

September 14, 1989

M E M O R A N D U M

TO: SENATOR DOLE  
FROM: DENNIS SHEA  
SUBJECT: SPEECH BEFORE THE PHILADELPHIA BAR ASSOCIATION

You are scheduled to speak at the Washington Conference of the Philadelphia Bar Association on Friday, September 15, at 8:30 a.m. The speech will take place at the Independence Ballroom in the Grand Hyatt Hotel.

The organizers of the Conference have asked that you speak for approximately 20-30 minutes. Although no question-and-answer period has been scheduled, you may accept questions if you would like to do so.

You will be introduced by Diane Nash, the Chairman of the Conference.

Topic of the Speech

At the request of the Association, your speech will cover the following three topics: 1) the current Congressional Calendar, including the flag amendment; 2) the drug crisis; and 3) your recent trip to Poland.

Other Speakers

Rep. Richard Gephardt is scheduled to speak on Thursday, September 14. Rep. Newt Gingrich is also scheduled to speak on Saturday, September 16.

Immediately following your speech, the Conference will be conducting a series of panel discussions on topical legal issues.

SENATOR BOB DOLE

PHILADELPHIA BAR ASSOCIATION

SEPTEMBER 15, 1989

I WANT TO THANK DIANE FOR THOSE KIND WORDS OF INTRODUCTION. YOU KNOW, IT REMINDED ME OF AN OLD JOKE: HOW CAN YOU TELL THAT A PHILADELPHIA LAWYER IS LYING? WHEN HIS OR HER LIPS MOVE.

BUT SERIOUSLY, I WANT TO THANK THE PHILADELPHIA BAR ASSOCIATION FOR GIVING ME THE OPPORTUNITY TO SPEAK AT THIS WASHINGTON CONFERENCE. IT'S QUITE AN HONOR. AND I WELCOME YOU ALL TO OUR NATION'S CAPITAL.

## CONGRESSIONAL AGENDA

AFTER A SLOW START, CONGRESS IS NOW FACING THE SERIOUS WORK OF DIRECTING GOVERNMENT SPENDING. OVER THE NEXT EIGHT WEEKS, WE MUST ENACT ALL 13 APPROPRIATIONS BILLS, THE BUDGET RECONCILIATION -- IF A SEQUESTER IS TO BE AVOIDED -- AND A PERMANENT INCREASE IN THE FEDERAL DEBT LIMIT. IN ADDITION, WE WILL REVISIT THE ISSUES OF MINIMUM WAGE AND THE PRESIDENT'S CHILD CARE INITIATIVE.



AND THE DEADLINES ARE LOOMING. IF ACTION ON  
THE APPROPRIATIONS BILLS IS NOT COMPLETED BY  
OCTOBER 1, A CONTINUING RESOLUTION WILL BE  
NEEDED TO KEEP THE GOVERNMENT RUNNING INTO THE  
NEW FISCAL YEAR. IF THE RECONCILIATION PROCESS IS  
NOT COMPLETED BY OCTOBER 15, WE FACE OUR FIRST  
BUDGET SEQUESTER UNDER THE  
GRAMM-RUDMAN-HOLLINGS LAW. AND IF THE DEBT LIMIT  
IS NOT RAISED BY OCTOBER 30, ALL GOVERNMENT  
SPENDING WILL BE SUSPENDED.

I BELIEVE THAT WE WILL AVOID AT LEAST TWO OF  
THESE PROBLEMS -- A SEQUESTER AND A GOVERNMENT  
SHUT-DOWN -- NOT BECAUSE OF CONGRESSIONAL  
LEADERSHIP, BUT BECAUSE OF THE LEADERSHIP OF  
PRESIDENT BUSH.

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## THE FLAG AMENDMENT

YOU KNOW, PRESIDENT BUSH EXERCISED HIS  
LEADERSHIP RECENTLY WHEN HE PROPOSED A  
CONSTITUTIONAL AMENDMENT ALLOWING CONGRESS  
AND THE STATES TO PROHIBIT FLAG DESECRATION. AS  
MOST OF YOU KNOW, THE AMENDMENT WAS A RESPONSE  
TO THE SUPREME COURT'S RECENT DECISION IN TEXAS  
VERSUS JOHNSON.

EARLIER IN THE WEEK, I TESTIFIED BEFORE THE  
SENATE JUDICIARY COMMITTEE IN SUPPORT OF THE FLAG  
AMENDMENT. I SUPPORT THE FLAG AMENDMENT  
BECAUSE I BELIEVE THAT THE FIRST AMENDMENT WAS  
NEVER INTENDED TO PROTECT PEOPLE WHO WOULD  
WANT TO BURN OR MUTILATE OUR FLAG. IF IT IS ILLEGAL  
TO DEFACE U.S. CURRENCY, IF IT IS ILLEGAL TO DEFACE  
YOUR OWN MAILBOX, AND IF -- IN MANY STATES -- IT IS  
ILLEGAL TO RIP THE WARRANT LABEL OFF YOUR OWN  
BEDROOM MATTRESS -- THEN CERTAINLY -- IT SHOULD BE  
ILLEGAL TO DESECRATE OLD GLORY -- THE LIVING  
SYMBOL OF OUR NATION.



I COMMEND THE EFFORT OF SENATOR BIDEN WHO  
HAS PROPOSED AN AMENDMENT NOT TO THE  
CONSTITUTION, BUT TO THE FEDERAL FLAG  
DESECRATION STATUTE. THIS IS CERTAINLY A SERIOUS  
EFFORT THAT DESERVES SERIOUS CONSIDERATION IN  
BOTH HOUSES OF CONGRESS.

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BUT I HAVE COME TO THE CONCLUSION --  
REGRETTFULLY -- THAT A STATUTE, RATHER THAN A  
CONSTITUTIONAL AMENDMENT, WILL SIMPLY NOT DO THE  
TRICK -- THAT A STATUTE WILL SIMPLY NOT GUARANTEE  
THE FLAG'S SAFETY FROM PHYSICAL DESECRATION. AND  
IF MARBURY VERSUS MADISON MEANS ANYTHING, THEN IT  
MEANS THAT CONGRESS CANNOT OVERTURN THE  
JOHNSON DECISION -- OR ANY SUPREME COURT  
DECISION, FOR THAT MATTER -- BY STATUTE. I AM SURE  
THAT YOU FOLKS KNOW MORE ABOUT THIS THAN I DO.

NOW, THE AMERICAN BAR ASSOCIATION HAS GONE  
ON RECORD AGAINST THE AMENDMENT. IN FACT, THEY  
ARE ON RECORD AS BEING AGAINST ANY ACTION IN  
RESPONSE TO THE JOHNSON DECISION. I JUST HOPE  
THAT THE PHILADELPHIA BAR ASSOCIATION HAS AN OPEN  
MIND ON THIS ISSUE -- AND I WOULD BE INTERESTED IN  
LEARNING WHAT THE ASSOCIATION'S VIEWS ARE ON THE  
AMENDMENT -- AND ON THE STATUTE.

## THE DRUG CRISIS

LAST WEEK -- ON TELEVISION -- PRESIDENT BUSH  
UNVEILED THIS COUNTRY'S NEW NATIONAL DRUG  
CONTROL STRATEGY. THE STRATEGY IS ON TIME AND IT'S  
ON TARGET. A LOT OF HARD WORK WENT INTO THIS  
STRATEGY -- AND IT SHOWS.

BUT I DO NOT NEED TO TELL YOU THE HARD FACTS:  
THE DRUG FIGHT WILL NOT BE WON OVERNIGHT. IT WILL  
NOT BE WON WITH MERE DOLLARS -- OR WITH PARTISAN  
POLITICS.



THE FEDERAL GOVERNMENT HAS INCREASED  
SPENDING TO COMBAT DRUG USE FROM 1.1 BILLION  
DOLLARS IN 1981 TO A PROPOSED 8 BILLION DOLLARS  
FOR 1990. THAT'S A SIGNIFICANT INCREASE. AND THE  
PRESIDENT'S NEW DRUG CONTROL STRATEGY CALLS FOR  
AN INCREASE OF 2.2 BILLION DOLLARS OVER THIS YEAR'S  
FUNDING LEVEL. BUT MAKE NO MISTAKE ABOUT IT: THE  
PRESIDENT HAS SENT TO CONGRESS A DETAILED  
DESCRIPTION OF HOW TO PAY FOR THIS INCREASED  
FINANCIAL COMMITMENT IN THE DRUG WAR.



NOW, I'VE HEARD SOME IN CONGRESS ALREADY  
CALL FOR TAX INCREASES -- AS IF IT WERE SOME  
NERVOUS TWITCH. YOU KNOW, THE GOVERNMENT  
ALREADY SPENDS ALMOST 1 TRILLION DOLLARS EACH  
YEAR -- SO I THINK WE CAN FIND ENOUGH MONEY IN THE  
BUDGET WITHOUT RAISING TAXES. IT'S JUST A MATTER  
OF SETTING SOME PRIORITIES.

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AND BELIEVE ME, THERE'S PLENTY OF FAT IN THE  
BUDGET. FOR EXAMPLE -- DO THE AMERICAN PEOPLE  
REALLY WANT TO CONTINUE OWNING AN OIL FIELD IN  
CALIFORNIA -- THE ELK HILLS NAVAL PETROLEUM  
RESERVE -- OR DO THEY WANT TO SELL IT, TAKE THE  
BILLION DOLLARS FROM THE SALE, AND BUILD NEW  
PRISONS SO WE CAN LOCK UP THE DRUG DEALERS?

I THINK THE ANSWER TO THIS QUESTION IS OBVIOUS.

AND I THINK IT IS ALSO OBVIOUS THAT WE SHOULD BE  
WAGING A WAR ON DRUGS, NOT A WAR ON THE  
AMERICAN TAXPAYER.

THE PRESIDENT'S DRUG STRATEGY DOES GIVE US  
THE GOALS BY WHICH TO MEASURE OUR SUCCESSES  
AND OUR FAILURES. GENERALLY, IT CALLS FOR  
REDUCING ILLICIT DRUG USE BY 10 PERCENT DURING THE  
NEXT TWO YEARS, AND BY 50 PERCENT DURING THE NEXT  
TEN YEARS. THAT'S A BIG CHALLENGE, BUT -- IF WE ARE  
UNITED -- WE CAN ACHIEVE THESE NEW GOALS.



WE ALSO NEED TO MOVE ON TWO OTHER FRONTS.

FIRST -- IN JUNE -- THE PRESIDENT SENT TO CONGRESS A COMPREHENSIVE CRIME CONTROL BILL. MAKE NO MISTAKE ABOUT IT -- THE WAR ON DRUGS IS ALSO A WAR ON CRIME. THERE ARE A NUMBER OF PROVISIONS CONTAINED IN THAT BILL THAT WOULD GIVE OUR POLICE AND THE COURTS NEW WEAPONS IN THE DRUG FIGHT -- TOUGHER GUN LAWS, MORE FEDERAL PRISON SPACE, MORE ASSISTANT U.S. ATTORNEYS AND U.S. MARSHALS, HABEAS CORPUS REFORM, AND A STATUTORY "GOOD FAITH" EXCEPTION TO THE EXCLUSIONARY RULE.



AND SECOND, CONGRESS SHOULD FOLLOW ITS OWN  
LEAD BY CREATING ONE CENTRAL, HIGH-LEVEL DRUG  
COMMITTEE -- A "SUPER COMMITTEE," IN OTHER WORDS.  
WE CREATED A SINGLE FEDERAL DRUG CZAR TO  
COORDINATE THE ACTIVITIES OF THE EXECUTIVE BRANCH  
-- AND WE SHOULD NOW SHOW OUR RESOLVE BY ENDING  
THE TURF BATTLES IN CONGRESS -- BY FORMING A JOINT  
COMMITTEE ON DRUGS.

THERE ARE CURRENTLY 54 HOUSE COMMITTEES AND  
SUBCOMMITTEES AND 21 SENATE COMMITTEES AND  
SUBCOMMITTEES WITH JURISDICTION OVER SOME FACET  
OF THE DRUG WAR -- AND THAT DOESN'T INCLUDE  
APPROPRIATIONS OR STRICTLY OVERSIGHT COMMITTEES  
LIKE THE HOUSE NARCOTICS COMMITTEE. SURELY, WE  
WANT THE DRUG CZAR -- BILL BENNETT -- TO SPEND  
MORE TIME FIGHTING DRUG ABUSE THAN TESTIFYING  
BEFORE CONGRESSIONAL COMMITTEES.

## TRIP TO POLAND

DURING THE AUGUST RECESS, I HAD THE  
OPPORTUNITY TO VISIT POLAND. UNOFFICIALLY, IT WAS A  
JOINT CONGRESSIONAL-EXECUTIVE DELEGATION -- I WAS  
ACCOMPANIED BY A DISTINGUISHED MEMBER OF THE  
PRESIDENT'S CABINET, THE SECRETARY OF LABOR.

WE ARRIVED IN WARSAW ON AN HISTORIC AND  
EXCITING DAY -- THE DAY THAT GREAT NATION ELECTED  
ITS FIRST DEMOCRATICALLY CHOSEN LEADER IN MORE  
THAN HALF A CENTURY. PRIME MINISTER MAZOWIECKI  
WAS EXTRAORDINARILY GRACIOUS IN TAKING TIME FROM  
HIS FIRST FULL DAY IN OFFICE TO MEET WITH ELIZABETH  
AND ME -- THE FIRST FOREIGN OFFICIALS HE RECEIVED  
AFTER HIS ELECTION.



LATER, IN GDANSK, WE MET, TOO, WITH LECH  
WALESA -- TRULY A HERO, NOT ONLY TO POLES BUT TO  
FREEDOM-LOVING PEOPLE AROUND THE WORLD. LET ME  
TELL YOU: IT TAKES ABOUT TWO MINUTES TO REALIZE  
THIS HERO IS NOT THE CREATION OF A BUNCH OF MEDIA  
HANDLERS. HE'S THE REAL ARTICLE: DYNAMIC,  
CHARISMATIC, ARTICULATE.

AS STIMULATING AND INFORMATIVE AS WERE ALL  
THOSE MEETINGS, THOUGH, THE EMOTIONAL HIGHLIGHT  
OF OUR STOP TURNED OUT TO BE ATTENDANCE AT A  
SOLIDARITY PARLIAMENTARY CAUCUS -- WHERE POLISH  
LEADERS OPENLY DEBATED THE FUTURE OF THE PEOPLE  
AND COUNTRY THEY HAD BEEN DEMOCRATICALLY  
ELECTED TO REPRESENT.

EVERYONE IN OUR DELEGATION HAD THE SAME  
VISCERAL REACTION: WE WERE OBSERVING SOMETHING  
AKIN TO WHAT HAPPENED IN OUR COUNTRY -- IN THE  
HALLS OF PHILADELPHIA -- MORE THAN TWO CENTURIES  
AGO.

CONSIDER THIS SIMPLE FACT -- ONLY THREE IN THAT  
GATHERING OF SEVERAL HUNDRED PARLIAMENTARIANS  
HAD EVER SERVED IN PARLIAMENT BEFORE; BUT  
COUNTLESS NUMBERS AMONG THEM HAD SERVED LONG  
SENTENCES IN JAIL, AS POLITICAL PRISONERS OF THE  
COMMUNIST REGIME. IT GIVES YOU AN IDEA OF BOTH  
THE PROMISE, AND THE PROBLEMS, THAT SOLIDARITY  
AND POLAND WILL FACE IN THE DAYS AHEAD.

## THE CHALLENGES FACED BY THE MAZOWIECKI

GOVERNMENT WILL BE ENORMOUS. POLAND'S ECONOMY IS IN SHAMBLES -- WITH RUNAWAY INFLATION, GROWING UNEMPLOYMENT, AN OPPRESSIVE DEBT BURDEN, AND A TOUCH-AND-GO FOOD SITUATION. ITS POPULATION -- THOUGH BASKING NOW IN A KIND OF POLITICAL EUPHORIA -- REMAINS DEEPLY RESTIVE. THE ENVIRONMENT HAS BEEN RAVAGED BY DECADES OF MASSIVE INDUSTRIAL POLLUTION AND GOVERNMENT NEGLECT.



AND EVERY POLISH LEADER WE MET MADE THE SAME  
POINT: THE NEW GOVERNMENT'S "HONEYMOON" WILL BE  
SHORT. UNLESS IT CAN SHOW SOME QUICK RESULTS, IT  
COULD LOSE THE ALMOST UNIVERSAL POPULAR  
GOODWILL AND STRONG POLITICAL MOMENTUM IT NOW  
ENJOYS.

NOW, WE IN THE UNITED STATES -- AND OUR ALLIES  
IN WESTERN EUROPE AND JAPAN -- WE ALL HAVE A BIG  
SECURITY, POLITICAL, AND ECONOMIC STAKE IN WHAT  
HAPPENS IN POLAND. IF SOLIDARITY REMAINS IN POWER  
AND SUCCEEDS IN GOVERNING, THE THREAT OF WAR IN  
CENTRAL EUROPE WILL GO DOWN; DEMOCRATIZATION IN  
HUNGARY, ELSEWHERE IN EASTERN EUROPE AND EVEN IN  
THE SOVIET UNION ITSELF WILL GET A BIG BOOST; AND  
THE PROSPECTS FOR EXPANDED PRIVATE INVESTMENT IN,  
AND TRADE WITH, POLAND WILL GROW.

SO WE DO NOT ONLY WANT SOLIDARITY TO  
SUCCEED. IT IS IN OUR OWN SELF-INTEREST TO DO  
EVERYTHING WE REASONABLY CAN TO HELP IT SUCCEED.

THAT IS WHY THE PRESIDENT HAS ALREADY  
ANNOUNCED AN IMPORTANT AID INITIATIVE FOR POLAND  
-- ENCOMPASSING ABOUT \$119 MILLION IN PRIVATE  
SECTOR, ENVIRONMENTAL AND LABOR TRAINING  
ASSISTANCE; AND \$59 MILLION IN FOOD AID. EVERY  
POLISH LEADER WE MET ASKED THAT WE EXPRESS HIS  
REAL APPRECIATION TO PRESIDENT BUSH FOR THOSE  
INITIATIVES, WHICH HAVE ALREADY SENT AN IMPORTANT  
SIGNAL OF AMERICAN SUPPORT FOR POLAND AT A  
CRITICAL TIME.



AND I BELIEVE IT IS IN OUR INTEREST -- AMERICA'S  
INTEREST -- TO TAKE SOME ADDITIONAL STEP NOW ON  
BEHALF OF FREEDOM IN POLAND. I BELIEVE WE SHOULD  
SEND SOME ADDITIONAL, IMMEDIATE SIGNAL OF  
AMERICAN SUPPORT FOR THE MAZOWIECKI  
GOVERNMENT -- PERHAPS FOOD AID -- OR PERHAPS  
SOME OTHER SIGNAL.

FOR POLAND TODAY IS MAKING THE MOST  
FUNDAMENTAL CHOICES A NATION CAN MAKE:  
COMMUNISM VERSUS FREEDOM, A STATIST ECONOMY  
VERSUS A FREE ECONOMY. AND AMERICA MUST NOT  
STAND ON THE SIDELINES WHEN THESE CHOICES ARE  
BEING MADE.



## CONCLUSION

NOW, I KNOW THAT YOU HAVE A FULL DAY OF  
EVENTS AHEAD OF YOU -- SO I WON'T TAKE ANY MORE OF  
YOUR TIME.

I WANT TO THANK YOU AGAIN FOR THIS  
OPPORTUNITY. AND I WANT TO CONGRATULATE THE  
PHILADELPHIA BAR ASSOCIATION FOR CONTINUING IN  
THE FINE TRADITION OF ITS FOUNDING MEMBER,  
ALEXANDER HAMILTON. THIS CONFERENCE IS CERTAINLY  
A TESTIMONY TO THAT TRADITION.