absolutely, in the face of massive long-run competition from overseas.

Well, are unions prisoners of inertia, as Raskin commented? Or, are they becoming enterprise-minded? Listen, for example, to Owen Bieber, president of the United Automobile Workers, talking tough to the auto companies via 3,000 UAW delegates in Chicago some weeks ago. With auto negotiations coming up as the Ford and GM contracts expire on Sept. 14, 1987, Bieber said the UAW gave up guaranteed wage base increases in 1984, but "since then productivity gains in the auto industry have been nothing short of spectacular and it's now time we took a larger piece of the profits."

Nonetheless, I say the answer to today's great union dilemma is enterprise unionism, as perceived by contributor A. H. Raskin. And the further answer, I believe, is labor relations deregulation, as perceived by contributor Morgan Reynolds. For to work, enterprise unionism needs a brand-new legal environment of labor relations freedom. Enterprise unionism works well in Japan and Switzerland, where organized labor has maintained its postwar share of workers at roughly one-third. (See, e.g., my Feb. 28, 1987, HUMAN EVENTS article, "Solving Labor Problems the Swiss Way.")

As American organized labor enters its second century in a world vastly different from that of 100 years ago, both it and our national leaders ought to take to heart Washington's new if ill-understood buzzword of competitiveness, learn to ask new hard questions—and come up with new seemingly hard but in the end union-saving answers.

As Morgan Reynolds concludes at the end of his contribution: "Congress had best prepare itself to think 'the unthinkable' about our labor laws." So should, I say, America's unions. Enterprise unionism is the way to go. ■

North Carolina

If there was any big winner at the recent Republican State Convention in North Carolina, it was Gov. **Jim Martin**. Not only did his choice for state chairman win a full term unanimously, but — with Martin facing a stiff re-election battle from Lt. Gov. **Bobby Jordan** (D.) next year — the governor is all but certain to be given an all-star GOP ticket to contest most other statewide offices.

At the same time, however, there is still some intra-party tension between Martin's people and the National Congressional Club of Sen. Jesse Helms (R.-N.C.), despite the fact that the latter's candidate for party chairman magnanimously withdrew from contention before the balloting. One cause of contention, several Congressional Club activists privately told *Human Events*, is that the Martin Administration had not yet given them a decent share of key state appointments.

When our *Politics '87* reporter visited the Tarheel

MARTIN

GARDNER

State only days after the GOP convention adjourned in Asheville, much of the talk was about the possibility that former Rep. (1967–69) **James Gardner** might become Martin's lieutenant governor running-mate next year. One of the founders of the Hardee's fast food chain, Gardner (pictured above in 1967) achieved recognition across the South with his monumental defeat of House Agriculture Committee Chairman **Harold Cooley** (D.) in 1966.

In so doing, he became the first Republican to break the hitherto Democratic bedrock in eastern North Carolina, which later became a bastion of support for Jesse Helms. Several GOP'ers (most notably State Party Chairman Jack Hawke, Gardner's onetime aide) told us that his nomination for lieutenant governor would neatly balance a ticket headed by Charlotte native Martin in 1988.

Encouraged by his close friend and House classmate **Donald** (Buz) **Lukens** (Ohio), Gardner became the second Republican congressman to endorse Ronald Reagan for President in 1968 and wound up seconding the Californian's nomination at the Miami convention that year.

Gardner narrowly missed becoming his state's first GOP governor since Reconstruction in 1968 and lost the nod for the same job four years later to moderate Gov.-to-be (1973–77) **Jim Holshouser** (R.). While relatively inactive politically since then, the former congressman has been identified with the regular GOP faction headed by Martin and former Sen. **James Broyhill**, co-chairing Broyhill's campaign for a full term last year.

It is that connection that has led some Congressional Club leaders to be skeptical of a Gardner candidacy. Noting that the lieutenant governor is nominated in a primary separately from the governor, the Club's Carter Wrenn decried "the inappropriateness of a state chairman [Hawke] injecting himself in a primary situation." Gardner, therefore, could face substantial primary opposition from one or more Republicans more closely tied to Helms: Raleigh industrialist **John Carrington**, who drew nearly 45 per cent of the vote against Democrat Jordan in the 1984 lieutenant governor race; State Rep. **Bill Boyd**, a much-respected evangelical conservative; and former Greensboro State Sen. **Wendell Sawyer**, a longtime backer of Sen. Helms.

Along with a heavyweight lieutenant governor candidate, Martin is expected to run with a team of strong Republicans for other statewide offices — something of a "first" in North Carolina, where the GOP has almost always written off such races in favor of an all-out gubernatorial strike. For example, State Secretary of Crime Control **Joe Dean** received widespread mention as a candidate for attorney general.

With Martin's allies dominating local party caucuses, Jack Hawke came to the convention with such a clear majority for the chairmanship that the Congressional Club's candidate, educator **Barry McCarty**, withdrew before the balloting to make Hawke's nomination unanimous. "I don't blame the governor, but a lot of the folks in their corner used divisive strong-arm tactics in the delegate-selection process to make sure they had all the votes they needed," said the Club's **Carter Wrenn**, one of numerous Helmsmen denied delegate slots in Asheville. Along with Club Chairman **Tom Ellis**, Wrenn has pledged his support to Martin in the coming campaign.

Other Clubbers complained that the Martin Administration has been less than generous with major state appointments to their faction, with one of them noting that "If they just didn't want the entire pie for themselves, the party wouldn't have some of the in-house confrontations it's been experiencing."

Perhaps in response to this, Martin has shown a willingness to work with the other faction in his campaign and has given certain major posts to such Helmsmen as McCarty and former Rep. (1985–87 **Bill Cobey** (R.). Moreover, as we went to press, there was rising talk that he might name former U.S. Attorney **Sam Curran** — a close Helms ally who lost out on a federal judgeship — to an open slot on the state bench.

Short Takes

In recent weeks, political developments in Nebraska and Connecticut have occurred with the changing pace of a Saturday afternoon movie serial. In the Cornhusker State, former State GOP Chairman **Kermit Brashear** has just ended weeks of speculation by announcing he would not enter next year's U.S. Senate primary against appointed incumbent **David Karnes** and Rep. **Hal Daub** (American Conservative Union rating: 87 per cent).

Along with Daub, the 43-year-old Brashear was considered a leading prospect for appointment to the seat of the late Sen. (1977–87) **Ed Zorinsky** (D.) in February until Gov. **Kay Orr** (R.) tapped the little-known Karnes. Brashear, who narrowly lost the 1986 gubernatorial primary to Orr, had considered a Senate race of his own, but was clearly discouraged by the early strike of fellow Omaha native Daub (see *Politics '87*, June 6).

In taking himself out of the Senate race, Brashear came under strong and enthusiastic encouragement to run instead for the 2nd District seat vacated by Daub after eight years....

In Connecticut, former House Speaker **Ralph Van Norstrand** last week stunned observers by aborting his two-week-old bid for the GOP nomination to succeed the late Rep. (1971–87) **Stewart McKinney** (R.) in the August 18 special election. Clearly the best-known of the candidates, the moderate-liberal Van Norstrand confessed that he simply lacked "the fire in the belly" for the contest, leaving the field to three lesser-known state representatives: 29-year-old **John Metsoupolous**, a moderate-conservative and strong pro-lifer; **Chris Shays** of Stamford, a close ally of Sen. **Lowell Weicker**; and liberal **Bill Nickerson** of Greenwhich, who won his initial legislative term last November.

On the Democratic side, former State Rep. **Christine Neidermeier** — whose strong showing (47 per cent) against McKinney had made her an early favorite for the special contest — now appears to be in a battle royal for the nomination. In the last two weeks, the 36-year-old Neidermeier has drawn challenges from three heavyweight Democrats: Bridgeport State Sen. **Margarett Morton**, who is black; Stamford Finance Board Member **Mike Morgan**, McKinney's 1978 opponent; and Norwalk's ultra-liberal Mayor **Bill Collins**....

As *Human Events* predicted (see *Politics '87*, May 2), former Alabama State Sen. **Hinton Mitchum** (D.) easily recaptured his former seat (Arab) in last week's special election. A strong pro-business conservative, Mitchum left the Senate to wage a losing race for his party's lieutenant governor nod last year, only to have his successor resign in April of this year following his conviction in a phony land sale scheme.

While Mitchum defeated a Republican backed by Gov. **Guy Hunt** (R.), aides to the governor noted that the two men's "ideologies are similar" and welcomed the Democrat back to Montgomery. "Party labels aside, Hinton is good for free enterprise politics and will do conservatives of all parties proud," added Dr. **Clyde G. Echols**, president-elect of the Alabama Optometric Association and a shrewd observer of state politics....

Sisters Act: As readers of this column are aware, our *Politics '87* reporter has long had a fascination with political families — children of officeholders who seek office themselves, brothers who do the same, and so on. Here's one from Michigan.

Anne House, a crack professional fund-raiser, has become Director of Events for the presidential campaign of Kansas Sen. **Bob Dole**. In that capacity, she will quarterback dinners and receptions throughout the country ("Nine in this week alone!" she told us) for the Senate GOP leader and his wife, U.S. Transportation Secretary **Elizabeth Dole**. At House's urging, her older sister, former State Rep. **Colleen House Engler** (R.), has just become the full-time operating head of the Dole campaign in the Wolverine State.

Interestingly, Anne House came into politics seven years ago as a volunteer in George Bush's successful primary effort in Michigan — which was quarterbacked by "Big Sister" Colleen, who went on to become the GOP nominee for lieutenant governor of the state in 1986.

Abrams Gave As Good As He Got at Hearings

By DOROTHY RABINOWITZ

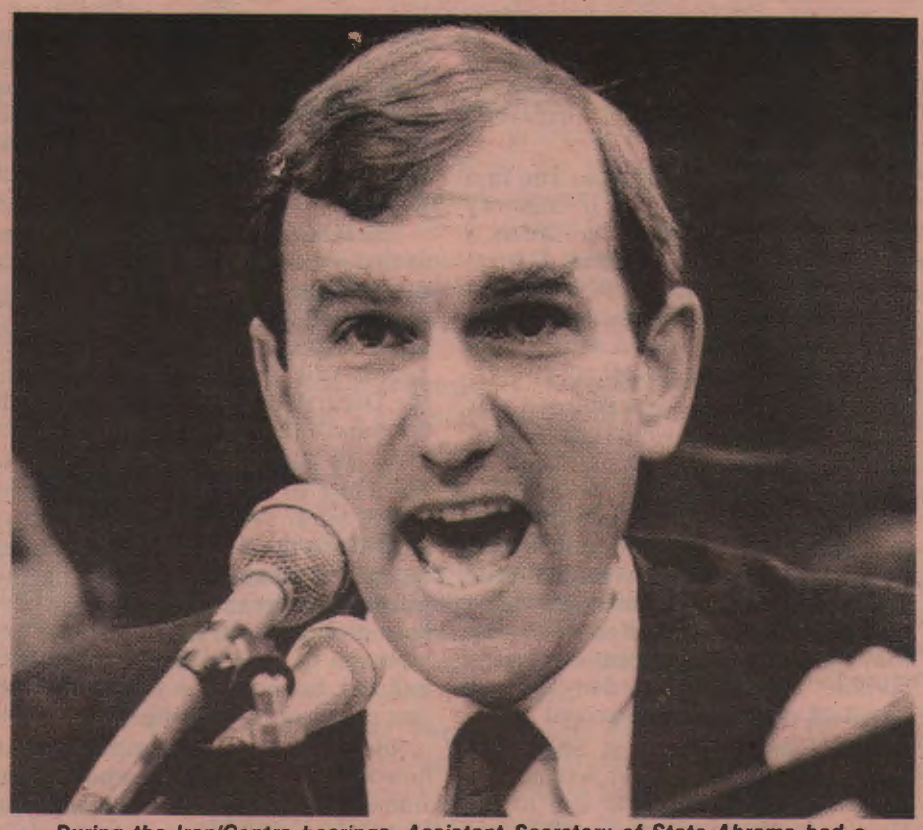
Of all the issues raised [June 2 and 3] the confrontation between Assistant ecretary of State Elliott Abrams and ngressional investigators, none was ore remarkable than the plaints — peated continually — about the ness' "way with words."

The charge, it would appear, was at the witness was a man at home with e English language, which is perhaps ore than can be said of his inquisitors, edia as well as congressional.

Begin with the first morning of the arings which loosed, on the Public levision audience, commentator aniel Schorr who, scarcely into his mmentary, agreed with broadcast rtner Paul Duke that the witness was ry cool, very facile. But this was, horr opined, mainly because Abrams d a good long time to get the right swers together—answers, Schorr fur- er suggested with a passion equal to y evidenced thus far by the investi- tors, that could only be deceptive.

Of the official interrogators we met st assistant counsel Mark Belnick, o soon asked Abrams whether it was t true that he had "a way with rds"?

The witness paused, affably, to note at questions led into in this way were ually bad news. Assistant counsel lnick, smiling, pressed on — inspi- ion of this sort is seldom inter-



During the Iran/Contra hearings, Assistant Secretary of State Abrams had a devastating answer for one of the senators regarding U.S. aid to the Contras.

ruptible — to note that the assistant secretary of state was very fluent in English, that it was a language in which he was very much at home—and from there on, inexorably, to the somehow connected charge that the witness had deceived Congress and the American people.

Sen. Howell Heflin (D.-Ala.) was in turn moved to begin interrogating with a pearl-toned statement: "You'll have to admit you have pretty good verbal skills."

Sen. Paul Sarbanes (D.-Md.) for his part shared with the viewers of "Nightwatch" on CBS the pioneering insight that Abrams has "a facility with words"—but, said the senator, it was a facility that was "catching up to him."

Hard to avoid the implication by now that there is something very sinister about this facility.

The next day brought a front-page Washington *Post* story in which staff reporters Dan Morgan and Walter Pincus noted authoritatively that Abrams had "a way with words."

But this was now Day 2 and a session which brought, among others, the spectacle of Sen. David Boren (D.-Okla.) charging the witness with various forms of trickery through words.

Sen. Boren then noted that he comes from a part of the country "where doors stay unlocked" and you can seal legal agreements with a handshake. (Who will play the lead in "Mr. Boren Goes to Washington" — to do battle with that city of crafty cosmopolites adept in the black art of words and related trickery against regular folk?)

Now came Rep. Peter Rodino of New Jersey. Undaunted by what was now, let us say, a well-worn line of inquiry, Rodino noted that the assistant secretary of state was a man "very precise of speech."

No mean hand with words himself, as we were soon to see, Rep. Rodino went on to explain the depths of this worry — which was the question of how Congress could "unravel this ball of wax." (Put it on the back burner — always good for a ball of wax.)

This strange reiteration of plaints about words began to seem, after two days, ever more ironic to anyone acquainted with the high art of oratory on Capitol Hill.

The assistant secretary of state's way with words is of course of a very different order. Not for nothing did commentator Schorr himself venture to note on the hearings' second day that Abrams' command of language was indeed exquisite.

At no point was that command clearer than in Abrams' reply Wednesday to an investigator's query about his own reaction to the U.S. request for Contra aid from countries like Brueni.

The answer, given with quite unforgettable force and clarity, an answer which must have burned its way into a sizable number of ears out there listening, was: "I'll tell you how I felt, senator. That it was a disgrace that the United States should have to go around rattling a tin cup."

A way with words, indeed: words that are as well an emblem of that moral health that can hold its own with — shall we say? — Sen. Boren's unlocked doors and handshake contracts.

Finally, there is another meaning to the show on display in Washington. It is a show rooted in that special brand of demagoguery to which politicians are drawn when the galleries are packed, and the opportunity is prime to show how wiseass intellectuals and educated types get their comeuppance from straight-shooting representatives of the people — like yourselves, ladies and gentlemen of the television audience.

Chalk up, in short, yet another of those ventures in opportunism for which the Irangate proceedings are so rich a showcase.

Reprinted from the New York Post

'Independent Counsels' Should Be Abolished

By JAMES J. KILPATRICK

William French Smith, the handsome and courtly Californian who served as Ronald Reagan's first attorney general, turned up in town recently to get a load off his mind. He told a House subcommittee that it's high time to get rid of "independent counsels" who get appointed under the Ethics in Government Act of 1978.

Let's hear it for Bill Smith! He is absolutely right.

The 1978 act, if you recall, was adopted during the spasms of morality that swept over Congress in the wake of the Watergate affair. Among the act's unfortunate provisions was a section requiring the appointment of a special prosecutor — later retitled an independent counsel—whenever allegations of criminal wrongdoing are made against a government official. The act expires next year. Smith's advice is to let it go.

In one sweeping sentence he set forth his objections: "In my opinion this legislation has not served the ends of justice, is cruel and devastating in its application to individuals — falsely destroying reputations and requiring the incurring of great personal costs; has applied artificial standards often unrelated to culpability, and to that extent has prevented the use of normal standards of prosecutorial discretion; has been used more for political purposes and media appetite than to achieve justice; has been a nightmare to administer, and has caused a needless and substantial waste of taxpayers' money."

Every word of that is true. The first invocation of the law, if memory serves, was against Hamilton Jordan, a top-ranking aide to President Carter. This was in November 1979, when a flimsy charge was made that a year earlier Jordan had tried a snort of cocaine at a New York discotheque.

Under sensible procedures, this dubious allegation would have been turned over to the Department of Justice. The department would have looked into the matter, found it baseless, and gone about its business. But, no. Under this portentous act, a special prosecutor, Arthur H. Cristy, had to be appointed. It wasn't until the following May that Cristy's investigation cleared Jordan. Meanwhile, Jordan had endured six months of undeserved hell.

A few months later, in September 1980, a similar allegation was rasised against White House aide Tim Kraft. He was to manage Carter's 1980 campaign, but the unfounded charge put him on the sidelines. A special prosecutor cleared him in March 1981.

Edwin Meese, while he was still at Reagan's White House, before he became attorney general succeeding Smith, went through an anguishing ordeal. He was accused of using his influence to get federal jobs for people who had provided financial assistance to him. If the charges had been true, he would have been subject to indictment. But the charges were manifestly untrue.

Special Counsel Jacob A. Stein came to that obvious conclusion after months of investigation. The probe cost the taxpayers $721,000 in Meese's legal fees alone. Now Meese is under investigation again, but there is no reason why the Department of Justice itself could not handle the matter.

By my inexact count, we are now in the midst of the ninth costly investigation by an independent counsel. In addition to the charges against Jordan, Kraft and Meese, allegations against Michael Deaver and Ray Donovan have been probed, None of these found any violation of federal law. (Deaver was indicted, but not for any of the charges that triggered his investigation.)

Special Counsel Lawrence Walsh now holds a brief for the whole of the Iran-Contra affair. An investigation of Lyn Nofziger's lobbying is incomplete. Two other investigations involve unidentified persons in the Justice Department.

In brief, Smith told the House subcommittee, this "cumbersome and expensive process so far has damaged reputations but produced little else."

The rigid provisions of the law require that special investigations take precedence over any other matters that might occupy the FBI and the Department of Justice. The act makes no distinction between trivial allegations and serious allegations. Independent counsels, who are appointed by a panel of the Court of Appeals for the District of Columbia, are subject to none of the checks and balances that normally govern prosecutorial discretion.

Smith did not get into the constitutionality of the act, but he has publicly expressed his doubts many times. Under the Constitution it is the duty of the executive, not the judiciary, to enforce federal laws. Towards this end a President appoints U.S. attorneys. The Ethics Act violates this principle of separation of powers. That issue to one side, as Smith said, the "independent counsel" provision is just plain bad law. It ought to be abandoned.

Universal Press Syndicate

YOUR EXPIRATION DATE

Many readers have asked how to read their expiration date. This date is shown in the middle of the top line of your mailing label.

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This means your subscription will expire with the Feb. 18, 1989, issue.

CFC CUTS / From page 7

may have nothing to do with CFC emissions. Rather, it may be caused naturally, by the periodic bombardment of the Earth's atmosphere by high-energy electrons originating from the sun and/or Jupiter.

It is clear that continued study and caution are necessary in moving toward an international protocol on reducing CFCs. But these have been noticibly lacking on the part of our negotiating team.

Since January, Dingell has asked EPA and the State Department to provide his committee with an adequate analysis supporting the negotiating position laid out in State's November document. According to the Michigan Democrat, he has yet to receive it.

In a March letter to EPA head Lee Thomas, Dingell writes: "Despite the fact that the law requires EPA to 'take into account the feasibility and costs of achieving' control by regulation, there is no evidence that these factors are even being addressed in the process. There is no discussion of the problems of conversion to the user industries, including the financial implications and timing of any capital changes for relatively small business."

Many big businesses that manufacture CFCs would probably have the financial and other resources to adjust to restrictions in CFC production. If necessary, some could simply move their CFC producing operations overseas, to a country that is not a party to the Geneva protocols.

But what of small business and individual users? For example, CFCs are necessary for air-conditioning. While this may seem a luxury for many, air-conditioning is vital during the hot summer months for the elderly and those with health problems. Air filtration and purification systems which are necessary for hospitals and those suffering respiratory diseases also require CFCs. CFCs are also used in producing foam for insulation, which is necessary for energy conservation. How would environmental groups balance their demands for decreases in CFCs with increases in energy conservation?

Although Benedick and Co., negotiating for the U.S., want a 95 per cent CFC reduction, the protocol now apparently will call for a freeze, then an initial a 20 per cent reduction, to be followed by a 30 per cent reduction in CFCs from 1986 levels.

The United States, however, has already banned the use of non-essential aerosols; most other countries involved in the negotiations, including most of the European Economic Community, have not. Those countries could achieve a large part of their 20 per cent reduction merely by doing what the U.S. has already done—banning non-essential aerosols. But that might mean the U.S. would have to turn to uses more important than deodorants and hairsprays to achieve *its* reductions.

None of these concerns, among many others, including possible trade restrictions and sanctions against those countries which continue to produce CFCs outside the agreement, are being adequately addressed by our negotiators. Despite this, they want the Administration to sign the protocol this September in Montreal.

Secretary Hodel has also questioned the scope of the protocols. Only some 31 countries have entered the negotiations, including the U.S., members of the European Economic Community, the Soviet Union (but excluding all other Warsaw Pact countries), the Nordic countries and Japan. A few countries from the Third World were represented, but by and large the bulk of the Third World did not participate. India and China, which are making important strides in developing their industrial bases were not represented.

"We need to be sure," Hodel told HUMAN EVENTS, "that enough countries, covering enough of the production and consumption of CFCs, agree to sign the agreement. You've got to have broad enough agreement that it's going to make a difference. We shouldn't unilaterally do this, because that won't solve the CFC problem. It will only cause an economic hit to the United States. Secondly, it has to include all five CFCs and the two halogens — all seven of the offending chemicals. Some of our allies were considering two, some three, but only a handful, including ourselves, were thinking in terms of all seven chemicals."

The inclusion of as many countries as possible in the protocols is vital to the success of any international program to reduce CFCs. As much of the Third World, especially Asia and Africa, begin to develop their industry, it is only to be expected they will increase their production of CFCs. The protocol will in large part be undermined if there are no provisions to guarantee that these countries will eventually be brought under similar restrictions. At present, there are no such provisions beyond a vague recognition of the problem.

"At least, the President ought to be able," Hodel said, "to weigh the difference between a proposal that would tie the United States into any agreement with a limited number of countries in which they may agree only to deal with a limited amount of chemicals, on the one hand, and an agreement, on the other, that would have sufficiently broad coverage and a sufficient number of chemicals and be mutually verifiable. In the event that requirement postpones the signing date, so be it."

The State Department and the EPA, apparently, did not want to give the President that option. But given the lack of hard scientific evidence on the long-term effects of CFCs on the ozone layer, there is at present no need for the President to commit the U.S. to any massive, mandated, global regulatory program of CFC reductions, nor even to a freeze in 1990. Such a freeze, as envisioned in the current protocols, would be at 1986 levels; given the four-year time lapse, the freeze would necessarily turn into a reduction.

Currently, a team of international scientists, headed by NASA, is undertaking extensive research and review of the ozone problem. Their report is not due until 1990.

Until that time, any action to freeze or reduce CFCs would be premature. The President should resist pressure from the State Department and EPA to sign such an agreement now. Instead, he should leave it to his successor to decide in 1990, when the results of the scientific review are available, whether any reductions are needed.

Meanwhile, environmentalists might consider joining Hodel in educating the American people to the dangers of skin cancer that exist now and cannot be traced to the deterioration of ozone.

Announces for President

Biden Hopes Rhetoric Will Win Democratic Nod

Delaware Sen. Joseph Biden made it official last week, becoming the fifth Democrat to formally announce for President. In an emotional speech at his hometown Wilmington train station, Biden literally shouted his candidacy.

The Biden speech was heavy on rhetoric, light on specifics. Samples:

- "Discontent over the failure of our political system is rampant throughout our citizenry. And bluntly, it is in this gathering of discontent that my candidacy intends to find its voice."
- "The government can lead. It can be the catalyst in society for our society. But the ultimate solutions will lie in the attitudes and actions of our people. I fervently believe that our people are ready and anxious, and that they will rise to this challenge and opportunity like a mighty river surging through the public life of America."
- "We have the chance to bend history just a little bit. The clarion call for my generation is not 'It's our turn'; but rather 'It's our moment of obligation and opportunity.' "

There were touches of John Kennedy and Jimmy Carter in the Biden speech. Over and over, as he has done in his basic speech for the past several years, the 43-year-old Biden likened himself to Kennedy as the leader of the latest generation seeking power.

There was, too, what one reporter called "bitter pill oratory"—the idea that America is in trouble because foreign workers "work harder than ours; their managers manage better than ours and their goods and services are of a higher quality than ours. It is a bitter truth, but one that must be told."

If that is reminiscent of Jimmy Carter, there is a reason. The Biden speech was crafted by Pat Caddell, a top adviser to President Carter and chief author of his infamous 1979 "malaise" address.

Reaction to the Biden speech was mixed. "Powerful," gushed one local Democrat. "Pretty much what we've been hearing for the last couple of years," observed a reporter. Opined the Washington *Post*:

"Mr. Biden has yet to bridge the gap between his apocalyptic stump speech and his modest specific proposals. Whether or not he is, just as some say, a windbag, he is attempting a difficult task: trying to create a politics of enthusiasm for a program that is mostly commonsensical and changes that are mostly marginal.... The enthusiasm is there in the candidate, but the question is, can it spread?"

So far, at least, it has not. The most recent Washington *Post*–ABC news poll puts Biden last among the active Democratic candidates. In an Iowa poll taken after Gary Hart's withdrawal, Richard Gephardt surged from 9 to 24 points; former Gov. Bruce Babbitt moved from 3 to 6 points; and Michael Dukakis jumped from 4 to 11 per cent. Biden held steady at 1 per cent.

Biden promises to spend 10 days a month in Iowa between now and the caucuses. His campaign team last week unveiled a list of 1,250 Iowa supporters.

But the vast majority of Democratic voters interviewed by the press viewed Biden with skepticism. "All I hear Biden talk about is the change of generations, that he's the next John F. Kennedy," Iowa Democratic activist Dan Hunter told the Boston *Globe*. "If he is so inspirational, why is he still at 1 per cent in the polls?"

Red Brannan is a Polk County supervisor and local Democratic party activist. He likes Biden's oratorical abilities and his dovish views (anti-SDI, anti-Contras, anti-Pentagon). But he cannot fathom why Biden languishes in the Iowa polls, doing no better than the virtually unknown Sen. Al Gore (Tenn.).

"His campaign just hasn't taken off out here," says Brannan. "I can't figure it out. It's got to be something with the candidate."

Conservative Forum

"Conservative Forum" carries, on alternate weeks, Letters to the Editor and brief items on individuals and activities of interest to conservatives. All correspondence for this feature should be addressed to Conservative Forum, HUMAN EVENTS, 422 First St., S.E., Wash., D.C. 20003. Letters to the Editor intended for publication must be concise (300 words or less) and preferably limited to one topic. In addition, they must be signed and must include the writer's home address and home and business telephone numbers. HUMAN EVENTS reserves the right to edit all letters to meet space requirements. Although we cannot acknowledge individually those letters we are unable to publish, we appreciate the views and comments of all readers who take the time to write us.

As noted briefly in the April 25 HUMAN EVENTS, Dr. **Paul Craig Roberts**, secretary of the treasury early in the Reagan Administration and now William E. Simon Professor of Political Economy at the Center for Strategic and International Studies, Georgetown University, was awarded the *Legion D'Honneur* by the government of France, April 8. The ceremony took place in Washington at the French Embassy, Edouard Baladur, France's finance minister, affixing the Insignia of Chevalier.

ROBERTS

The decoration was established in 1802 by Napoleon, originally for military bravery, and few Americans have been among the privileged chosen to receive it. Balladur referred to Roberts at the ceremony as "the artisan of a renewal in economic science and policy, after half-a-century of state interventionism," referring to his role as one of the chief architects of supply-side economic theory, the basis of the 1981 Kemp–Roth tax cut, perhaps the main cause of today's extraordinary economic recovery in the United States.

"Henceforth," Balladur continued, "it is no longer possible to consider tax policy as simply a means of filling the state coffers or as an innocent means of transferring revenue."

In his acceptance speech, Roberts called the award "a recognition of all of us in your country and in mine who are trying to rejuvenate the economies of the two most imaginative and dynamic countries of modern history." Roberts received a congratulatory letter from President Reagan and in attendance at the ceremony were the French ambassador to the United States, Emmanuel de Margerie, Nobel Laureate James Buchanan, OMB Director James Miller III, former Secretary of the Treasury Henry Fowler, Beryl Sprinkel, chairman of the Council of Economic Advisers, and Dr. Amos Jordon, the president of Georgetown's Center for Strategic and International Studies.

That countries such as France and Sweden, where socialism has been popular, are beginning to respect free market economics enough to give their most prestigious awards to Roberts, and Buchanan and Milton Friedman who received Nobels, suggests that the future may be bright for economic conservatism in the international sphere.

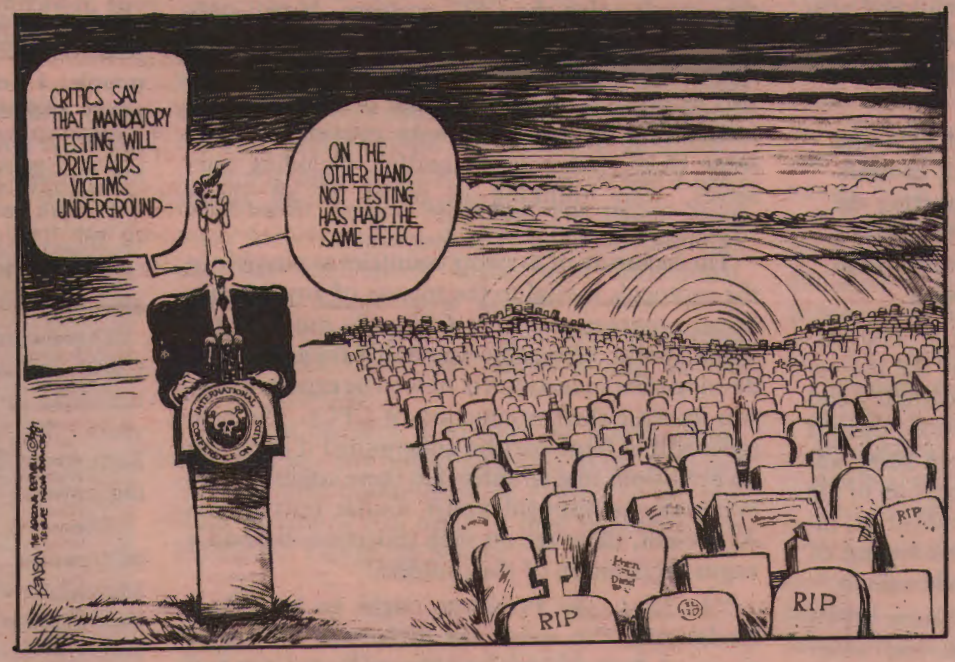
★★★★★★★★★★★★★★★★

I.Q. Answers

(Questions on page 8.)

1. The New Jewel Movement.
2. Dwight Eisenhower.
3. Thomas Jefferson's.
4. James Madison, in *Federalist 51*.
5. The Sendaro Luminoso, or "Shining Path" guerrillas.

★★★★★★★★★★★★★★★★



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Accuracy in Academia, Reed Irvine's watchdog against university bias, will be presenting a conference entitled "Academic Freedom or Academic License" on Friday and Saturday, June 26 and 27, at the Grand Hyatt Washington Center, 1000 H Street, N.W., Washington, D.C. 20001.

Among the speakers will be Dr. **Phyllis Zagano**, formerly of Fordham University in New York City, which dismissed her for being "very much involved in Catholic matters"; **Stephen Mosher**, who directs the Asian Studies Center at the Claremont Institute, who will discuss his battle with Stanford University, which denied Mosher his Ph.D. because of his alleged "lack of candor" during his trip to China in 1980 where he revealed Chinese efforts to curb population growth through forced abortion and infanticide; former California U.S. Senator and now President Emeritus of San Francisco State University **S. I. Hayakawa**; Dr. **Herbert London** of New York University, who will debate Prof. **Colman McCarthy** of American University on the subject of "Peace: Can It Be Taught?"; and Dr. **Arnold Beichman** of the Hoover Institution on War, Revolution and Peace, and formerly of the University of Massachusetts and Georgetown, who will discuss the "Marxification of the American Academy."

The cost is $75 if registration is before June 18, and includes coffee breaks, Friday banquet, Saturday luncheon and admission to all sessions. Registration for session only is $20. On-site registration and advance registration after June 18 is $85. The student package rate is $25.

Registration fees can be sent to Accuracy in Academia, 1275 K St., N.W., Suite 1150, Washington, D.C. 20005, or by calling 202-371-6710.

Senate's Stronger Persian Gulf Measure

On May 21 the Senate passed an amendment by Senate Majority Leader Robert Byrd (D.-W.Va.) to the supplemental appropriations bill by a vote of 91 to 5, which would require the Reagan Administration to report on security arrangements in the Persian Gulf before extending U.S. flag protection to Kuwaiti ships there. Subsequent passage of the supplemental appropriations bill June 2, the same day as passage of the House Persian Gulf bill (see rollcall, next page), constituted final approval by the Senate of this stronger language. The House version requires the Pentagon to report to Congress within seven days of the initiation of U.S. protection.

A "yes" vote is a vote to require the Administration to report to Congress before undertaking U.S. flag protection of Kuwaiti ships:

FOR THE AMENDMENT: 91

DEMOCRATS (50): Adams, Baucus, Bentsen, Bingaman, Boren, Bradley, Breaux, Bumpers, Burdick, Byrd, Chiles, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Graham, Harkin, Heflin, Hollings, Kennedy, Kerry, Lautenberg, Leahy, Levin, Matsunaga, Melcher, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Proxmire, Pryor, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Stennis and Wirth.

REPUBLICANS (41): Armstrong, Bond, Boschwitz, Chafee, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Evans, Garn, Gramm, Grassley, Hatch, Hatfield, Hecht, Heinz, Helms, Humphrey, Karnes, Kassebaum, Kasten, Lugar, McCain, McConnell, Murkowski, Packwood, Pressler, Quayle, Roth, Simpson, Specter, Stafford, Stevens, Thurmond, Trible, Warner, Weicker and Wilson.

AGAINST THE AMENDMENT: 5

DEMOCRATS (1): Johnston.

REPUBLICANS (4): McClure, Nickles, Symms and Wallop.

Not Voting (4): Biden, Gore, Inouye and Rudman.

$9.76 Billion in Supplemental Appropriations

In a 71-to-23 vote June 2, the Senate passed a supplemental appropriations bill which exceeds budgetary limits by over $2.6 billion and totals more than $500 million above the amount passed by the House on April 23. The bill has now been sent to conference with the House, where lawmakers will attempt to iron out the differences between the two versions.

Although the Senate bill is more costly, the White House takes stronger objection to the House version, which contains two arms control amendments requiring continued adherence to the unratified, Soviet-violated SALT II treaty, and permitting the United States to engage in only the smallest nuclear tests (see rollcall in May 9 issue of *Human Events*). A veto has been threatened publicly, barring the deletion of the amendments, but arms controllers such as Rep. Pat Schroeder (D.-Colo.) have said they will be fighting hard in the conference to retain one of the two provisions, probably concentrating on the SALT II amendment.

A "yes" vote is a vote for $9.76 billion in supplemental appropriations:

FOR THE BILL: 71

DEMOCRATS (46): Adams, Bentsen, Boren, Bradley, Breaux, Bumpers, Burdick, Byrd, Chiles, Conrad, Cranston, Daschle, DeConcini, Dodd, Exon, Ford, Fowler, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Leahy, Matsunaga, Melcher, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon and Stennis.

REPUBLICANS (25): Bond, Boschwitz, Chafee, Cochran, D'Amato, Danforth, Domenici, Durenberger, Evans, Grassley, Hatfield, Heinz, Karnes, Kasten, Lugar, McCain, McClure, McConnell, Packwood, Pressler, Specter, Stafford, Stevens, Trible and Weicker.

AGAINST THE BILL: 23

DEMOCRATS (6): Baucus, Bingaman, Dixon, Levin, Proxmire and Wirth.

REPUBLICANS (17): Armstrong, Cohen, Garn, Gramm, Hatch, Hecht, Helms, Humphrey, Murkowski, Nickles, Quayle, Rudman, Simpson, Symms, Thurmond, Wallop and Wilson.

Not Voting (6): Biden, Dole, Glenn, Kassebaum, Roth and Warner.

Gramm Proposes Saving $285 Million

While some senators insisted on referring to the supplemental appropriations bill as urgent, Sen. Phil Gramm (R.-Tex.) found $285 million for such "emergency" measures as funds for a weed study center at North Dakota State University and an elimination of the ceiling on federal loans for beekeepers, as well as aid for countries in southern Africa, the Peace Corps, Solidarity in Poland and other less-than-critical items. Gramm's amendment was defeated 61 to 33 by a tabling motion on June 2.

A "yes" vote is a vote to kill Gramm's amendment, which would have saved $285 million in supplemental appropriations:

FOR KILLING THE AMENDMENT: 61

DEMOCRATS (47): Adams, Baucus, Bentsen, Bingaman, Boren, Bradley, Breaux, Bumpers, Burdick, Byrd, Chiles, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Gore, Graham, Harkin, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Leahy, Levin, Matsunaga, Metzenbaum, Mikulski, Mitchell, Moynihan, Pell, Pryor, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Stennis and Wirth.

REPUBLICANS (14): Chafee, Cochran, D'Amato, Domenici, Durenberger, Evans, Grassley, Hatfield, Karnes, McClure, Packwood, Pressler, Stafford and Weicker.

AGAINST KILLING THE AMENDMENT: 33

DEMOCRATS (5): Heflin, Hollings, Melcher, Nunn and Proxmire.

REPUBLICANS (28): Armstrong, Bond, Boschwitz, Cohen, Danforth, Garn, Gramm, Hatch, Hecht, Heinz, Helms, Humphrey, Kasten, Lugar, McCain, McConnell, Murkowski, Nickles, Quayle, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Trible, Wallop and Wilson.

Not Voting (6): Biden, Dole, Glenn, Kassebaum, Roth and Warner.

Roll Call

House Wants Say in Persian Gulf Policy

HR 2533, which was approved by the House 302 to 105 on June 2, would require the Department of Defense to report to Congress within a week after executing the Administration's proposed policy of extending U.S. military protection to Kuwaiti oil tankers, re-registered under the U.S. flag, which use the Persian Gulf.

But Rep. Toby Roth (R.-Wis.), a conservative who is against sending "our young men into that snake pit [the Gulf]," pointed out that this legislation need not be passed to carry out its stated purposes, that "if we want information we can do it through a letter, we can do it through a phone call, we can do it by asking the secretaries of state and defense to come here to Capitol Hill to give us the information this resolution is asking for."

A "yes" vote is a vote to require that the Pentagon report to Congress within seven days of the beginning of U.S. protection of Kuwaiti tankers in the Persian Gulf.

FOR THE BILL: 302

DEMOCRATS FOR: 196

Ackerman
Akaka
Andrews
Anthony
Applegate
Atkins
AuCoin
Barnard
Bennett
Berman
Biaggi
Bilbray
Boggs
Boland
Bonior (Mich.)
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (Calif.)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (Tex.)
Conyers
Cooper
Coyne
Darden
de la Garza
DeFazio
Derrick
Dicks
Dingell
Dorgan (N.D.)
Dowdy
Downey
Dwyer
Eckart
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (Mich.)
Frost
Garcia
Gejdenson
Gibbons
Glickman
Gordon
Grant
Gray (Ill.)
Gray (Pa.)
Guarini
Hall (Ohio)
Hall (Tex.)
Hamilton
Harris
Hatcher
Hawkins
Hayes (Ill.)
Hayes (La.)
Hefner
Hochbrueckner
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (S.D.)
Jones (N.C.)
Jones (Tenn.)
Jontz
Kaptur
Kennedy
Kennelly
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (Tex.)
Lehman (Calif.)
Lehman (Fla.)
Leland
Levin (Mich.)
Levine (Calif.)
Lewis (Ga.)
Lloyd
Luken
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (Md.)
Mfume
Mica
Miller (Calif.)
Mineta
Moakley
Moody
Morrison (Conn.)
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (Utah)
Panetta
Patterson
Pease
Penny
Pickett
Pickle
Price (Ill.)
Price (N.C.)
Rangel
Richardson
Rodino
Roe
Rostenkowski
Rowland (Ga.)
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slaughter (N.Y.)
Smith (Fla.)
Solarz
Spratt
Staggers
Stallings
Stenholm
Stokes
Stratton
Swift
Synar
Tallon
Thomas (Ga.)
Torricelli
Towns
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Wheat
Whitten
Wilson
Wise
Wyden
Yatron

REPUBLICANS FOR: 106

Archer
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (Colo.)
Buechner
Chandler
Clinger
Coats
Coble
Coleman (Mo.)
Conte
Coughlin
Davis (Mich.)
DeWine
Dickinson
DioGuardi
Duncan
Emerson
Fawell
Fields
Fish
Gallegly
Gallo
Gilman
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hefley
Henry
Hiler
Hopkins
Horton
Houghton
Jeffords
Johnson (Conn.)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lightfoot
Livingston
Lott
Lowery (Calif.)
Madigan
Martin (Ill.)
Martin (N.Y.)
McCollum
McDade
McMillan (N.C.)
Michel
Miller (Ohio)
Miller (Wash.)
Morella
Morrison (Wash.)
Parris
Pashayan
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Roukema
Rowland (Conn.)
Saiki
Saxton
Schneider
Schuette
Schulze
Sensenbrenner
Shuster
Slaughter (Va.)
Smith (Neb.)
Smith (N.J.)
Smith (Tex.)
Smith, R. (Ore.)
Snowe
Stangeland
Sundquist
Sweeney
Swindall
Tauke
Taylor
Upton
Vander Jagt
Weldon
Whittaker
Wolf
Wortley
Wylie

AGAINST THE BILL: 105

DEMOCRATS AGAINST: 45

Alexander
Anderson
Bates
Beilenson
Bonker
Byron
Carr
Collins
Crockett
Daniel
Dellums
Donnelly
Durbin
Dymally
Dyson
Early
Edwards (Calif.)
Frank
Gaydos
Gonzalez
Hertel
Jacobs
Kanjorski
Kastenmeier
Kildee
Lowry (Wash.)
Mollohan
Montgomery
Nagle
Owens (N.Y.)
Perkins
Rahall
Robinson
Rose
Roybal
Savage
Slattery
Smith (Iowa)
Stark
Studds
Traxler
Weiss
Williams
Wolpe
Yates

REPUBLICANS AGAINST: 60

Armey
Badham
Bentley
Boulter
Bunning
Burton
Callahan
Cheney
Combest
Courter
Craig
Crane
Dannemeyer
Daub
Davis (Ill.)
DeLay
Dornan (Calif.)
Dreier
Edwards (Okla.)
Gekas
Green
Hammerschmidt
Hansen
Hastert
Herger
Holloway
Hunter
Hyde
Inhofe
Ireland
Leach (Iowa)
Lewis (Calif.)
Lewis (Fla.)
Lujan
Lukens
Lungren
Mack
McEwen
Molinari
Moorhead
Myers
Nielson
Oxley
Packard
Petri
Ritter
Roth
Schaefer
Shaw
Shumway
Skeen
Smith, R. (N.H.)
Solomon
Spence
Stump
Thomas (Calif.)
Vucanovich
Walker
Weber
Young (Alaska)

NOT VOTING: 25

Annunzio
Aspin
Bevill
Boner (Tenn.)
Dixon
Ford (Tenn.)
Frenzel
Gephardt
Kemp
Lipinski
Marlenee
McCandless
McGrath
Meyers
Mrazek
Pepper
Ray
Roberts
Roemer
Rogers
Smith, D. (Ore.)
St Germain
Tauzin
Torres
Young (Fla.)

Roll Call

"Fairness Doctrine" Sent to White House

The vote was 302 to 102 on June 3, approving HR 1934, a bill which would make the so-called Fairness Doctrine law and is identical to one passed by the Senate on April 21 (see rollcall in May 9 issue of *Human Events*). It now goes to the desk of the President, who opposes the legislation, amid speculation that he may use his veto.

The argument of the Administration is that the Fairness Doctrine, which would require radio and television broadcasters to present "all sides" of controversial issues in their programs, is unnecessary today because of the multitude of broadcasting outlets which have cropped up in recent years, giving viewers and listeners a wide diversity of points of view.

Congressional action was spurred by a court ruling last September that the Federal Communications Commission, which first adopted the Fairness Doctrine in 1949, could be allowed to dispense with it without the permission of Congress.

A "yes" vote favors making the Fairness Doctrine law.

FOR THE BILL: 302

DEMOCRATS FOR: 223

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bilbray
Boggs
Boland
Boner (Tenn.)
Bonior (Mich.)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (Calif.)
Bruce
Bryant
Bustamante
Byron
Campbell
Carper
Carr
Chapman
Chappell
Clarke
Coelho
Coleman (Tex.)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (N.D.)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (Calif.)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (Tenn.)
Frank
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Grant
Gray (Ill.)
Gray (Pa.)
Guarini
Hall (Ohio)
Hamilton
Harris
Hatcher
Hayes (Ill.)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (S.D.)
Jones (N.C.)
Jones (Tenn.)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (Calif.)
Lehman (Fla.)
Leland
Levin (Mich.)
Levine (Calif.)
Lewis (Ga.)
Lipinski
Lowry (Wash.)
Luken
MacKay
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (Md.)
Mfume
Mica
Miller (Calif.)
Mineta
Moakley
Mollohan
Moody
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (N.Y.)
Owens (Utah)
Panetta
Patterson
Pease
Perkins
Pickett
Pickle
Price (Ill.)
Price (N.C.)
Rangel
Richardson
Robinson
Rodino
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (N.Y.)
Smith (Fla.)
Smith (Iowa)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Thomas (Ga.)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

REPUBLICANS FOR: 79

Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Buechner
Callahan
Chandler
Clinger
Coleman (Mo.)
Conte
Courter
Craig
Crane
Dannemeyer
Davis (Mich.)
DioGuardi
Emerson
Fawell
Fields
Gallo
Gilman
Gingrich
Goodling
Green
Henry
Herger
Hopkins
Horton
Houghton
Hyde
Ireland
Jeffords
Johnson (Conn.)
Lagomarsino
Leach (Iowa)
Lewis (Fla.)
Lott
Marlenee
Martin (Ill.)
McCollum
McDade
McMillan (N.C.)
Miller (Ohio)
Miller (Wash.)
Morella
Morrison (Wash.)
Nielson
Parris
Pashayan
Pursell
Ravenel
Regula
Ridge
Rinaldo
Ritter
Roberts
Roth
Roukema
Saiki
Saxton
Schaefer
Schneider
Schuette
Slaughter (Va.)
Smith (N.J.)
Snowe
Stangeland
Sundquist
Sweeney
Swindall
Upton
Vucanovich
Weber
Weldon
Wolf

AGAINST THE BILL: 102

DEMOCRATS AGAINST: 16

Barnard
Cardin
Gordon
Hall (Tex.)
Hayes (La.)
Hubbard
Leath (Tex.)
Lloyd
Montgomery
Morrison (Conn.)
Nagle
Ortiz
Penny
Rowland (Ga.)
Stratton
Watkins

REPUBLICANS AGAINST: 86

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Boulter
Brown (Colo.)
Bunning
Cheney
Coats
Coble
Combest
Coughlin
Daub
Davis (Ill.)
DeWine
Dickinson
Dreier
Duncan
Edwards (Okla.)
Fish
Frenzel
Gallegly
Gekas
Gradison
Grandy
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Hiler
Holloway
Hunter
Inhofe
Kasich
Kolbe
Konnyu
Kyl
Latta
Lewis (Calif.)
Lightfoot
Livingston
Lowery (Calif.)
Lujan
Lukens
Lungren
Mack
Madigan
Martin (N.Y.)
McEwen
Meyers
Molinari
Moorhead
Packard
Petri
Quillen
Rhodes
Rogers
Rowland (Conn.)
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Smith (Neb.)
Smith (Tex.)
Smith, D. (Ore.)
Smith, R. (N.H.)
Smith, R. (Ore.)
Solomon
Spence
Stump
Tauke
Taylor
Thomas (Calif.)
Vander Jagt
Walker
Whittaker
Wortley
Wylie
Young (Alaska)

ANSWERED "PRESENT": 2

Dowdy
Rahall

NOT VOTING: 26

Anthony
Badham
Bevill
Biaggi
Burton
Clay
Daniel
DeLay
Dornan (Calif.)
Ford (Mich.)
Gephardt
Hawkins
Kemp
Martinez
McCandless
McCurdy
McGrath
Michel
Mrazek
Oxley
Pepper
Porter
Ray
St Germain
Tauzin
Young (Fla.)

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—*Publishers Weekly*

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Name _____

Address _____

City _____ State _____ Zip _____

THE WHITE HOUSE

WASHINGTON

October 8, 1987

MEMORANDUM FOR NANCY J. RISQUE

FROM: ROBERT E. JOHNSON Robert E Johnson

SUBJECT: Stratospheric Ozone Protocol Ratification

Background: On September 16, 1987 the United States and twenty-one other nations signed an international protocol aimed at protecting the stratospheric ozone layer. A meeting was held earlier this week between State, EPA, and CEQ personnel to discuss the process by which the protocol package will be presented to the U.S. Senate. Their current plans are presented below.

Discussion: An environmental impact statement must be submitted with the ozone protocol to the U.S. Senate. The submission schedule will be dictated by the date on which this statement is ready. The following elements make up the anticipated schedule:

- A legislative environmental impact statement will be submitted because this type of statement does not require an extended public comment period. This will speed up the process by at least two months and allow completion (and submission) of the impact statement by early January.

- The protocol package can be sent to the Senate up to thirty days before the environmental impact statement. The current proposal is for the President to submit the package to Congress in mid-December.

A second issue of the ratification process is through what White House office does the State Department submit the protocol package to the President. The following considerations seem important here:

- Ordinarily, the National Security Council processes treaty packages for the President. However, in this case the National Security Council was not the forum within which the policy process took place in generating the protocol. The fundamental question is should the Domestic Policy Council review the protocol package and, if so, how should this be done?

- The Department of Defense has indicated their desire to voice their concerns about the Soviet failure to join the protocol. The review of the protocol package would seem the appropriate time for Defense to do this.

THE WHITE HOUSE

WASHINGTON

October 8, 1987

MEMORANDUM FOR NANCY J. RISQUE

FROM: ROBERT E. JOHNSON Robert E Johnson

SUBJECT: Status Report on the Outdoor Recreation Resources and Opportunities Task Force

Background: On July 13, 1987 the Domestic Policy Council established a task force within the DPC Working Group on Energy, Natural Resources and the Environment (ENRE) to develop a proposed outdoor recreation policy plan for the President. The task force was instructed to build upon the findings and recommendations contained in the final report of the President's Commission on Americans Outdoors (PCAO). Summarized below are the activities and planned schedule of the task force.

Discussion: Three meetings of the task force have taken place and an ambitious schedule of meetings and briefings are planned. Meetings and briefings already held have covered the following subjects:

- September 17th: Increasing Recreation Opportunities on the Public Lands (meeting)
- October 1st: The Land and Water Conservation Fund (meeting)
- October 6th: The National Inholders Association (briefing)

Meetings and briefings planned will address the following areas:

- October 15th: Volunteer Efforts and Department of Education Programs Which Promote Recreational Opportunities (meeting)
- October 20th: The Market Opinion Research Survey Performed for the PCAO (briefing)
- October 22nd: Recreation and the Private Sector (meeting)

Agencies have been assigned writing assignments and Jacqueline Schafer plans to begin mark-up of the task force's report by October 29th. The final report should be reported through the ENRE Working Group to the DPC by mid-November.

Ozone:

For action today.

THE WHITE HOUSE

WASHINGTON

July 17, 1987

MEMORANDUM FOR SENATOR BAKER

FROM: NANCY J. RISQUE

RE: Attached

This looks okay and no follow up by you is necessary at this time. I am preparing a briefing memo to the President and to DPC that brings everyone up to date. Materials should be ready by Tuesday.

United States Department of State

Deputy Secretary of State

Washington, D.C. 20520

July 16, 1987

CONFIDENTIAL

Dear Howard:

Thank you for your support in the preparations for the international negotiations on measures to protect the ozone layer. The objectives the President has established allow the United States to play a leadership role in dealing with this problem. We are now well on our way to achieving an international agreement which would represent a major victory for the President.

The following comments describe progress in the recent international meetings toward the objectives set out in the President's instructions. You may wish to draw on them in briefing the President.

An informal group of key delegation heads, chaired by U.N. Environment Program (UNEP) Executive Director Mostafa Tolba, met in Brussels, June 29-30. Dr. Tolba's group comprised representatives of the U.S., Canada, Norway (representing the Nordics), New Zealand (representing also Australia), the European Commission, Japan and the USSR. Subsequently, a group of legal experts met in the Hague, July 6-9, to refine the draft protocol text, drawing on the results of the Brussels meetings. UNEP will now circulate a composite text to participating governments in late July or early August, for review prior to the September 8-11 negotiating round and September 14-16 Diplomatic Conference, at which we expect a protocol to be adopted.

Progress in Dr. Tolba's group proved difficult, with the European Commission spokesman resisting compromise toward the U.S. position. The EC's stance unfortunately encouraged Japan and the USSR to continue to resist significant reductions in chlorofluorocarbons, despite earlier informal indications that there might be some movement from them.

The Honorable
Howard Baker,
Chief of Staff,
The White House.

CONFIDENTIAL
DECL:OADR

Most U.S. proposals received open endorsement from Canada, Norway, and New Zealand, and behind-the-scenes support from Belgium and Denmark (which were represented within the EC delegation). The main elements of the resulting UNEP text will be either very close to the U.S. position or substantially closer than in earlier drafts. Based on notes of our representatives at the meetings, we anticipate that the UNEP text will include the provisions outlined in the enclosure (which are listed in the same order as in the President's June 25 memorandum).

It is important to note, however, that although the forthcoming UNEP text will undoubtedly be publicized as representing broad informal consensus, it does not have legal status and can be modified (by us or others) in Montreal. For example, the EC, Japan and the USSR did not endorse the thirty percent reduction, inclusion of halons, the 1986 base year, some trade provisions, and the "ultimate objective" clause. Several participants questioned our proposal for a voting mechanism giving weight to significant producing and consuming countries. The legal group did not have time to consider all articles and proposals, and will convene again September 7.

Notwithstanding the difficult negotiations ahead, the inclusion of nearly all our principles in the UNEP text does put us in a good position as we approach the September Diplomatic Conference. I believe there will be mounting political pressure on the other major producing countries to accept an international agreement along the lines of this text. The U.S. will continue to emphasize that, in order for the protocol to be effective, it is essential that the major producing and consuming countries become parties.

We will be working with other governments in the weeks ahead in pursuit of the President's objectives. I will continue to keep you and your staff informed of progress.

Sincerely,

John C. Whitehead

Enclosure:
As stated.

PROVISIONS EXPECTED TO BE INCLUDED
IN SEVENTH UNEP DRAFT PROTOCOL TEXT

- The concept of entry into force only when a substantial proportion of producing/consuming countries have signed and ratified. (The UNEP draft will suggest that sixty percent of global production/consumption be required, but we will seek in the next round to raise this to more than 80 percent.)

- A grace period for developing countries.

- A voting mechanism for adjusting reduction steps and chemical coverage that requires agreement by parties representing at least fifty percent of global consumption. (The delegation proposed that such a mechanism be extended to all protocol decisions. This was footnoted and will be discussed further in the next session.)

- A freeze at 1986 levels on production and imports of chlorofluorocarbons (CFCs) 11, 12, 113, 114, and 115 within one year of entry into force.

- A freeze at 1986 levels on production and imports of Halons 1211 and 1301 within three years of entry into force. (This provision remains bracketed. If we are unable to reach agreement on including the Halons, a Diplomatic Conference resolution may provide for a decision on Halons to be taken at the first meeting of Parties following the first scientific review.)

- A requirement that Parties provide data annually on production, imports, exports and destruction of the controlled substances. A requirement that a meeting of the Parties establish procedures for reporting of data. (Further work by the legal group on monitoring and enforcement will be required.)

- Reassessment of control measures by the Parties in 1990 and every four years thereafter. Convening of a scientific review panel at least one year before each of these assessments.

- A twenty percent reduction in production and consumption of the controlled CFCs within four years of entry into force.

- A further thirty percent reduction within eight to ten years of entry into force, unless the Parties decide otherwise by a two-thirds majority representing at least fifty percent of the Parties' consumption.

- A ban on bulk imports of the controlled substances from non-Parties within one year of entry into force.

- A ban or restrictions on imports from non-Parties of certain products containing the controlled substances, within four years of entry into force.

- Provision for the Parties to determine within four to six years of entry into force the feasibility of banning or restricting imports from non-Parties of certain products made with the controlled substances.

- A prohibition on new agreements to provide to non-Parties subsidies, aid, credits, guarantees or insurance programs for producing the controlled substances.

- Provision for the Parties to decide whether further reductions from 1986 levels should be undertaken with the objective of eventual elimination of production and consumption of the controlled substances except for uses for which no substitutes are commercially available.

CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

July 23, 1987

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY OF ENERGY
THE SECRETARY OF EDUCATION
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
U.S. TRADE REPRESENTATIVE
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY
CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY

FROM: NANCY J. RISQUE

SUBJECT: Status of Stratospheric Ozone Negotiations

Attached is an advance copy of the most recent Chairman's draft protocol for the control of ozone-depleting chemicals. This text is the result of the June 29-30, 1987 meeting of the heads of delegations of selected countries participating in the UNEP negotiations.

Briefly, the Chairman's text contains the following provisions: a freeze of CFCs (11, 12, 113, 114 and 115) at 1986 levels within one to two years after entry into force; a 20 percent reduction of these CFCs within four years after entry into force; an additional 30 percent reduction of these CFCs within eight or ten years after entry into force unless a two-thirds majority representing at least fifty percent of global consumption decides otherwise; a grace period for developing countries; a trade provision banning the import of bulk CFCs within one year after entry into force; two alternative trade provisions for import controls of products containing controlled substances within four years of entry into force; a trade provision for future consideration of products produced with CFCs; reporting procedures; a voting mechanism for additional reduction decisions and chemical coverage decisions emphasizing consuming countries; and regular scientific assessments.

An important provision that will require additional consideration is the requisite level of international participation for the protocol to enter into force. The Chairman's text introduces the concept of making entry into force contingent upon a specified level of participation, but with a tentative requirement of ratification by sixty percent of the producing countries. Also, in this version of the Chairman's text, the provision for a freeze of Halons 1201 and 1311 is in brackets.

The U.S. delegation will be working with other countries prior to the final negotiating sessions and Diplomatic Conference, both scheduled for Montreal in September. Any comments you may have on the attached text should be directed to Deputy Secretary John C. Whitehead at the Department of State.

United Nations Environment Programme

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Conference of Plenipotentiaries on the Protocol on Chlorofluorocarbons to the Vienna Convention for the Protection of the Ozone Layer

Montreal, 14-16 September 1987

Seventh Revised Draft Protocol on [Chlorofluorocarbons] [and Other Ozone Depleting Substances]

SEVENTH REVISED DRAFT PROTOCOL ON [CHLOROFLUOROCARBONS] [AND OTHER OZONE DEPLETING SUBSTANCES]*

PREAMBLE

Being Parties to the Vienna Convention for the Protection of the Ozone Layer, adopted at Vienna on 22nd March 1985,

Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing the possibility that world-wide emissions of fully halogenated chlorofluorocarbons can significantly deplete and otherwise modify the ozone layer, which is likely to result in adverse effects on human health and the environment,

Recognizing also the potential climatic effects of chlorofluorocarbons emissions,

Determined to protect the ozone layer by taking precautionary measures to control total global emissions of chlorofluorocarbons,

Mindful of the precautionary measures for controlling emissions of chlorofluorocarbons that have already been taken at the national and regional levels,

Aware that measures taken to protect the ozone layer from modifications due to the use of chlorofluorocarbons should be based on relevant scientific and technical considerations,

Mindful that special provision needs to be made in regard to the production and use of chlorofluorocarbons for the needs of developing countries and low-consuming countries,

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* Draft prepared by the Legal Drafting Group during its meeting in The Hague 6-9 July 1987 on the basis of the Sixth Revised Draft Protocol on Chlorofluorocarbons, Vienna, 27 February 1987 (UNEP/WG.167/2, Annex 1), together with Articles proposed at the Third Session of the Ad hoc Working Group of Legal and Technical Experts for the Preparation of a Protocol on Chlorofluorcarbons to the Vienna Convention for the Protection of the Ozone Layer (Vienna Group), Geneva 27-30 April 1987 (UNEP/WG.172/2) and taking into account the results of Brussels, 29-30 June 1987, and Geneva, 1-4 July 1987 Informal consultations.

Considering the importance of promoting international co-operation in the research and development of science and technology on the control and reduction of chlorofluorocarbons emissions, bearing in mind, in particular, the needs of developing countries and low-consuming countries,

HAVE AGREED AS FOLLOWS:

ARTICLE I: DEFINITIONS

For the purposes of this Protocol:,

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted at Vienna on 22nd March 1985;

2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol;

3. "Secretariat" means the secretariat of the Convention;

[4. "Chlorofluorocarbon" or "CFC" means any fully halogenated chlorofluoroalkane.]

5. "Controlled substance" means a substance listed in Annex A to this Protocol, whether existing alone or togetner with any other substance, but does not include a product or a mixture where the substance listed in Annex A constitutes less than [20] percent, by weight or volume, of the product or mixture.

6. "Production" means the amount of controlled substances produced minus the amount destroyed by techniques approved by the Parties.

7. "Consumption" means production plus imports minus exports of controlled substances.

ARTICLE 2: CONTROL MEASURES[1/]

1. Each party shall ensure that within one year of the entry into force of this Protocol, production in and imports into its jurisdiction of the controlled substances do not exceed the level of production and the level of imports respectively in 1986. This paragraph shall remain in effect until four years after the entry into force of this Protocol[2/].

[2. Each party shall ensure that within three years of the entry into force this Protocol, production in and imports into its jurisdiction of Halons 1211 and 1301 do not exceed the level of production and the level of imports respectively in 1986][3/].

1/ All of the figures in this Article, whether or not in square brackets, were inserted by the Executive Director after his informal consultations in Brussels, 29-30 June. The structure of the draft text was prepared by the Legal Drafting Group, which was mandated to deal with "outstanding legal and institutional matters".

2/ In the opinion of the Legal Drafting Group, the formulation of paragraph 1, 2 and 3 does not make it sufficiently clear how the control measures are to apply to States which became Parties to the Protocol after its entry into force. This question could be dealt with by adding a paragraph, at an appropriate place in the Protocol, along the following lines: "Any State or regional economic integration organization which becomes a Party to this Protocol after its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, subject to Article 5, that apply at the date to the States and regional economic integration organization that became Parties on the date the Protocol entered into force".

3/ The Legal Drafting Group did not attempt to revise the formulation of Article 2 paragraph 2. Questions remain regarding whether and, if so, how Halons should be dealt with the Protocol. For example should the control measures which apply to CFCs apply to Halons also? An alternative to this paragraph in the form of a resolution of the Montreal Conference has been proposed as follows:

> Recognizing that there is serious concern about the likely adverse effects on the ozone layer of Halons 1211 and 1301, and that there is a need for more data and information regarding their use, emission rates and ozone depleting potential,
>
> Alternative 1
> [Decides that these compounds shall be frozen at their 1986 production levels within the scope of the Protocol, at the first meeting of the Parties following the first scientific review in 1990].
>
> Alternative 2
> [Decides that a decision on the freeze of these compounds at their 1986 production levels, within the scope of the Preotocol, shall be made at the first meeting of the Parties to be held after the first scientific review in 1990.]

A question is also raised regarding [illegible]

3. Each party shall ensure that within four years of the entry into force of this Protocol, production and consumption in its jurisdiction of the controlled substances do not exceed eighty percent of the level of production and the level of consumption respectively in 1986.[4/]

4. Each Party shall ensure that within [eight] [ten] years of the entry into force of this Protocool, production and consumption in its jurisdiction of the controlled substances do not exceed fifty percent of the level of production and the level of consumption respectively in 1986, unless the Parties decide otherwise by a two-thirds majority representing at least fifty percent of global consumption[5/] of those substances in the light of the assessments referred to in Article 6. Such decision shall be taken not later than four years after entry into force of the Protocol.

5. Based on assessments made pursuant to Article 6, Parties shall decide by [two-thirds majority] [a majority] vote representing at least fifty percent of global consumption:

(a) whether substances should be added to or removed from Annex A;

(b) whether further reduction from 1986 levels should be undertaken with the objective of eventual elimination of production and consumption of the controlled substances except for uses for which no substitutes are commercially available.[6/]

[6. Productions are permitted to transfer from one country to another if these transmissions are certain not to cause an increase of production.][7/]

4/ The Legal Drafting Group notes that in paragraph 3 and 4 of Article 2, the year "1986" is used as the base year for calculating production and consumption controls. However, the possibility of using "1990" as the base year for consumption controls was included as an option by the Formula sub-working group. If it is decided in Montreal to use 1990 as the base year for consumption controls, some re-drafting of these paragraphs will be necessary.

5/ The Legal Drafting Group notes that it would be unlikely that global consumption figures would be available since data would not necessarily be available from non-Parties. In Article 2 paragraphs 4 and 5 "total consumption of the Parties" could be substituted for "global consumption". See also Article 5 paragraph 1.

6/ The Legal Drafting Group notes that sub-paragraph (a) does not indicate what control measures should apply to substances to be added to Annex A. It further notes that paragraph 5 does not deal with the question of the entry into force of any changes to Annex A decided by the Parties. It is unclear whether changes adopted by majority vote are intended to bind all Parties, or whether the intent is that such changes would bind only Parties that have agreed to them.

7/ This paragraph, which originally appeared in the revised reduction formula developed by the Trade Group, was only briefly discussed by the Legal Drafting Group as it was realized that the idea behind this provision required further elaboration.

ARTICLE 3: CALCULATION OF CONTROL LEVELS

For the purposes of Articles [ ] each Party shall calculate its levels of:

(a) production, imports, and exports of the controlled substnces, by:

(i) multiplying its annual production, imports and exports of each controlled substance by the ozone depletion potential specified in Annex A; and

(ii) adding together the multiplication products from subparagraph (i);

(b) Consumption of the controlled substances, by adding together its levels of production and imports and substracting its level of exports.

ARTICLE 4: CONTROL OF TRADE WITH NON-PARTIES[8/]

1. Within [one] year of the entry into force of this Protocol, each Party shall ban the import [and export] of the controlled substances from [or to] any State not Party to this Protocol.

2. Alternative 1

[Within [four] years of the entry into force of this Protocol, each Party shll ban imports of products identified in Annex B containing controlled substances from any State not Party to this Protocol. The Parties shall periodically review, and if necessary, amend Annex B].[9/]

8/ Incorporates results of consultations of the Trade subgroup in Brussels, 29-30 June 1987. It was agreed by the group that the years in paragraphs 1 and 2 of this Article should be the same as the years used in paragraphs 1 and 3 of Article 2 respectively.

9/ There are a number of provisions in the draft text - see Article 2 paragraph 5 and Article 4 - where changes or amendments to Annexes and the adoption of new annexes are envisaged. It was not clear from the draft text what procedures were intended by the drafters for the adoption of such changes. The Convention provides procedures for the amendment and adoption of annexes and for amendments to Protocols. (See Articles 9 and 10 of the Convention). The Legal Drafting Group noted that Article 10 paragraph 1 of the Convention provides that annexes "shall be restricted to scientific, technical and administrative matters", and it would be up to the meeting in Montreal to decide whether the proposed annexes are of that character; or indeed whether these matters could be dealt within the main body of the Protocol or could be considered as part of the normal implementation of the Protocol. There was also discussion among the legal experts as to, inter alia, if the procedures other than those specifically provided for in the Convention are adopted by the Parties, how far they can vary from the Convention provisions on this point. These issues should be addressed in Montreal.

Alternative 2

[Within [four] years of the entry into force of this Protocol, each Party shall ban or restrict imports of products containing controlled substances from any State not Party to this Protocol. At least one year prior to the time such measures take effect the Parties shall elaborate in an annex a list of the products to be banned or restricted and standards for applying such measures uniformly by all Parties].

3. Within [four-six] years of the entry into force of this Protocol, the Parties shall determine the feasibility of banning or restricting imports of products produced with controlled substances from any State not Party to this Protocol. If determined feasible, the Parties shall ban or restrict such products and elaborate in an annex a list of the products to be banned or restricted and standards for applying such measures uniformly by the Parties.

4. Each Party shall discourage the export of technology to any State not Party to this Protocol for producing and using the controlled substances.

5. Parties shall not conclude new agreements to provide to States not Party to this Protocol bilateral or multilateral subsidies, aid, credits, guarantees or insurance programmes for the export of products, equipment, plants or technology for producing the controlled substances.

6. The provisions of paragraphs 4 and 5 shall not apply to products, equipment, plants or technology which improve the containment, recovery, recycling or destruction of the controlled substances, or otherwise contribute to the reduction of emissions of these substances.

7. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 2 and 3 may be permitted from any [State not Party] [signatory] to this Protocol for a period not to exceed [two] [three] years from entry into force of the Protocol if that State is in full compliance with Article 2 and this Article and has submitted data to that effect, as specified in Article 7. [Extension of the exemption period beyond 2-3 years shall be granted by Parties only upon a determination at a meeting of the Parties that: (a) all conditions specified in this paragraph have been met and (b) such extension for an additional period not to exceed [two-three] years is fully consistent with the objectives of this Protocol to protect the ozone layer]. 10/

10/ The Legal Drafting Group considered that further work to defined the objectives of this paragraph needs be carried out before satisfactory legal drafting can be done.

ARTICLE 5: LOW CONSUMING COUNTRIES 11/

1. Any Party whose consumption in 1986 of the controlled substances was less than [0.1] [0.2] kg. per capita shall be entitled to delay its compliance with the provisions of paragraphs 1 to 4 of Article 2 by [five] [ten] years after that specified in that Article and to substitute [ ] in place of 1986 as the base year. 12/

2. The Parties shall make all possible efforts to assist Parties referred to in paragraph 1 to make expeditious use of environmentlly safe altenative chemicals and technology.

3. The parties shall encourage13/ bilateral and multilateral subsidies, aid, guarantees or insurance programmes to the developing countries for the use of alternative technology and substitute products.

11/ - The Legal Drafting Group, was aware of the importance of the Article on the low consuming countries but noted that the substantive work had not been completed on this Article. The Group, therefore, confined itself to the material availble at the time of its meeting and merely introduced necessary drafting improvements. The Group draws attention to the need for this Article to be given a special priority by the preparatory meeting in Montreal and to be addressed at an early stage.

- It was decided during the Brussels consultations to retain in brackets the following provisions, taken from the revised reduction formula developed by the Trade Group, pending completion of the Article on Low Consuming Countries;
[Any [developing] country, or group of [developing] countries, not producing CFCs at the time of the signing of the Protocol shall be permitted to produce or have produced for it by any Party to the Protocol, substances referred to in Article 2, to a level not exceeding its/their controlled level of imports/aggregated level of imports, as the case may be. The level of production and imports at any time will not be permitted to exceed the controlled level of imports.]

12/ The Legal Drafting Group suggested this paragraph to replace the paragraphs 2 and 2 of the draft prepared in Geneva 27-30 April 1987 as a purely drafting improvement.

13/ The meeting in Montreal may wish to consider a more precise expression than the world "encourage".

ARTICLE 6: REVIEW AND ASSESSMENT OF CONTROL MEASURES

Beginning in 1990,[14/] and every four years therefore, the Parties shall assess the control measures provided for in Article 2, based on available scientific, environmental, technical, and economic information. At least one year before each of these assessment, the Parties shall convene a panel of scientific experts, with composition and terms of reference determined by the Parties, to review advances in scientific understanding of modification of the ozone layer, and the potential health, environmental and climatic effects of such modification.

ARTICLE 7: REPORTING OF DATA

1. Each Party shall provide to the secretriat, within three months of becoming a Party, data on its production, imports and exports of the controlled substances for the year 1986 or estimates of that data where actual data are not available.

2. Each Party shall provide data on its production, exports, imports and destruction of these substances for the calendar[15/] year during which it becomes a Party and for each year thereafter.

14/ The Legal Drafting Group noted that the requirement to hold the first assessment in 1990 is dependent on the Protocol being in force by that date.

15/ There was some discussion as to whether the fact that such data would be collected and submitted to the secretriat on a calendar year basis would create an ambiguity for measuring compliance with the control measures which, as currently drafted, would take effect a certain number of years after entry into force of the Protocol. As Article 2 is currently drafted it is not clear whether a Party would measure its compliance to a reduction step by the data for that previous calendar year or data for the year in which the particular obligation takes effect.

ARTICLE 8: RESEARCH, DEVELOPMENT, EXCHANGE OF INFORMATION AND PUBLIC AWARENESS

1. The Parties shall co-operate in promoting, directly and through competent international bodies, bearing in mind the needs of developing countries, research, development and exchange of information on:

(a) Best practicable technologies for reducing emissions of the controlled substances;

(b) Possible alternatives to the controlled substances;

(c) Costs and benefits of relevant control strategies

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmenal effects of the emissions of CFCs and other ozone modifying substances.

3. Each Party shall submit biennially to the Secretariat a summary of activities conducted pursuant to this Article.

ARTICLE 9: TECHNICAL ASSISTANCE

1. The Parties shall co-operate, taking into account in particular the needs of developing countries, in promoting, in the context of the provisions of article 4 of the Convention, technical assistance to facilitate participation in and implementation of this Protocol.

2. Any Party or Signatory to this Protocol in need of technical assistance in implementing it may submit a request to the Secretariat.

3. At their first meeting, the Parties shall begin deliberations on the ways and means of fulfilling the obligations set out in Article 8 and 9 above, including the preparation of workplans. Such workplans shall pay special attention to the needs and circumstances of the developing countries. Non-Parties to the Protocol should be encouraged to participate in activities outlined in such workplans.

ARTICLE 10: MEETINGS OF THE PARTIES

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties not later than one year after entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the Parties shall be held, unless the Parties otherwise decided, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary at a meeting of the Parties, or at the written request of any of them, provided that, within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. At their first meeting the Parties shall:

(a) adopt by consensus rules of procedure for their meetings;

(b) prepare workplans pursuant to paragraph 3 of Article 9;

(c) adopt by consensus such rules as required by paragraph 2 of Article 12.

4. The functions of the meetings of the Parties shall be:

(a) to review the implementation of this Protocol;

(b) to establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and 8;

(c) to review requests for technical assistance provided for in Article 9;

(d) to review requests received from the Secretariat pursuant to Article 11;

(e) to reassess, pursuant to Article 3, the control measures provided for in Article 2;

(f) to consider and adopt proposals for amendment of this Protocol [in conformity with Articles 9 and 10 of the Convention]

(g) to consider and adopt the budget for implementation of this Protocol;

(h) to consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the Secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The adminission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

ARTICLE 11: SECRETARIAT

The Secretariat shall:

(a) Arrange for and service meetings of the Parties provided for in article 10;

(b) Prepare and distribute to the Parties regularly a report based and information received pursuant to article 7 and 8;

(c) Notify the Parties of any [illegible]

provision of such assistance to the extent possible;

(d) Perform such other functions for the achievement of the purposes of the Protocol as may be assisgned to it by the Parties;

(e) Where possible, encourage Non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of the Protocol;

(f) Where possible, provide the information referred to in sub-paragraphs (b), (c) and (d) above to such Non-Party observers.

ARTICLE 12: FINANCIAL PROVISIONS

1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties at their first meeting shall adopt by consensus financial rules for the operation of this Protocol, including rules for assessing contributions from the Parties, taking into account the special situation of the developing countries.

ARTICLE 13: RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION

The provisions of the Convention relating to its protocols shall apply to this Proteocol, unless otherwise decided.

ARTICLE 14: SIGNATURE

This Protocol shall be open for signature at Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at U.N. Headquarters in New York from 17 January 1988 to 16 September 1988.

ARTICLE 15: ENTRY INTO FORCE

1. The Protocol shall enter into force on the same date as the Convention enters into force, provided that at least [nine] instruments of ratification, acceptance, approval of or accession to the Protocol have been deposited [by States or regional economic integration organizations representing at least sixty percent of 1986 global production of the controlled substances].16/ In the event that [nine] such instruments have not been deposited by the date of entry into force of the Convention, this Protocol shall enter into force on the [ninetieth] 17/ day following the date of deposit of the [ninth] instrument of ratification, acceptance, approval of or accession to the Protocol[by States or regional economic integration organizations representing at least sixt4y percent of 1986 global productiong of the controlled substances].16/

2. For the purposes of paragraph 1, any instrument deposited by a regional economic integration organization referred to in Article 12 of the Convention shall not be counted as additional to those deposited by member States of such organizations.

3. After the entry into force of this Protocol, any State or regional economic integration organization referred to in Article 12 of the Convention shall become a Party to it on the [ninetieth] 17/ day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

16/ Resulting from Executive Director's consultations in Brussels on 29-30 June 1987. The Executive Director has requested Governments to submit data regarding their estimated imports. If sufficient data are available for the preliminary session in Montreal, a certain percentage of imports could be added to this provision.

A proposal was made to the Legal Drafting Group that would have the effect of applying similar provisions to the entry into force of amendments, additional annexes, or amendments to annexes to this Protocol. This proposal was not discussed fully because of time constraints and limited country representation. Also, a view was expressed that the proposal raised new substantive issues.

17/ The Convention provides that a State or regional economic integration organization may not become a Party to a Protocol unless it is, or becomes at the same time, a Party to the Convention (Article 16). It also provides that the Convention enters into force on the ninetieth day after the deposit of the twentieth instrument of ratification, and (after is has entered into force) for each ratifying State on the ninetieth day after the deposit of that State's instrument of ratification (Article 17). To prevent a situation arising in which a State's (or organization's) ratification of the Protocol might appear to be effective before the State (or organization) had become a Party to the Convention, it was necessary to substitute "thirtieth" for "ninetieth" in the article on entry into force in the Protocol. This might also be desirable in order to avoid the possibility that the Protocol might appear to enter into force before the Convention.

Final footnote

A proposal was made to the Legal Drafting Group for an Article under which, for purposes of certain Protocol articles, the geographic area of a regional economic integration organization shall be treated as a single unit. The proposal was not discussed fully because of time constraints and limited country representation. Also a view was expressed that the proposal raised new substantive issues.

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ANNEX A

CONTROLLED SUBSTANCES

Group		Chemical	Calculated Ozone Depleting* Potential (ODP)
(a)	Fully halogenated Chlorofluorocarbons	CFC-11	1.0
		CFC-12	1.0
		CFC-113	0.8
		CFC-114	1.0**
		CFC-115	0.6**
(b)	Halons	Halon-1301	10**
		Halon-1211	3**

* ODP values are preliminary estimates subject to further scientific review.

** The ODP values for Halons 1211 and 1301, CFC-114, and CFC-115 are not as well established as the value for the other chemical compounds in the above table. Hence, the recommended ODP values for these chemical compounds should be considered provisional.