

have envisioned himself among those men. But that trip to Washington changed his life.

"My parents had taken Don and me East partly to attend Bill's graduation from Princeton. I remember going to the Senate chamber, sitting in the balcony and thinking, 'Gee, I would like to do that sometime.'"

And so in that hour was born a dream that would not be denied. Neither of his parents was interested in politics as a career but it was typical of them, Jack said, that they supported and encouraged whatever their children chose.

"It was a wonderful childhood. They were both very loving and supportive of us. They thought of us as different individuals. They were non-directive. They didn't tell us what to do. Rather, they encouraged our strengths.

"Donald Danforth was really a wonderful father, a very kind man and very loving. Every memory I have of my father is of a loving father, of a man who liked to hug us a lot.

"With my brothers and sister and me, it was never fear that motivated us. It was a desire to make our parents proud. That, to me, is the great motivator. Even now that they are gone, I want to make them proud and make my wife proud, and our kids proud.

"For our children, it is the same. We are very proud of them. They are also very different. And they are really good kids. They have good values and are nice people."

None has chosen to follow him into politics although two have followed him into the law. The eldest, Eleanor (Mrs. Allan IV) Ivie, lives here and keeps busy rearing her three sons. Mary (Mrs. Thomas) Stillman has her law degree and is assistant dean at Washington University. She is the mother of a boy and girl. Dorothy (Mrs. Johannes) Burlin, known to the family as D.D., also is a lawyer, practicing under the name of Danforth. Johanna (Mrs. Timothy) Root, known as Jody, is a hospice nurse in Connecticut. Thomas is a senior at St. Olaf College in Northfield, Minn.

"In our family, the dinner table was and is important. That was the time you knew the family would be together. We weren't going to watch television. We would sit there and talk.

"At the Senate I frequently got home late but it was still important for us to be together. I would always ask the children, 'Tell me about your day.' Sally is the same way. It's important just to find the chance to show interest in kids and to take pride in them, to find something they can do well and appreciate that, to let them know you feel they are terrific. Everyone has something that you can appreciate and praise."

Although Jack's desire to go into the ministry did not blossom until his college days at Princeton when he happened to have a free hour in his class schedule and a faculty advisor suggested a religion course in ethics. "I liked that course and took another and ended up majoring in religion. I was really interested and decided between my junior and senior years that I wanted to go into the seminary so I entered Yale Divinity School.

"It was soon apparent that this was not for me as a full-time career. The parish ministry was something I was not equipped for so I reverted to my original idea to go to law school and by the time I started unwinding my career path I was two years into Divinity School." So in 1963, he received both degrees.

But Jack Danforth had a third string to his bow—politics. In 1968, in his first race for public office, Missouri attorney general, he achieved the first Republican victory in a statewide race in more than 20 years and began a period of reform and two-party politics in Missouri.

He was re-elected in 1972, went to the Senate four years later and was re-elected in 1982 and 1988.

In this public life, he has received numerous honors. The most recent—as co-recipient with Chancellor Danforth—is the Regional Commerce and Growth Association's Right Arm of St. Louis award.

In 1988, one of the greatest honors in America—the vice presidency—might have been his, rather than Dan Quayle's.

James Baker, who was handling George Bush's 1988 campaign, asked him to submit material as a potential choice for the office, and although he was far from enthusiastic, he sent it.

"I was at the convention just one day. I had just returned home when I got a call from Bush saying he had selected Quayle as his running mate. 'I said, 'I'm happy to hear that.' Bush said in disbelief, 'You are?'"

Even the top office has never tempted him. "It would be too pre-emptive of my life. The only reason to run for president is to win and if you win, that's all you are for the rest of your life.

"No, once I am out of the Senate, I am not a senator. You are not a senator for the rest of your life. You close the book on that even though it was a wonderful chapter."

Now that John Claggett Danforth has come home again, the book is opened again for the next chapter.

#### SELECTION COMMITTEE

Thomas F. Eagleton and John C. Danforth were selected as the 1994 St. Louis Men of the Year by 19 citizens, each of whom had been chosen in the past for the award. They are the 41st and 42nd to be so honored since the award was first established in 1955.

Listed on the selection committee, and in order of their receiving the honor, are the Rev. Paul C. Reinert, S.J., chancellor emeritus of Saint Louis University; Howard F. Baer, former president of the A.S. Aloe Co. and retired chairman, Bank of Ladue; Harold E. Thayer, retired chairman, Mallinckrodt Inc.; W.L. Hadley Griffin, chairman of the executive committee, Brown Group Inc.; Lawrence K. Roos, retired president of the Federal Reserve Board of St. Louis; Edwin S. Jones, retired chairman and chief executive officer of First Union Bancorporation and The First National Bank; Dr. William H. Danforth, chancellor of Washington University; William H. Webster, former director of the Central Intelligence Agency and the Federal Bureau of Investigation; Zane E. Barnes, retired chairman and chief executive officer of Southwestern Bell Corp.; Clarence C. Barksdale, vice chairman of the board of trustees, Washington University; G. Duncan Bauman, retired publisher of the St. Louis Globe-Democrat; Sanford N. McDonnell, chairman emeritus, McDonnell Douglas Corp.; Charles F. Knight, chairman and chief executive officer, Emerson Electric Co.; Lee M. Liberman, chairman emeritus, Laclede Gas Co.; August A. Busch III, chairman of the board and president of Anheuser-Busch Cos. Inc.; Dr. Peter H. Raven, director of the Missouri Botanical Garden; William E. Cornelius, retired chairman, Union Electric Co.; Osborne E. "Ozzie" Smith, shortstop for the St. Louis Cardinals; and H. Edwin Trusheim, chairman, General American Life Insurance Co.

Twenty-one recipients have died: David R. Calhoun Jr., chairman of the board of St. Louis Union Trust Co.; Major Gen. Leif J. Sverdrup, chairman of the board of Sverdrup & Parcel Associates Inc.; Ethan A.H. Shepley, chancellor of Washington University; Stuart Symington, United States senator from Missouri; Morton D. May, chairman of May Department Stores Co.; Thomas B. Curtis, United States congressman from Missouri; August A. Busch Jr., chairman of

Anheuser-Busch Cos. Inc.; Edwin M. Clark, president of Southwestern Bell Telephone Co.; H. Sam Priest, chairman of the Automobile Club of Missouri; James P. Hickok, chairman of The First National Bank in St. Louis; Dr. Charles Allen Thomas, board chairman of Monsanto Co.; James S. McDonnell, chairman of the board of McDonnell Douglas Corp.; William A. McDonnell, chairman, The First National Bank in St. Louis; C. Powell Whitehead, chairman of General Steel Industries; Frederic M. Peirce, chairman of the board of General American Life Insurance Co.; Maurice R. Chambers, chairman of the board, Interco, Inc.; George H. Capps, president of Volkswagen Mid-America Inc. and Capital Land Co.; Armand C. Stalnaker, chairman of the board, General American Life Insurance Co.; Edward J. Schnuck, chairman of the executive committee, Schnuck Markets Inc.; Robert Hyland, senior vice president of CBS and general manager of KMOX and KLOU-FM Radio; and Donald O. Schnuck, chairman of the board, Schnuck Markets Inc.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

#### ORDERS FOR TOMORROW AMENDED

Mr. LOTT. Madam President, I have a couple of unanimous consent requests which have been checked with the Democratic leader and have been cleared.

So at this time I ask unanimous consent that the orders for tomorrow be amended to reflect that the period for morning business be extended to the hour of 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each and that at 10:30 the Senate begin consideration of the unfunded mandates bill.

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

#### MEASURE PLACED ON THE CALENDAR—H.R. 1

Mr. LOTT. Madam President, I ask unanimous consent that H.R. 1, the House companion bill to the congressional coverage bill, be placed on the calendar.

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

#### ORDER OF PROCEDURE

Mr. LOTT. Madam President, finally, if no further business is to come before the Senate—I only see one other Senator waiting to speak. After the conclusion of the remarks by the distinguished Senator from Pennsylvania, I ask unanimous consent that the Senate stand in recess as previously ordered.

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

Mr. LOTT. I yield the floor, Madam President.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE DEATH PENALTY

Mr. SPECTER. Madam President, within the past week, the State of Texas has executed a man named Jesse Jacobs for murder in a case which, in an unusual twist, will severely hamper law enforcement and thwart the use of the death penalty as a deterrent against murder.

In this case, the State of Texas first convicted Jesse Jacobs on a murder charge and then convicted his sister, Bobbie Jean Hogan, for the same murder, articulating very different factual circumstances as to how the murder was committed.

In the first trial involving Jesse Jacobs, the State of Texas contended that he had, in fact, committed the murder, based largely on his confession. At the time of trial, Jesse Jacobs recanted his confession and said, in fact, that he was trying to protect his sister. The jury convicted him of murder in the first degree with the death penalty, which was later imposed. Between that trial and the execution of Jesse Jacobs, which occurred within the past week, the State of Texas indicted his sister, Bobbie Jean Hogan, and said that she, in fact, had committed the murder, and she was convicted of homicide in the second trial.

When the case reached the Supreme Court of the United States, the court refused to hear the appeal of Jesse Jacobs on the ground that Jacobs had presented no newly discovered evidence requiring Federal review, which is a very startling finding under the facts of this case.

The decision by the Supreme Court not to review Jesse Jacobs' case was 6 to 3. And Justice John Paul Stevens said this in asking the Supreme Court to review the case: "It would be fundamentally unfair to execute a person on the basis of a factual determination that the State has formally disavowed," because when Jacobs was convicted of murder, it was on the State's representation that he had, in fact, pulled the trigger. Later, the State found different facts, that it was not Jacobs who had pulled the trigger but that it was his sister, Bobbie Jean Hogan, whom he had sought to protect.

I submit, Madam President, that this case poses a very material problem in a number of directions. First, on the facts, I think that Jacobs was entitled

to have the case reviewed because of the very unusual circumstances where a later investigation disproved his confession and in fact showed that what he had said at trial when he recanted—that it was his sister, was true, because the State then proceeded to prosecute the sister. Beyond the palpable unfairness to Jacobs, who was executed, without the Supreme Court even reviewing the case, this is a real threat to the continued use of the death penalty, which I believe is very important for law enforcement in the United States.

I served as an assistant district attorney in Philadelphia for some 4 years, tried many cases of violence, robbery, murder, rape, and later was district attorney of an office handling 30,000 prosecutions a year, including some 500 homicide cases. I have found in that experience that the death penalty is a very effective deterrent against violence.

The death penalty has been imposed relatively little since 1972 when the Supreme Court of the United States in a case called *Furman v. Georgia*, said that the death penalty was unconstitutional, unless very stringent standards were set where the State proved a series of aggravating circumstances which overbalanced any mitigating circumstances which the defendant might produce—that is, that it was a very horrendous offense. And all the people on death row at that time had their convictions invalidated. During the course of the intervening years since 1972, there have been other Supreme Court decisions which further limited the applicability of the death penalty. So that in the most recent statistics available, with some 2,800 people on death row, only 38 cases had the sentence of death carried out.

The statistics show that when the death penalty was being enforced, the homicide rate was much less than it is in the period since 1972 when the death penalty had not been enforced. In my own State of Pennsylvania, there has been no carrying out of the death penalty since 1962.

My conclusion, as a former prosecuting attorney, that the death penalty is, in fact, a deterrent was based on many, many cases, where I saw professional burglars and robbers who were unwilling to carry weapons because of the fear that they might commit a killing in the course of a robbery or burglary, and that would constitute murder in the first degree, as a felony murder.

There is a vast volume of evidence to support the conclusion that the death penalty is an effective deterrent, although I would say, at the same time, that many people disagree with the statistics, and there are many people who have conscientious scruples against the imposition of the death penalty, which I respect. But it is the law of 36 of the States of the United States that the death penalty is valid and in effect.

There is a move in many other States—in New York now, with the newly elected Governor; in Iowa at the present time, and other States—to reinstitute the death penalty because of the conclusion of most people that it is an effective deterrent against violent crime and we should use every weapon at our disposal to try to curtail crimes of violence, which is the most serious problem facing the United States on the domestic scene.

I submit, Madam President, that if we impose the death penalty in a callous or unreasonable fashion that we are going to lose the death penalty. The death penalty remains a penalty which the American people want enforced, as demonstrated by poll after poll, with more than 70 percent of the American people favoring the death penalty. In the U.S. Senate during the recent votes, more than 70 United States Senators consistently voted in favor of the death penalty, as they did on my Terrorist Prosecution Act, for the imposition of the death penalty for terrorists anywhere in the world who murder a U.S. citizen.

But if we are to retain the death penalty, we are going to have to use it in a very careful way. If we are to find cases like the Jacobs case, where a man is executed after the State represents, in an affirmative way, on the subsequent trial of his sister Hogan that, in fact, the materials presented to the jury in the Jacobs case, where the jury imposed the death penalty, were false, then that is going to undermine public confidence in what we are trying to do.

For the past 5 years, I have tried to change the Federal procedures on Federal review of death penalty cases because today it is ineffective. There are some cases which go on in the Federal courts for up to 20 years, where the death penalty is not imposed because of arcane and illogical decisions in the appellate courts; where the case goes from the State courts to the Federal courts, back and forth on many occasions, because of the Federal procedural law which requires what is called exhaustion of State remedies. The case will go to the Federal court, which will send it back to the States, saying there has not been an exhaustion of State remedies, and back to the State and back to the Federal courts.

So that the legislation which I have pushed would give the Federal court jurisdiction immediately, on the conclusion of the State supreme court that the death penalty is imposed with time limits providing fairness to the defendant, but an end to the ceaseless round of appeals.

My bill was passed by the Senate in 1990, but was rejected by the House. I believe in this Congress, the 104th Congress, there is an excellent opportunity to have those changes made in the application of Federal procedures so that the death penalty will again be an effective deterrent. And it is effective only if it is certain and if it is swift,