

page. This measure should also be considered by the Senate this year.

The entire judicial process must be speeded up. At some point, a decision and judgment must become final. Continued appeals as a means of delaying punishment have clogged the entire court system. By designating a point at which all appeals must end, the judicial system will become more effective. Just recently, Chief Justice Burger in his Year-End Report on the Judiciary, expressed the need for changes in Federal court jurisdiction over collateral review of state court convictions. He said, "The administration of justice in this country is plagued and bogged down with a lack of reasonable finality of judgments in criminal cases." I have already introduced legislation in the Senate to respond to this problem and it is pending before the Senate Committee on the Judiciary.

The so-called exclusionary rule, under which highly relevant evidence is excluded from consideration in a criminal trial because it was obtained through an illegal search and seizure, should also be abolished or modified. It makes little sense to turn the criminal loose as a method of punishment of a police officer for failure to comply with the often technical requirements of the Fourth Amendment laws on search and seizure. We should punish the criminal and at the same time provide a civil and administrative remedy to deal effectively with the erring police officer.

VOTING RIGHTS LEGISLATION

One priority for the Senate next week will be action on the Voting Rights legislation now before the Senate. Foremost in my mind is the need to assure all Americans that the right to register and to vote will be protected against discrimination of any kind.

Throughout consideration of this legislation I have expressed concern over three important aspects of the bill. First, I have sought assurance that the proposed changes in Section 2 of the Act would not result in court-ordered establishment of systems of proportional representation by race. Second, I have sought the inclusion of a reasonable bailout provision so that jurisdictions subject to the preclearance requirements of Section 5 would have a genuine incentive to rid themselves of any lingering discrimination. Third, I have sought a period of extension that is responsive to present conditions.

With respect to the proportional representation issue, I am hopeful that the legislative history will provide some protection against the establishment of electoral systems that will result in proportional representation by race.

OTHER PENDING LEGISLATION

In addition to consideration of Voting Rights legislation, the Congress faces the prospect of action on several of the so-called social issues—abortion, busing, and voluntary prayer in schools. Let me discuss each briefly.

There are two approaches being taken to reverse the 1973 decision of the Supreme Court in the case of *Roe v. Wade*, which permits abortion the first 3 months on demand and during the next 3 months when the life of the mother is in danger. One is to pass a bill defining "person" in the Constitution to include an unborn person. The other is to pursue a Constitutional amendment that would permit each State to pass legislation on the question of abortion so long as it were not less restrictive than the Federal law. The Committee has reported S.J. Res. 110, which adopts the latter approach.

With regard to limitations on court-ordered busing, there are again several bills

before the Congress. In practice, being only slightly different, they have the objective of either limiting severely, or prohibiting altogether, the use of busing as a means to achieve racial integration. The objective is one that I support. This social experiment has not worked, and in fact, has become a hardship on the families and children of both blacks and whites. The failure of busing is not a partisan issue. Both Senators JOHNSTON (D-La.), BIDEN (D-Del.), and Senators HELMS (R-N.C.) and others are outspoken critics of forced busing as a means to achieve racial integration.

Quality education for all our children should be the goal of our government policy. The use of busing ignores that objective and place great emotional and financial strains on the families and communities where it is practiced. I hope the Congress will act favorably on this legislation during the present session.

Finally, in the area of social issues, the Committee may also act on legislation to allow voluntary prayer in schools. We must always recognize the Constitutional requirement to keep Church and State separate, where there is any hint of compulsory action by the Government. The Supreme Court has wrestled with this question only recently. Voluntary prayer in schools does not, in my opinion, violate the principle of separation of Church and State and should be permitted. I have introduced a constitutional amendment to restore voluntary prayer in the schools, which was endorsed by President Reagan last month. Hearings and Senate action may be expected this year.

In addition to these issues, reform of the immigration and refugee laws is a major priority for the Committee and the Senate this year. S. 2222, the Immigration Reform and Control Act, was approved by the Committee last month by a vote of 16 to 1, and will be considered shortly on the Senate floor.

The problems of immigration in general, and refugees coming to America in large numbers in particular, have gone on too long without a coherent and clear response. The sudden arrival of more than 125,000 Cubans in April of 1980 only brought national attention to a problem that has plagued South Florida for several years—that of the influx of refugees from Haiti and other Caribbean basin countries which has overwhelmed local jurisdictions in South Florida.

The immigration laws of this Nation need to be changed to respond to the economic pressures in other countries that are pushing increased numbers of foreign nationals to our shores. But we cannot continue to allow refugees and foreign nationals to come to the United States solely for economic reasons. The law is clear—there must be a showing of a fear of persecution because of religious or political beliefs. We can and will do our share, but we cannot possibly take all those who wish to come.

These are just a few of the major issues that the Congress should take action on this year. Adoption of a responsible budget will, of course, be a priority item over the next few weeks.

We in the Congress must act on the budget. Federal spending must be brought under control. President Reagan has made every effort to present a budget that is fair, that preserves the strength of our military, and will start us on the road to a balanced budget. This issue is so important to the future of our Country that partisanship must be set aside and every effort applied to achieving agreement on a budget as soon as possible.

In conclusion, I challenge you as members of the bar to take a stand in improving the

role of the legal profession in society, to support laws that will lead to the reduction of crime, and to express yourselves to the Congress on matters that vitally concern you and our country.

Let me express my appreciation to President Allen for inviting me to be with you today and for the fine Tennessee hospitality that has been extended to me.

Mr. HATCH. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, apparently there is no requirement for additional time to debate the motion to proceed this evening. Therefore, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 5:30 p.m. in which Senators may speak.

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

Mr. BAKER. Mr. President, these requests, I believe, have been cleared by the minority leader. I will state them now for his consideration and that of other Senators.

JOINT REFERRAL— PRESIDENTIAL MESSAGE 136

Mr. BAKER. Mr. President, I ask unanimous consent that Presidential Message 136 on the international fishery agreement between the United States and the Soviet Union be jointly referred to the Committees on Commerce, Science, and Transportation and Foreign Relations.

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

FIRST CONCURRENT RESOLUTION ON THE BUDGET

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 92.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the resolution (S. Con. Res. 92) entitled "Concurrent resolution setting forth the recommended congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the United States Government for the fiscal year 1982", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAKER. Mr. President, I move that the Senate disagree to the House

ment, and agree to the request of the House for a conference on the agreeing votes of the two Houses on, and that the Chair be authorized to appoint the conferees on the of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. MATTINGLY) appointed Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHONG, Mr. HATCH, Mr. TOWER, Mr. COLLINGS, Mr. CHILES, Mr. JOHNSTON, and Mr. METZENBAUM conferees on the of the Senate.

REFERRAL OF S. 2519

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2519, a bill for the relief of the Grace Baptist Church, Portland, Maine, and that the bill be referred to the Committee on Finance.

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

NEW JAPAN-UNITED STATES AVIATION AGREEMENT EXTENDS "FRIENDLY SKIES"

Mr. PERCY. Mr. President, on June 7, 1982, President Reagan and Japanese Prime Minister Suzuki announced that a new aviation agreement had been concluded between the two countries.

This outstanding agreement should be of significant benefit to the Midwest, to consumers, and to the aviation industry.

In a nutshell, the agreement permits United Airlines to begin daily nonstop service to Tokyo from both Seattle and Portland. United has been attempting to secure these Japanese landing rights for the past 16 years. During that time I have worked closely with officials from this Illinois-based headquartered airline in this effort. Only 2 months ago, I spoke directly with Japanese Foreign Minister Yoshio Sakuruchi to urge him to approve United's entry into Japan. I am very grateful that the Japanese Foreign Minister and the Office of the Prime Minister responded so constructively to help extend the Friendly Skies westward to the Orient. I understand that United plans to originate these flights at O'Hare International Airport beginning on April 1, 1983, which is the earliest time permitted under terms of the agreement.

In addition, Japan Air Lines is permitted to begin service on the same route from Tokyo to both O'Hare International Airport and Seattle. If JAL chooses to operate nonstop from Chicago to Tokyo, Illinois residents will be given competitive service for the first time between these two points. Trade relations between Illinois and Japan could improve with the entry of JAL into this important route. JAL has a well-deserved international reputation

for excellence and is preferred by many Japanese and foreign travelers.

I have attached a full copy of the Record of Consultations which spell out further details of this outstanding agreement.

I should like to personally thank members of the entire U.S. delegation who worked over the Memorial Day holiday and into the early morning hours of last week to conclude the agreement. They include:

From the Department of Transportation: Darrell M. Trent, Deputy Secretary; Judith T. Connor, Assistant Secretary for Policy and International Affairs; Frank Willis, Deputy Assistant Secretary for Policy and International Affairs; Jeffrey N. Shane, Assistant General Counsel for International Law; and Vance Fort, Director of the Office of International Policy and Programs.

From the Department of State: Robert D. Hormats, Assistant Secretary for Economic and Business Affairs; Matthew V. Scocozza, Deputy Assistant Secretary for Transportation and Telecommunications; and James Ferrer, Director of the Office of Aviation.

From the Civil Aeronautics Board: Dan McKinnon, Chairman; Dan Casper, Director of the Bureau of International Aviation; and Charles (Bob) Mallalieu, Jr., from in the Bureau of International Affairs.

This agreement is a demonstration of how trade differences can be handled without resorting to counterproductive sanctions or retaliation. I know that for the employees of United Airlines—with 10,000 of them furloughed—this should be welcome news. This new route should open up scores of new employment opportunities for United employees.

I ask to have printed in the RECORD the agreement and the article from the June 7, 1982, Wall Street Journal describing the agreement.

The material is as follows:

RECORD OF CONSULTATIONS

With respect to the outstanding issues between Japan and the United States of America concerning bilateral civil aviation relations, an interim agreement should be concluded comprising the following elements:

1. The Government of Japan and the Government of the United States of America should reconvene the negotiations by the end of 1983, in order to review the bilateral civil aviation relations comprehensively and to arrive at an overall balance of benefits under the Civil Air Transport Agreement signed at Tokyo, August 11, 1952, as amended.

2. The Government of Japan and the Government of the United States of America have agreed on the following provisional measures:

(a) Implementation of the measures and extension of the duration of the measures recorded in the Memorandum of Consultations dated September 20, 1980, modified as follows:

For the United States of America, effective April 1, 1983: Continental/Air Micronesia will be permitted to operate seven round trip flights per week on the basis of narrow

body aircraft on a route between Saipan and Nagoya.

For Japan: On a date to be agreed upon later by the two governments, a Japanese designated airline will be permitted to operate scheduled all-cargo services on a route between Tokyo and Chicago at the level of two round trip flights per week on the basis of narrow body aircraft.

(b) Other elements

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For the United States of America: A U.S. designated airline not currently operating between the U.S. and Japan will be permitted to operate seven round trip combination flights per week on a route between Seattle/Portland and Tokyo.

For Japan: A Japanese designated airline will be permitted to operate five round trip combination flights per week on a route between Tokyo and Seattle/Chicago.

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A Japanese designated airline will be permitted to operate two round trip combination flights per week on a route between Tokyo-Los Angeles-Sao Paulo/Rio de Janeiro with full traffic rights.

This does not affect in any way the right that Japan has with regard to the beyond sector from Los Angeles under the present schedule to the Agreement; nor does this Record of Consultations in any way affect the rights which the U.S. has with regard to the beyond sectors from Japan.

For Both Countries—Effective upon Signature of the Interim Agreement: (c) 300 one-way charter flights per year for the airlines of each country will be permitted to be operated in accordance with country of origin rules.

(d) These provisional measures mentioned in paragraphs (a), (b), and (c) should be maintained for three years after the date of entry into force of the interim agreement, or until the negotiations mentioned in paragraph 1 above are concluded, whichever is later.

YOSHIO HATANO,

Envoy Extraordinary and Minister Plenipotentiary, embassy of Japan.

DARRELL M. TRENT,

Deputy Secretary, U.S. Department of Transportation.

WASHINGTON, D.C., June 4, 1982.

[From the Wall Street Journal]

U.S., JAPAN REACH 3-YEAR AVIATION PACT, BOOSTING SERVICE BETWEEN THE TWO COUNTRIES

The U.S. and Japan concluded a three-year aviation agreement that will boost service between the two countries, culminating 18 months of difficult negotiations.

The "interim" pact resolved some of the air-route issues that have proved highly troublesome in the long series of talks. Other matters weren't settled, however, and were put off for more bargaining, to begin by the end of 1983.

The new agreement will permit United Airlines to start Seattle-Tokyo and Portland-Tokyo flights April 1, 1983. Japan had long resisted those flights despite a 1978 Civil Aeronautics Board award of the routes to the UAL Inc. unit.

In Chicago, United said it will begin flights between the two countries next April. A spokesman for United said the airline will probably fly daily between Tokyo and Seattle or Portland. The flight will originate in Chicago, United said. Currently, only two other U.S. carriers fly between the two countries, the spokesman added. Northwest Airlines flies from Los Angeles, Seattle and Chicago and, beginning this Thursday,