

commitment, a consistent commitment to the principle that homosexuality is incompatible with military service. This conviction has been one that was more thoroughly investigated and examined than perhaps any other policy, at least controversial policy, that this Senate body has examined in my memory and in many people's memories. We held exhaustive hearings. We held field hearings. We brought in experts from every perspective from the left, the right, and everywhere in between. Regardless of what their philosophical position was, we gave people the opportunity to express their opinion on this issue.

The evidence and the findings of fact that are laid out in the law itself that this Congress passed by a very substantial margin and which was signed by the President clearly demonstrated a factual basis and a rational basis for the policy that was adopted. The conviction is justified and, I think, clearly won the support of an overwhelming majority of both the House and the Senate and reaffirmed and signed into law and now has been reaffirmed into law.

Now, I know there are some who still disagree with the conclusion that the Senate arrived at and that the Congress arrived at, but they presented their argument in a national debate. That argument did not prevail and did not come close to prevailing. They lost that argument because we were able to demonstrate, on a bipartisan basis, led by Senator Nunn and was something I participated in and many others, that clear, open homosexuality undermines unit cohesion and military effectiveness. It creates an unavoidable sexual tension, often in close quarters, which compromises the central purpose of the military, and that is to be effectively prepared to be able to fight and win wars if necessary or if called on.

Second, the U.S. military defines homosexuality as it has always defined homosexuality. First, making a statement that you are a homosexual is a presumption, is a clear indication, that you have adopted a homosexual lifestyle and is grounds for discharge. Second, engaging in a homosexual act is *prima facie* evidence of the case that you are a homosexual as defined in the law. Third, entering into a homosexual marriage. Those are the criteria.

In the public debate, people have tried to call this policy many different things, but in fact it is the policy the military held even before we passed the so-called don't ask, don't tell policy in 1994, and it is the policy we enforce today. So when military commanders implement this policy, they are not violating the rules. They are simply enforcing the law as we in the Congress wrote the law, supported the law, voted for the law, on a bipartisan basis, and as that law was accepted and signed into law by the President, the current President, of the United States.

PARTIAL-BIRTH ABORTIONS

Mr. COATS. Mr. President, I will comment on another article in the New York Times which is titled, "An Abortion Rights Advocate Says He Lied About Procedure" of partial-birth abortions.

Many here remember the very heated and controversial and difficult and emotional debate that we had on this floor in attempting to override the President's veto of the partial-birth abortion bill passed, again on a bipartisan basis, in both the Senate and the House but vetoed by the President on the grounds that this was a rare procedure, it rarely happened, and, therefore, we should not make a policy which would deny on those few rare occasions, as the President described them, the opportunity to women to avail themselves of a partial-birth abortion.

A Planned Parenthood news release of November 1, 1995, which was cited by many on this floor as the basis for the fact that this is rare, said, "The procedure is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality." The President cited that and quoted medical experts that said that this was a rare procedure and used that as the basis for his veto of the bill, which prevented us from passing a ban against partial-birth abortions.

Now, today, the New York Times comes out with an article indicating that one of the doctors that was so frequently quoted, and the fact that it was so frequently used by opponents on this floor to argue against the ban on partial-birth abortions, that doctor has stated that he lied when he said this was a rare procedure.

Reading the article:

A prominent member of the abortion rights movement said today that he lied in earlier statements when he said a controversial form of late-term abortion is rare and performed primarily to save the lives or fertility of women bearing severely malformed babies.

He now says the procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses.

Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said he intentionally misled in previous remarks about the procedure.

But he is now convinced, he said, that the issue of whether the issue remains legal, like the overall debate about abortion, must be based on the truth.

Mr. Fitzsimmons recalled the night in November 1995, when he appeared on "Nightline" on ABC and "lied through my teeth" when he said the procedure was used rarely and only on women whose lives were in danger or those fetuses were damaged.

"It made me physically ill," Mr. Fitzsimmons said in an interview, "I told my wife the next day, 'I can't do this again.'"

As much as he disagreed with the National Right to Life Committee and others who oppose abortion under any circumstances, he said he knew they were accurate when they said the procedure was common.

As I said, last April, President Clinton vetoed a bill that would have out-

lawed this procedure, and in explaining that veto, as the New York Times quotes, "Mr. Clinton echoed the argument of Mr. Fitzsimmons and his colleagues." And I quote from the President:

"There are a few hundred women every year who have personally agonizing situations where their children are born to or are about to be born with terrible deformities, which will cause them to die either just before, during or just after childbirth," the President said. "And these women, among other things, cannot preserve the ability to have further children unless the enormity—the enormous size of the baby's head—is reduced before being extracted from their bodies."

Meaning a tube is stuck into the baby's head, the skull, the brains are sucked out, and the skull is collapsed. That is the procedure we are talking about here. He is reduced before being extracted from their bodies.

A spokeswoman for Mr. Clinton, said tonight that the White House knew nothing of Mr. Fitzsimmons' announcement and would not comment further.

I bring this to light, Mr. President, and I am putting it in the RECORD because I hope that the President would have the opportunity to now gain this information that was erroneous.

Mr. Fitzsimmons has admitted now on record that he "lied through his teeth," was deliberately deceptive. That was the justification on which the President formed his opinion and decision. I hope we can now use this opportunity to clarify the record, and that the President can revisit his decision, on the basis of this new information that this is a common procedure and not a rare procedure. The President could—and hopefully the Congress will be addressing this at some point—when presented again with an opportunity to provide a ban against a procedure that is inhuman, and many believe is infanticide, a grisly procedure that is even difficult to describe anywhere in public, and particularly on the floor of the Senate. I hope the President, now armed with this new information, will be able to reexamine his position on the issue, and when and if a bill is presented to him that bans partial-birth abortion, would, on the basis of this new information, and the justification he used to veto the previous bill, reverse his position and support our efforts to bring some level of decency and humanity into this abortion procedure.

We are not discussing here the issues that have so consumed us on the abortion question in the past. We are talking about a situation that most find abhorrent, and which is something I don't believe this Nation can have a policy advocating. So with this new information, we are providing an opportunity for people to revisit their decisions and their conclusions because, clearly, that was the justification and basis for the opposition to the ban on partial-birth abortion, and clearly now we have evidence refuting that opposition and, hopefully, that will provide

the basis for us to go forward and correct what I believe was a serious mistake we made in the last Congress.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

WORKING TOGETHER ON THE ABORTION ISSUE

Mrs. BOXER. Mr. President, I just heard my colleague talk about information that he feels would lead people to change their view on the tragic issue of late-term abortion. I want to make a clear point that I made today to the press when they asked me about this. I think it is deplorable that anyone on any side of this issue would knowingly misstate the truth, on any side. There is no excuse for that. We can't resolve problems in this Nation if people don't tell the truth.

The issue here is—and I think it is very important to state it—that under Roe versus Wade, which is the law of the land and has been upheld by the Supreme Court several times, a woman has a right to choose, without Government interference, in the early stages of her pregnancy. Now, that is a matter of debate. Some colleagues here think that is a very bad decision by the Court. Some colleagues here would like to outlaw abortion at any stage. But what Roe versus Wade said is postviability. Once the fetus is viable, the Government can come in and regulate abortion. I agree with that.

What Roe versus Wade says is that the Government can regulate abortion at the postviability stage very clearly, as long as the life of the woman is protected and her health is protected.

Now, Mr. President, I think we owe it to the women of this Nation to ensure that they do not die, and if they have a very complicated pregnancy, where if they were to carry the child to term, they would lose their life or endure severe adverse health consequences where perhaps they could be paralyzed for life or become infertile—we had women, several of whom were religious Catholics and consider themselves pro-life, that had to go through and endure this procedure because they were told either their life was at stake or they could never carry another child.

So the issue isn't about how many times this procedure is used. My view is that even if it is used once incorrectly, it is wrong. I think what we ought to do is say that we should never allow an abortion in the late term, postviability, unless it is necessary to protect the life of the woman or her health. And I think that what we ought to start doing in this U.S. Senate is to start to come together on a couple of things. I don't think we are ever going to agree on the basis of Roe versus Wade. I think my friend from Indiana believes that abortion is wrong, and he is willing to outlaw it. I support Roe versus Wade. We have a fair disagreement. So we can't come together on that.

I think we can come together on two issues surrounding this difficult issue. First, family planning. We ought to all support family planning, so that every child is a wanted child and so that the number of abortions would drop dramatically. I was so pleased to see colleagues on the Republican side of the aisle join with colleagues on the Democratic side of the aisle and make a profamily planning statement. We ought to come together on that, and we ought to come together on the issue of late-term abortion. We ought to say it should not be allowed, unless it is necessary to save the life of a mother or spare her irreparable harm.

I really think we have an opportunity now, because this issue has been brought up again, to walk down the aisle together on those two points—family planning and on the late-term abortion issue. Consistent with Roe versus Wade, we can do that.

So, Mr. President, I know we will be revisiting this issue. I will, once again, bring to the floor the stories of the women who had to have these procedures, postviability, because their life was in danger or they might have been infertile. I will continue to put the woman's face on the issue. I hope we can reach agreement, in a bipartisan way, on this matter and move forward so that, in essence, we can reduce the number of abortions in this country and that every child can be a healthy and a wanted child. Thank you very much, Mr. President.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

ABORTION

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from California for her remarks. I find myself in complete agreement with what she has just said. I hope that this year, as opposed to last year, we can find a solution, that we can resolve the differences that may not be insurmountable in coming to grips with both of the issues—family planning and late-term abortion.

If we can find the language that says that, with respect to all procedures, postviability abortions ought to be outlawed, except in those rare, rare circumstances involving the life and emergency health situations so that we would protect the woman from irreparable harm or enable her to have another child at a later date, is something that I hope we can all support and come together to resolve. So, again, I thank her for her comments, and I would like to work very much with the Senator from Indiana, who has spent a lot of time on this issue to resolve this matter in a successful way sometime this session.

SENATOR GLENN'S RETIREMENT

Mr. DASCHLE. Mr. President, last Thursday our colleague, Senator JOHN

GLENN, announced he will be retiring from the Senate at the end of his current term in 1998. While I am saddened by his decision, I certainly understand it, and I want to take a few moments to pay tribute to a man who has given a lifetime of service to his country.

Soldier, astronaut, hero, businessman, statesman, nuts-and-bolts reformer. All of these words accurately describe the long, distinguished career of JOHN GLENN. Courage, tenacity, modesty, authenticity, the "Right Stuff." These words describe the character of JOHN GLENN, the ingredients that have made this great career so memorable.

When he retires on the cusp of the 21st century, JOHN GLENN will likely be remembered as one of the great American heroes of the 20th century, both for his heroism in battle and for conquering the peaceful but uncharted frontiers of space. But he should also be remembered as a Senator who helped prepare his government to enter the 21st century as a modern, efficient force for good in people's lives.

JOHN GLENN first answered his country's call when he joined the Naval Aviation Cadet Program shortly after Pearl Harbor. He was commissioned in the Marines in 1943. First Lieutenant GLENN flew nearly 60 combat missions in the Pacific theater. His great courage and skill earned him 2 Distinguished Flying Crosses and 10 Air Medals.

After the war, JOHN GLENN remained in the Marines, was promoted to the rank of major, then distinguished himself once again in the Korean conflict. He flew 90 combat missions in just 8 months, won 2 more Distinguished Flying Crosses, 8 more Air Medals, and numerous accolades from his fellow Marines, including the titles Mig-mad Marine."

JOHN GLENN could have retired from the military after Korea and entered civilian life a decorated hero. He chose instead to stay in the service and take on more challenges, including new frontiers that, at that time, existed only in the imaginations of most men.

As a military test pilot in 1957, JOHN GLENN established a new flight speed record, earning credit for the first-ever transcontinental supersonic flight. This record flight also earned him his fifth Distinguished Flying Cross and caught the eye of NASA's Project Mercury program, dedicated to launch the first human into space. As a Mercury astronaut, JOHN GLENN put in many months of intense training, and in 1961 he was chosen to make America's first attempt to orbit the Earth.

Numerous technical and weather problems delayed his attempt for 2 months. One can only imagine the pressure of an on-again, off-again wait for a risky, dangerous feat that no man had ever accomplished. But JOHN GLENN's moment finally came when an Atlas-D rocket launched his tiny capsule, *Friendship 7*, into Earth's orbit on February 20, 1962.