and economic center, and its location on the Atlantic makes it a fine choice for an expo focused on the sea.

Expo '98 offers opportunities for U.S. business as well. The organizers of Expo '98 will provide all facilities relating to each national pavilion free of charge. Accordingly, participating countries will have to provide only the contents of its representation. The U.S. exhibit will be financed completely by the private sector. Such an arrangement is a win-win situation—for the U.S. Government and for U.S. businesses which may be able to receive increased international exposure through their participation. I am hopeful that a commissioner general who will be responsible for coordinating the U.S. effort and for securing corporate sponsorships will soon be appointed so that we can move ahead quickly.

I add also, having it this year brings attention to the Law of the Sea Treaty, which needs to be acted upon.

I remember myself in 1940 seeing the last time we had a world exhibition in Lisbon and seeing the amount of the world's surface that was under Portuguese rule. On a personal note, I remember attending an exhibition in 1940 while visiting my father who was posted as the U.S. Minister to Lisbon. At that time, I attended the Exhibition of the Portuguese World, which focused on the contributions of Portugal's far flung colonies. Lisbon was a wonderful site, and the Portuguese people were perfect hosts for such an exhibition. With such a firm tradition of hospitality already well established, I know that Portugal will prove the ideal choice for hosting the 1998 expo.

I am pleased that the United States sill be joining dozens of other countries—including Germany, Greece, the United Kingdom, Morocco, India, Pakistan, and Cape Verde—to name a few—in participating in the last expo of this century. As a long-time friend of Portugal and the Portuguese people, I look forward to working together to make Expo '98 a success. I yield the floor.

RIGHT TO DIE DECISIONS

Mr. DOLE. Mr. President, one of the most profound and sensitive issues facing our society today is whether doctors should be allowed to assist in the suicide of their patients.

On this issue, I happen to share the view of the American Medical Association that doctors who are sworn to be life-givers, should not act as life-takers, and that the licensing of doctors to administer death is ''fundamentally inconsistent with the pledge physicians make to devote themselves to healing and to life.''

I recognize that there are those who do not share this point of view. But the process we use to work out such disagreements and come to a social consensus is called democracy. I will vigorously defend the right of every fellow citizen to disagree with me, but I will also defend the constitutional process by which our laws are made. The people, through their elected Representatives, should be the ones to decide whether to permit or to prohibit physician-assisted suicide. It is a give and take of meaningful public debate that enables our democratic society to examine complicated social issues and, hopefully, reach a consensus that enjoys broad popular support.

In recent weeks, however, two influential Federal courts—the ninth circuit of appeals on the west coast and the second circuit court of appeals on the east coast—have determined that the U.S. Constitution flatly prohibits the States from outlawing physician-assisted suicide.

The ninth circuit ruled that individuals have a liberty interest in controlling the time and manner of our deaths and that a Washington State law prohibiting assisted suicide was, therefore, a violation of the due process clause of the 14th amendment. In a more narrowly drawn opinion, the second circuit declared that a similar New York State law outlawing physician-assisted suicide violates the 14th amendment's equal protection clause. In fact, I think in the Washington case it was due process; also the liberty clause.

These decisions, like others in recent years, have the unfortunate effect of substituting the judgment of unelected Federal judges for the democratic process. If the ninth circuit's decision purporting to find a fundamental right to physician-assisted suicide is upheld by the Supreme Court, then all meaningful public debate on this issue would effectively be cut off. All of the moral and ethical concerns on both sides would, with a single stroke, be replaced with a judicial fiat. The only citizens whose voices matter in such a decision would be the judges themselves. As columnist Charles Krauthamer writes: ''Not a single country in the world (save Holland) permits doctors to help patients kill themselves. Now judges have declared that America will be such a country, indeed that the Constitution demands that America be such a country.''

I yield to no one in my respect for the role of the judiciary in preserving our fundamental liberties. On occasion, judges may even be required to strike down a legislative act because it clearly conflicts with fundamental freedoms and guarantees of equal protection set forth in our Constitution. This is part of the genius of our system, the fundamental check on the legislative and executive branches created by the Framers of the Constitution.

But what would the Framers say of these decisions or others like these? Does anyone doubt that they would be astonished to learn that the Constitution prohibits the people from prohibiting physicians from administering death? At some point, the legal arguments advanced by our judges to strike down an otherwise valid legislative act must be examined in the light of common sense.

In creating a new constitutional right to kill oneself with a physician's help, the unelected members of the ninth circuit, judges appointed by both Democratic and Republican Presidents, have taken it upon themselves to deny millions of their fellow citizens the opportunity to address this sensitive and morally charged issue through the democratic process. That is the denial of a fundamental right that would have made the Framers shake with anger. They did not fight so hard to win and preserve the freedom of self-government simply to abandon that freedom to unelected judges.

As one judge who dissented from the ninth circuit's decision observed: ''That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials could decide trivia, while all the great questions would be decided by the judiciary.''

In recent days, I have highlighted the enormously influential role that judges play in the daily lives of the American people. Today, Federal judges micromanage hospitals, schools, police and fire departments, even prisons. Federal judges have unilaterally raised property taxes, and now they have struck down popularly enacted laws on the theory that physician-assisted suicide is no less than a right guaranteed by the Constitution.

The Constitution is a precious legacy. It was precious when it emerged as that ''miracle in Philadelphia.'' Americans of all generations have made it more precious by fighting an dying to defend it. These sacrifices were not made so that Federal judges with life tenure could warp the meaning of the Constitution to fit their own political agenda or personal beliefs. When that happens, judicial review becomes an expression of tyranny, no longer the guarantee of liberty intended by the Framers.

On the admittedly difficult issue of physician-assisted suicide, I am prepared to trust the American people. The American people, not a small group of unelected judges seeking to dispense their own superior moral wisdom, should be the ones deciding whether assisted suicide is consistent with the values our great country does, and should represent.

Mr. President, I ask unanimous consent that opinion pieces by Charles Krauthamer and E.J. Dionne be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 12, 1996]

DECIDING ON LIFE OR DEATH

(By Charles Krauthammer)

In the most morally laden judicial decision since Roe v. Wade, two U.S. appeals courts (for the 2nd and 9th circuits) have within the last five weeks struck down as unconstitutional laws banning physician-assisted suicide. Two issues are at stake here: (1) Should physician-assisted suicide be permitted? And

(2) should judges be deciding the issue? The first is a difficult question. The second is not.

In this column and elsewhere, I have argued that permitting doctors to kill their patients is a bad idea, however compassionate the motives, principally because the erosion of the taboo against physician-assisted suicide will inevitably lead to abuses. But whatever my private view and whatever the private view of the robed eminences of the 2nd and 9th circuits, is this not an issue that a democratic people ought to decide themselves?

Have these judges learned nothing from Roe v. Wade? The United States is the only country in the Western world that has legalized abortion not by popular vote or legislative action but by judicial fiat. The result has been 25 years of social and political turmoil.

Having disenfranchised a democratic people on one of the fundamental moral issues of our time, the courts are now bent on doing it again. Not a single country in the world (save Holland) permits doctors to help patients kill themselves. Now judges have decreed that America will be such a country, indeed that the Constitution demands that America be such a country.

It is not as if the people have neglected the issue. Since 1991, three states have held referenda on the question. California and Washington voted narrowly to retain the ban, Oregon voted even more narrowly to lift it.

Well, they can forget their votes. Judge Stephen Reinhardt and the 9th Circuit Court in San Francisco have decided the issue for them. Congratulating his own steely self-discipline, Reinhardt writes: ''We must strive to resist the natural judicial impulse to limit our vision to that which can plainly be observed on the face of the document before us,'' meaning the Constitution. And resist he does, heroically. In a manifesto longer than the Unabomber's, Reinhardt embraces a ''dynamism of constitutional interpretation'' and proclaims a constitutional ''right to die'' lodged, lo, undiscovered all these years right under our noses in the ''liberty interest'' of the Due Process Clause of the 14th Amendment.

(Question: If the liberty interest mandates permitting assisted suicide, how can one justify the current drug laws? If the state may not impinge on your liberty to make yourself dead, how can it impinge your liberty to make yourself high?)

The prize for judicial presumption, however, goes to Judge Guido Calabresi of the 2nd Circuit in New York for his opinion concurring that current laws banning assisted suicide must be thrown out but for a different—and revealing—rationale: They must go because they are obsolete. They were originally enacted at a time when suicide was either a crime or considered a ''grave public wrong.'' Now that suicide is considered neither, he says, the assisted suicide laws make no sense. Calabresi grants that the Constitution and its history do not clearly render these statutes invalid. But that deters him not a bit. He would throw them out anyway until the New York legislature comes up with new assisted-suicide laws sporting more modern rationales.

Are democratically enacted laws to be stricken until a new moral exegesis can be cooked up to satisfy a judge's personal ethics? Judges rule on the constitutionally of laws, not their currency.

Calabresi presumes that the people of New York retain their prohibition against physician-assisted suicide out of absent-mindedness. Yet he himself notes that in 1994 a task force of doctors, bioethicists and religious leaders organized at the request of Gov. Mario Cuomo concluded (unanimously, mind you) that the laws against physician-assisted suicide should be retained. Yet Calabresi carriers on as if no one other than he has bent his mind to the problem.

Calabresi is a Clinton appointee. Judge Roger Miner, who wrote the 2nd Circuit's majority opinion, was appointed by Reagan. The 9th Circuit majority (1 Kennedy, 5 Carter, 2 Reagan appointees) is similarly ecumenical. Which proves that judicial imperialism is a bipartisan occupational disease.

Is it too much to hope that the Supreme Court will put a stop to it? It would do a great service to the democratic character of this country by reviewing these opinions, overturning them and remonstrating against the breathtaking arrogance of these imperial judges. It might begin by quoting from the dissent of the 9th Circuit's Andrew Kleinfeld: ''That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials would decide trivia, while all great questions would be decided by the judiciary.''

[From the International Herald Tribune, Apr. 16, 1996]

ON DYING IN AMERICA: A QUIET REVOLUTION

(By E.J. Dionne, Jr.)

WASHINGTON. Thanks to two court decisions, the people of the United States are hurtling down a road they did not choose and have grave doubts about pursuing. The decisions, by the 9th U.S. Circuit Court of Appeals on the West Coast and the 2d Circuit on the East Coast, abruptly struck down laws prohibiting doctor-assisted suicide.

It all happened without a full national debate, without any consultation of patients or doctors. These judges decided there ought not be a national dialogue on what is one of the most difficult ethical, moral and practical decisions confronting modern medicine. They were sure they knew better than the rest of us.

What needs to be recognized is that this is not some small legal step. These decisions, if kept in force, will revolutionize the way we Americans think about dying. They will hugely increase the pressures on the very ill to agree to kill themselves, utterly transform the relationship between doctors and patients and create gaping loopholes for abuse.

It is especially chilling that these decisions come up as the country is moving rapidly into managed-care health plans where all the incentives are to cut costs. What easier way to cut costs than to create subtle pressures on patients to kill themselves? Of course there is no managed-care plan out there that would ever do such a thing consciously—one hopes so, anyway. But as medical care for the very ill becomes more and more expensive, it is naive to pretend that such pressures will never arise.

That is why those who call themselves liberal should not rush to the cause of assisted suicide just because the battle flag of ''a liberty interest'' has been raised. One of the most badly needed protections in America's increasingly complicated health system is to insulate individuals from bureaucratic pressures when they make the hardest decisions of their lives.

Many doctors vigorously oppose assisted suicide precisely because they want their own missions to remain clear and unequivocal. The American Medical Association worries that assisted suicide is ''fundamentally incompatible with the physician's role as healer and care-giver.'' Medicine is, as the medical ethicist Leon Kass put it, ''an inherently ethical activity.'' The doctors we admire most are those who keep their ethical obligations in the forefront. We ought not transform their ethical role without debating what such a change would mean. This choice cannot be thrust upon us, of a sudden, by courts claiming higher ethical wisdom.

The confusion created when judges decide this issue by fiat is illustrated by the fact that the two courts reached their decisions for entirely different constitutional reasons. The 2d Circuit judges said laws against assisted suicide violated the 14th Amendment's equal protection clause, since the law permits one class of people to end their lives by withdrawing treatment but requires another class to stay alive because it denies them suicide.

This gives the concept of ''equal protection'' a chilling twist. It is a terrible leap to declare that withdrawing support is exactly the same as helping a patient commit suicide. In the first case, we are acknowledging that great medical advances permit us to trump nature and keep people alive long after they would otherwise have died. In the second, we are taking active measures to kill people. Surely this is not a line we should erase casually.

The 9th Circuit, on the other hand, relies on the liberty protections of the 14th Amendment. ''At the heart of liberty is the right to define one's concept of existence, of meaning, of the universe and of the mystery of human life,'' wrote Judge Stephen Reinhardt. Well, sure, But what is at stake here is the relationship of the individual to the medical system. What needs arguing is whether liberty will actually be enhanced by giving doctors Q and hospitals and HMOs Q new powers over life and death.

One cannot escape the suspicion that we have here an outcome in search of a rationale. The goal is to legalize assisted suicide and the judges rummage around for constitutional language to justify the goal.

This is no easy issue. Modern medicine can keep people alive far longer now than in the past. It's fair to debate if more people may now suffer more pain in the last stages of life, and what that should mean for the practices of medicine. But the courts should not decide this for us.

TRAVELGATE

Mr. GRASSLEY. Mr. President, today I read a story in the Washington Times that ought to absolutely outrage every Member of this body. It should also outrage the American people. The article is entitled ''Democrats Stymie Effort to Pay Travelgate Legal Fees.'' It is written by Mr. Paul Bedard.

The story is about how Democrat Senators are secretly trying to pull the plug on a Republican bill to pay legal fees for this person. The bill would help undo some of the damage that the Clinton White House perpetrated against seven innocent employees of the White House travel office. Mr. Billy Dale was the head of that office. He is the most prominent of the seven and the most harassed by the White House. The bill would restore only a small part of the economic damage done to these citizens and their families. It would simply pay their legal fees. It would do little or nothing to restore their reputations, their dignity, their psychological trauma, or their faith in their Government, especially in this White House.

Now, to make matters worse, Mr. President, the Democrats want to take