

they could use their fertility or—to be honest with you, I don't know why someone would suggest that we want to protect ourselves from losing our fertility by killing a healthy baby. I don't understand that. If you want to protect your fertility to have children, why would you kill a healthy baby to do that? This is something that strikes me as an argument that I have not heard a sufficient answer to on the other side. Why would you kill one child so you could have more children? As far as I know, there is no guarantee of being able to get pregnant again. Unfortunately, there are tens of thousands, probably hundreds of thousands of couples who are trying to have children and can't. If you have been blessed with a healthy baby and a healthy pregnancy, I don't know why you would do this procedure. But the point is, you would not go through this 3-day procedure if there was an imminent health risk to the mother. It is just not logical.

This procedure was not designed by a physician who was looking out for the health and life of the mother. This was designed by a physician, in his own words, as a more efficient way to do abortions for the abortionist, not for the mother. It is efficient in that the mother can come in and do it on an outpatient basis. Late-term abortions are much more complicated. It is much more involved. This basically prepares the woman for a shorter visit to the clinic and a more convenient way for this abortionist to perform the abortion and to be able to do more of them in one day. That is the reason this procedure was developed.

You will hear testimony of people who have written textbooks on abortion, who said they would never use this, and they do late-term abortions. So I just ask my colleagues to listen to all of the facts. We had, I think, last year—and it was unfortunate, and I will not point blame at anybody. I am not too sure there is blame. We had a situation where the vote came up in an election year, in an election climate. Members are people, too. They feel a comfort zone on issues. It is very hard for them to sort of break out of this comfort zone into unknown territories, particularly around a very politically charged environment, even though the facts were there; many of the facts were available for the override vote. Certainly, a lot of them were not given credibility in the mainstream media. Now they have been.

So I ask many of my colleagues who have already cast a vote more than once on this issue to have an open mind, to step back and look at the reality of partial-birth infanticide and recognize your obligation to those children, recognize your obligation to your constituents in trying to ascertain the truth, and make a decision that is in the best interest for America and for your State, not for the interest group that supports you in your election, not for the advocates who you may have

good relationships with. We are in our comfort zone with people who agree with us. It is very easy for us to sort of hang around those people and sort of feed off each other. I understand that. But sometimes you have to step back from all of that. You have to step out in the cold and look at the cold, hard facts and make a decision using your mind and using your heart on what is right—not what is right politically for me, not what is right for my friend, but what is right for our culture and what is right for our whole existence as a country.

I think when we do that, I think when Members take time to do that, we will see something very special happen here, which is what happened in the House today. Members will have stepped out of that comfort zone, which I know is very hard to do, will take an honest look at the facts and make a decision that is right for America. That is my hope.

I am going to be working very diligently, and I know other Members are, in making sure that this information is disseminated.

I again encourage the press to do your job, fact-check your stories before you write them, and ascertain the truth. Do not just report what people say. I know some people think that is their job. If that is the job of a reporter, then reporting has sunk to a new low in this country if all we do is run around and report what people say. That is not journalism, in my book. At least make an attempt to find out the truth. At least check. This is serious stuff. We are not talking about how the Senate buys paper here. It is important. It takes taxpayer dollars. We have a system. We are talking about very weighty issues. We are talking about the issues of life and death, about a barbaric procedure that just goes beyond any vision that I can imagine that people in this country have of what our civilization and what humanity is.

So take that responsibility seriously on your side. We take it seriously here. I think, if you do your job and if Members of the Senate do their job, which is to honestly face the facts, allow those facts to rebound off your sense of judgment, your sense of right and wrong, then I think what will bounce back is a vote to end this barbarism in this country by an overwhelming vote.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

ACCEPTANCE OF PRO BONO LEGAL SERVICES

Mr. BYRD. Mr. President, on October 3, 1996, the Senate adopted Senate Resolution 321, which I introduced, and which had the bipartisan support of both the Majority and Minority Leaders. The resolution authorizes a Sen-

ator to accept pro bono legal services when challenging the constitutionality of a Federal statute, and then only when the statute in question expressly authorizes the Senator to file such a suit.

In addition, Senate Resolution 321 required the Select Committee on Ethics to establish regulations providing for the public disclosure of information relating to the acceptance of pro bono legal services performed as authorized by the resolution. Those regulations were adopted by the Committee on February 13, 1997, and were subsequently printed on page S1485 of the CONGRESSIONAL RECORD dated February 24, 1997.

Specifically, those regulations state, in relevant part:

A Member who accepts pro bono legal services with respect to a civil action challenging the validity of a Federal statute as authorized by S. Res. 321 shall submit a report to the Office of Public Records of the Secretary of the Senate and the Senate Select Committee on Ethics. . . .

The regulations go on to state:

All reports filed pursuant to these Regulations shall include the following information: (1) A description of the nature of the civil action, including the Federal statute to be challenged; (2) the caption of the case and the cause number, as well as the court in which the action is pending, if the civil action has been filed in court; and (3) the name and address of each attorney who performed pro bono services for the Member with respect to the civil action, as well as the name and the address of the firm, if any, with which the attorney is affiliated.

On January 2, 1997, I, along with former Senator HATFIELD, Senator LEVIN, Senator MOYNIHAN, and Representatives WAXMAN and SKAGGS, filed a civil action in U.S. District Court for the District of Columbia challenging the constitutionality of Public Law 104-130, the Line Item Veto Act. That suit, titled *Byrd v. Raines*, was filed pursuant to section 3 of the Act, which authorizes precisely this type of suit.

In our quest to utilize the best legal talent available, we have, in accordance with Senate Resolution 321, chosen to accept the pro bono services of several distinguished attorneys. To date, they have provided each of us with invaluable service through consultation, research, analysis, and legal representation.

At this time, I would like to advise the Senate that, as required by the aforementioned regulations issued by the Select Committee on Ethics, Senators LEVIN, MOYNIHAN, and I have filed the necessary reports fully disclosing the representation which we have received. However, in an effort to comply with not only the letter of those regulations, but also with their spirit, I am today placing in the CONGRESSIONAL RECORD copies of those reports so that all Senators will be thoroughly apprised of the details of this matter.

Mr. President, I ask unanimous consent that the two reports to which I have referred be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 12, 1997.
Hon. MITCH MCCONNELL, *Chairman*,
Hon. BYRON L. DORGAN,
Vice-Chairman, Select Committee on Ethics,
U.S. Senate, Washington, DC.

GENTLEMEN: In accordance with the regulations promulgated by the Select Committee on Ethics pursuant to Senate Resolution 321 of October 3, 1996, we are submitting this report with respect to our acceptance of certain *pro bono* legal services. Those services have been, and will continue to be, accepted by us in connection with the filing of a civil action challenging the validity of a federal statute. Please find below the details of this action as required by the regulations, which were published in the Congressional Record dated February 24, 1997.

1. This is a civil action in which we, as plaintiffs, have challenged the constitutionality of Public Law 104-130, the Line Item Veto Act.

2. The case, captioned *Senator Robert C. Byrd, et al v. Franklin D. Raines, et al*, civil action number 97-0001, was filed on January 2, 1997, and is currently pending in the United States District Court for the District of Columbia before the Honorable Thomas Penfield Jackson.

3. *Pro bono* legal services have been provided to us by:

Mr. Lloyd N. Cutler, Mr. Louis R. Cohen, Mr. Lawrence A. Kasten, Wilmer, Cutler & Pickering, 2445 M Street, N.W., Washington, DC; Mr. Charles J. Cooper, Mr. Michael A. Carvin, Mr. David Thompson, Cooper and Carvin, 2000 K Street, N.W., Suite 401, Washington, DC; Mr. Alan B. Morrison, Ms. Colette G. Matzzie, Public Citizen Litigation Group, 1600 20th Street, N.W., Washington, DC; Mr. Michael Davidson, 3753 McKinley Street, N.W., Washington, DC.

As always, it is our intent to fully comply with both the letter and the spirit of the regulations issued by the Select Committee on Ethics. We trust that this report serves to fulfill that intention. Should you or your staff wish further information pertaining to the matter, please have your staff contact Peter Kiefhaber (Senator Byrd) at 4-7215, Linda Gustitus (Senator Levin) at 4-5538, or Mark Patterson (Senator Moynihan) at 4-7800.

Sincerely,

ROBERT C. BYRD,
CARL LEVIN,
DANIEL PATRICK MOYNIHAN.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 12, 1997.

Hon. GARY SISCO,
Secretary of the Senate, U.S. Senate, Washington, DC.

DEAR MR. SISCO: In accordance with the regulations promulgated by the Select Committee on Ethics pursuant to Senate Resolution 321 of October 3, 1996, we are submitting this report with respect to our acceptance of certain *pro bono* legal services. Those services have been, and will continue to be, accepted by us in connection with the filing of a civil action challenging the validity of a federal statute. Please find below the details of this action as required by the regulations, which were published in the CONGRESSIONAL RECORD dated February 24, 1997.

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Should you or your staff in the Office of Public Records wish further information pertaining to the matter, please have your staff contact Peter Kiefhaber (Senator Byrd) at 4-7215, Linda Gustitus (Senator Levin) at 4-5538, or Mark Patterson (Senator Moynihan) at 4-7800.

Sincerely,

ROBERT C. BYRD,
CARL LEVIN,
DANIEL PATRICK MOYNIHAN.

ADDITIONAL COSPONSOR—S. 6

Mr. INHOFE. Mr. President, I ask unanimous consent that my name be added as an original cosponsor to S. 6, the partial-birth abortion bill.

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

BOSTON GLOBE SERIES OF ARTICLES ON POVERTY IN WESTERN MASSACHUSETTS

Mr. KENNEDY. Mr. President, last week, the Boston Globe carried a superb series of articles on poverty in the rural towns of western Massachusetts. The series was entitled "Hidden Massachusetts" and it was written by two Globe reporters—David Armstrong and Ellen O'Brien. These two have done an excellent job portraying the impact of job loss on both individuals and communities. The towns in this area have been devastated by plant closings and layoffs. Factories and mills throughout the region have pulled out for warmer climates and cheap overseas labor. The jobs which remain are predominantly low paying. Salaries in the communities west of Worcester are dramatically lower than those in the remainder of the state. With this sense of economic hopelessness has come increased levels of crime, violence and abuse.

These articles are a poignant reminder that the rising economic tide has not lifted all boats. Similar stories could be told about impoverished communities in every one of our states. For those with limited education and outdated employment skills, the economic environment is growing increasingly hostile. The macro-economic numbers which describe a growing economy conceal a great deal of individual pain and dislocation. As a nation, we need to pay much more attention to the disturbing growth in income disparity. The working poor are becoming poorer, and the middle class are finding it tougher to maintain their living standard. We must provide these hard working men and women with the tools they need to succeed in

the new economy. We must provide them with the opportunity to share in the prosperity.

I call these articles to your attention, and I ask unanimous consent that excerpts from them be printed in the RECORD, because their message is a national one. The problems faced by the people of western Massachusetts are the same problems which confront us all across America. We must make the American dream a reality for more of our citizens. These stories are an important reminder that we have not yet done so.

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

[From the Boston Globe, Mar. 9, 1997]

HIDDEN MASSACHUSETTS

BEHIND THE SCENIC LANDSCAPES, ON THE BACK ROADS OF A RURAL MASSACHUSETTS, IS A WORLD OF POVERTY AND ABUSE, VIOLENCE AND DESPERATION

(By David Armstrong and Ellen O'Brien)

It's dim and stale in the basement lockup at district court, the sickly yellow walls echoing the tales of a thousand petty criminals who have sat here waiting to see the judge upstairs. There are two cells, each with heavy steel bars painted black. There are no windows.

In the far cell, on the edge of a wooden bench, sits a stocky, babyfaced 11-year-old with straight brown hair that's cut short. He stares at a concrete wall where someone has scratched the words "White Power." In the corner is a shiny, metal toilet welded to the wall.

He is Chevy Van Pickup—so named because his parents thought it sounded cool. He's here for allegedly mugging a woman outside a package store in Athol, a small town near the New Hampshire border where he lives.

Chevy already is the youngest child in the custody of the State Department of Youth Services, the agency that oversees the treatment and punishment of kids in trouble.

His rap sheet would be impressive if he were an adult, never mind a child a decade shy of the legal drinking age.

Athol police first picked him up when he was 5 years old (his mother can't remember what he did). When Chevy was 7 years old, the youngest age at which someone can be charged with a crime in Massachusetts, he was arrested four times—once for attacking another student with a trumpet.

Now confined to a facility for young criminals in Lancaster, Chevy spends his free time making cards for his grandfather and trying to earn good behavior points so he can buy presents for his sisters. For the first time, he is learning how to read.

On the rare occasions his mother visits, Chevy repeatedly asks for hugs and tells her how much he loves her.

Head west from Boston, past the pricey suburbs, beyond the bustle of Interstate 495, and you'll find some of the loveliest landscapes in New England.

But it's a cruelly deceiving portrait.

Behind the pastoral facade live some of the poorest, most violent, most abused, and desperate young people in the state. This is the hidden Massachusetts—the tragic, ugly underside of a state renowned for prestigious universities, famous hospitals, high incomes, and educated residents.

In many towns and small cities along Route 2, where tourists crowd maple sugar stands, assaults are more widespread than in Boston or Springfield.