

"Statements on Introduced Bills and Joint Resolutions.")

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. SPECTER pertaining to the introduction of S. 593 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I yield the floor and, in the absence of any other Senator on the floor, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the order?

The PRESIDING OFFICER. We are in morning business until 1 o'clock. Senators have 5 minutes to speak.

Mr. BYRD. Mr. President, I ask unanimous consent I may speak not to exceed 30 minutes.

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

Mr. BYRD. Mr. President, I ask that the time for routine morning business, accordingly, be adjusted.

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

#### PRAYER IN SCHOOL

Mr. BYRD. Mr. President, I introduced a joint resolution on February 6 to amend the Constitution in order to clarify that document's intent with regard to prayer in our public schools. Senators LOTT, HOLLINGS, FORD, and SMITH of New Hampshire have indicated a desire to have their names added as cosponsors. At the conclusion of my remarks I will ask that be done.

Mr. President, my proposed amendment is short, but it constitutionalizes what the Supreme Court has upheld on a number of occasions; namely, that the Founding Fathers did not intend for Government and the schools to be opponents of religion but rather that they should be neutral and impartial in allowing the practice of all religious beliefs by American citizens and by even the schoolchildren of our Nation.

I have long been concerned by the trends in our schools and in our courts to overzealously eliminate all references—all references—to religion and religious practices. It is now uncommon and rare to see any acknowledgment of the religious underpinnings of

major holidays. The unfortunate effect of this misguided overzealousness has been to send the subtle but powerful message to our children that religious faith and practice is something unsanctioned, unimportant, and unsophisticated—something that only small handfuls of people practice, and usually then only on weekends. Indeed, this exorcism of religion from the school day and from most of American life has reached even into the recitation of the Pledge of Allegiance and other important American documents.

I was here on June 7, 1954, when the House of Representatives, of which I was then a Member, added the words "under God" to the Pledge of Allegiance. The next day, on June 8, the Senate likewise added the words "under God" to the Pledge of Allegiance. I think it was on June 20 of that year, 1954, that the President signed the additional language into law.

I understand the thinking of the Founding Fathers when they drafted a Constitution that specifically forbade the establishment of a state religion and that intended to—and does—protect the freedom of all religions to observe the rituals and the tenets of their faith. The Founding Fathers and many of the earlier settlers of this country had fled from nations where State-sanctioned religions had resulted in exclusion from Government participation or even persecution of believers in non-sanctioned faiths. They were generally—talking about the founders of this Nation, the framers of the Constitution, the Founding Fathers, those who voted in the various conventions for the new Constitution—they were generally religious men, as the number of plaques in local churches here attest, proclaiming proudly, for example, that "George Washington attended church here." The freedom to worship was important to them, and they sought at all cost to prohibit the Government of our Republic—the Government of our Republic, not our democracy; our Republic—from assuming the dictatorial powers of a king. Indeed, the Federalist Papers 59, in discussing the differences between the President and a king, specifically observes that the President has "no particle of spiritual jurisdiction." There would be no "Church of America," permitted by the Constitution.

But in discussing the qualifications of elected officials and electoral college members, the authors are clear in encouraging participation by members of all faiths, and they pointedly note that religious belief is not a bar to election or selection. So whether you are a Catholic or whether you are a Jew or whether you are a Baptist or Methodist, Episcopalian is not something that will bar one from election. In Federalist 57, James Madison writes: "Who are the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification

of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgment or disappoint the inclination of the people." But, seeking to keep the Government from dictating a particular religion certainly did not mean that all public professions of faith must be banned, and the courts have sustained that view.

Chief Justice Warren Burger, writing for the Court in *Lynch v. Donnelly* emphasized what he called "an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789."

Now, Mr. President, the words "In God we trust," those words appear on our Nation's currency. Proclamations of days of thanksgiving and prayer, legislative chaplains, the invocation "God save the United States and this Honorable Court" at the opening of judicial proceedings—all these and more reinforce what Chief Justice Burger was asserting when he wrote that the Constitution does not require "complete separation of church and state . . . (but) affirmatively mandates accommodation . . . of all religions, and forbids hostility toward any."

An acknowledgment that faith is, and should be, a part of the everyday life of those who desire it, not just an occasional weekend or holiday exercise, is a message that our children need to absorb. Schools, principals, and administrators should not react in dismay when a student-initiated religious group seeks to meet in a classroom after school. What is wrong with that? That sort of extracurricular activity should be encouraged, not frowned upon. We need not sanctimoniously strike a Christmas carol from the euphemistically named "Winter Concert," nor tiptoe around the observance of a daily "moment of silence" for reflection, meditation, or even, if the child wishes, prayer. And it certainly must be permissible to discuss the role that various religious faiths have played in world history and in the history of our own Nation. Actually, it is imperative to the study of history.

Especially in these troubled days, it is important, in these very significant ways, to send a positive message to children about private faith and religious practice. They spend 6 or more hours a day in school, 180 days or more each year. More and more, in a society where both parents work, schools are where children absorb much of their "life instruction" and develop behavioral and social attitudes, in addition to academic knowledge. School is one of the few places besides church where clean and positive messages are, or should be, instilled in our children, counterbalancing the pervasive violence and seamy morals of television. We put a premium on the diversity of education that they receive in literature, history, geography, science, and mathematics; yet, most public schools are a spiritual dead zone—a spiritual dead zone—completely devoid

of even the unspoken understanding that religious faith ought to play a part, perhaps a major part, in people's lives. For fear of offending the sensibilities of the few—we are living in this age of so-called "political correctness." I don't know what that means, and I don't care and don't intend to change my ways and attitudes to be in accordance with "political correctness." For fear of offending the sensibilities of the few, we have denied the needs of the many. A climate of openness and an acknowledgment that many people, including children, can profess and practice different faiths, are needed in our schools, which should not be a spiritual wasteland where even the mere recognition of any spiritual faith is banned.

Mr. President, I am normally and naturally reluctant to amend the Constitution. But I am not one who would say never, never amend the Constitution. Regarding amendments to require a balanced budget, or to provide the President with the line-item veto, I have been vociferously and adamantly opposed. These amendments would fundamentally alter the checks and balances established in the Constitution. But on the financing of political campaigns, I have been willing to seek a constitutional remedy to that scourge of public trust, a scourge that no legislation has ever been able to control. And on this issue of openly acknowledging and accepting the role that prayer and religion can and ought to play in our lives, I believe that an amendment to reaffirm the appropriate neutrality of the Constitution toward prayer and religious activity in school is necessary to swing the pendulum back toward the middle, toward the neutral middle, away from both the existing pole, where the state seems, at least, to have become inimical toward the exercise of religious freedom, and away from the opposite and clearly unconstitutional pole of dictating one religious profession of faith over any other. We do not have to completely discourage any recognition of a Supreme Being in order to avoid favoring one religious faith over another. And to do so is, in effect, a form of religious discrimination which the Founding Fathers would never have sanctioned.

The sum total of this collective effort to bend over backwards to avoid any recognition of a Supreme Being in our schools has had the extremely damaging effect of making any expression of such a belief appear to be undesirable, unfashionable, and even something to be studiously avoided. If one mentions a Supreme Being in some circles, he is considered to be unsophisticated. Children pick up on such messages quickly. And as a result, we have produced several generations of young people largely devoid of spiritual values in their daily lives. Everywhere they turn, they meet the subtle, and perhaps not so subtle, putting down of spiritual values.

Recently, I noted an article in the Washington Post which proclaimed

that only 40 percent of U.S. scientists believe in God. Although this is precisely the same percentage as was revealed in a similar survey in 1916—and I am glad it hasn't deteriorated or gotten worse in the meantime, and that is almost worthy of some amazement that it hasn't—I find such a result personally unfathomable.

Who, more than a man or a woman of science, should be more acutely aware that the wonders of the universe could not have just happened? Who, more than an astronomer or a mathematician, or a physicist, or a biologist, intimately familiar with the laws of probability, could better understand the impossibility of the wonders of the universe and all creation occurring simply as a byproduct of fortunate accident?

I wonder how many of these scientists who answered the poll, which indicated that only 40 percent of the scientists believe in a Supreme Being, have read Charles Darwin? Well, no less a pioneering scientific intellect than Charles Darwin, the originator of the theory of natural selection—I have the book here in my hand—refused to rule out a Divine Creator; and he even refers to a Divine Creator in his book, "The Origin of Species."

Darwin asks a very penetrating question, and I'm reading from page 193 of Charles Darwin's volume of "The Origin of Species." Here is the question that he asks: "Have we any right to assume that the Creator works by intellectual powers like those of man?" Now, that is an incisive question because I think we are prone to think of God's intellect in the context of what we think to be or know to be our own intellectual processes, our own intellects. But Darwin asks the question: "Have we any right to assume that the Creator works by intellectual powers like those of man?" That is a great question.

Darwin continues the dovetailing of his scientific theory with the works of the Creator when he writes this on page 194: "Let this process go on . . ."—he is talking about the process of natural selection—"Let this process go on for millions of years; and during each year on millions of individuals of many kinds; and may we not believe that a living optical instrument . . . might thus be formed as superior to one of glass. . . ." He speaks of a living optical instrument—in other words, the eye, which can adjust itself to light and to distance, and so on, automatically and virtually immediately; whereas, the best camera that the Presiding Officer, PAT ROBERTS, has will have to be adjusted a little bit for light and distance, and he will have to look through it a little bit and adjust this and adjust that. Well, that is what Darwin is talking about when he says: "Let this process go on for millions of years; and during each year on millions of individuals of many kinds; and may we not believe that a living optical instrument (the eye) might thus be formed as superior to one of glass, as

the works of the Creator are to those of man?"

So Charles Darwin himself is not backward about speaking of a Creator. "Let this process"—the process of natural selection—"go on for millions of years; and during each year on millions of individuals of many kinds; and may we not believe that a living optical instrument (the eye) might thus be formed as superior to one of glass, as the works of the Creator are to those of man?"

So it is clear that even such a scientific genius as Darwin did not think it to be unsophisticated to believe in a Creator, or make reference to a Creator, a Supreme Being.

I have read and reread many times, Mr. President, the account of creation as set forth in the Book of Genesis in the Holy Bible. I thought it well to read Darwin's theory of "Natural Selection" also. And I have done that. As a matter of fact, when I first read that book some years ago, and it made reference to the Creator in Darwin's "Origin of Species," I was somewhat amazed. I never thought that, after hearing about Darwin's theory—the theory of evolution, and so on—I didn't think he would be so unsophisticated as to make any reference to a Supreme Being, to a Creator. But I found differently.

So it is clear that such a scientific genius as Darwin did not feel the need to rule the Creator out of creation just because man in his limited, narrow, finite intelligence might be arrogant enough to do so. It may just be that such surveys reveal only the desire of some in the scientific field to avoid appearing unsophisticated to their colleagues. For in the minds of many misguided people, to be truly intelligent one must avoid any alignment with the alleged superstition and naivete of religion. What poppycock! For any serious student of science not to express wonder at the mystery of life and the universe and to claim instead that it is all purely a result of an accidental natural physics or chemical reaction is surely an admission of true ignorance and arrogance.

This is not something I know a great deal about, Mr. President. I don't profess such. But I can tell you one thing. There is a hunger in this Nation for a return to spiritual values. It can be seen in the misguided tragedy of the Heaven's Gate cult, looking for a space ship lurking in the tail of a comet to take them to Heaven and away from this miserable, material world. It can be seen in the political strength of the religious right.

Mr. President, I am not of the religious right. I am not of the religious left. I just plainly believe in the old-time religion which I saw exemplified and practiced by two humble parents—foster parents of mine—over the years that I lived with them. It can be seen in the need for our children to focus on something beyond material things in which to anchor their perceptions

about right and wrong and good and evil.

In today's turned-around, upside-down society with its diminished values and its emphasis on easy money, casual sex, violence, material goods, instant gratification and escape through drugs and alcohol, our young people need to know that it is OK to have spiritual values, it is OK to follow one's own personal religious guideposts, it is OK to pray, it is OK to recognize and then to do morally the right thing, it is OK to go against the crowd, OK to read the Bible, and OK to read Darwin's theory of natural selection—who knows? This may have been God's way of creating man—and that such activities are not strange, or uncool, or stupid, or unsophisticated.

The language of my amendment is as follows: "Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools or to prohibit or require voluntary prayer at public school extracurricular activities."

I will not take the time today. But one day I want to take the floor, and I want to quote from every President's inaugural speech—every President's, from Washington down to Clinton's—to show that every President was unsophisticated enough to make reference to the Supreme Being in his inaugural speech. All we need to do is travel around this city and see the inscriptions on the walls of the Senate and on the walls of public buildings and museums and monuments to understand that the framers of the Constitution, the founders of this Republic, believed in a higher power. They believed in a Supreme Being. Isn't it folly to claim that the schoolchildren of this Nation should not say a prayer, not be allowed to say a prayer in an extracurricular exercise, at a graduation exercise, if the students want to have a prayer? Who would claim that the framers of the Constitution would be against that?

So my amendment is simple language. It mandates nothing and it prohibits nothing. It simply allows voluntary prayer in our schools and at school functions for those who wish it. Such a course correction is needed to restore balance to a raft of court decisions in the past several years that sometimes in their eagerness to maintain the "wall of separation" in church/state relations have seemingly ruled against the freedom of a large majority of believing Americans to publicly affirm their faiths.

Such a situation is not right, it is not fair, it is not wise, and it certainly is not what the framers had in mind. Their intent was the freedom to practice one's individual faith as one saw fit. Somehow we have gone far, far afield from that original and very sound conception to a point where any public religious practice is actually discouraged. That is certainly the wrong track for a nation founded largely on moral and spiritual principles,

and any serious scrutiny of the state of American culture today clearly demonstrates just how badly off track we have wandered.

So I urge all Senators to carefully consider my amendment, and it is my hope that the Committee on the Judiciary will hold hearings this year. This is an urgent matter—an urgent matter for the future of our children and for the future of our country. There is nothing political about it. It doesn't need to be.

Mr. President, I ask unanimous consent that Mr. LOTT, Mr. HOLLINGS, Mr. FORD, and Mr. SMITH of New Hampshire be added as cosponsors of my resolution.

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

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

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

#### ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997

Mr. ASHCROFT addressed the Chair. The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1003 relating to assisted suicide.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1003) to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, rarely do we see a showing of bipartisan agreement similar to the one we witnessed last Thursday when the House of Representatives voted 398 to 16 to pass H.R. 1003, the Assisted Suicide Funding Restriction Act. I look forward to the same showing of bipartisanship today as the Senate considers identical legislation. Except for a minimum of differences, H.R. 1003 is substantively the same as S. 304, which Senators DORGAN, NICKLES, and I introduced in February; 33 Senators are now cosponsors of this bill, which simply says and directs that Federal tax dollars shall not be used to pay for or to promote assisted suicide.

This bill is urgently needed to preserve the intent of our Founding Fa-

thers. The integrity of our Federal programs serving the elderly and seriously ill are at stake without this measure. These are programs which were intended to support and enhance health and human life, not to promote their destruction. Government's role in our culture should be to call us to our highest and our best. Government has no place in hastening Americans to their graves. However, our court system is on the brink of allowing Federal taxpayer funding for assisted suicide.

On February 27, the Court of Appeals for the Ninth Circuit reinstated Oregon's law known as Measure 16. It was the first law in America to authorize the dispensation or the giving of lethal drugs to terminally ill patients to assist in their suicide. Oregon's previous Medicaid director and its Health Services Commission chair have both said independently that once assisted suicide is legal—in other words, when the legal obstacles have been cleared away—assisted suicide would be covered by the State's Medicaid plan, which is paid for in part by Federal taxpayers, individuals from all across America. According to the Oregon authorities, the procedure will be listed on Medicaid reimbursement forms under what I consider to be a misleading but grotesque euphemism. The administration of lethal chemicals to end the lives of individuals will be listed as comfort care.

Although the ninth circuit ruling is subject to further appeals, Oregon may soon begin drawing down Federal taxpayer funds to pay for assisted suicide unless we, the representatives of the people, take action to pass the Assisted Suicide Funding Restriction Act.

Additionally, a Florida court recently found a right to assisted suicide in the State's constitution on the right to privacy. If upheld by the Florida State Supreme Court, this decision would raise the question of State funding for assisted suicide. Such actions would implicate Federal funding in matching programs, just as would the situation in Oregon, programs such as Medicaid. And they would raise questions about the permissibility of assisted suicide in federally owned health care institutions in that State.

So action in Congress is needed at this time to preempt and proactively prevent this imminent Federal funding of assisted suicide which effectively may take place at any moment in the event that the courts clear the way in regard to the situation in Oregon and in Florida.

It is important to note that there was overwhelming approval for this measure in the House of Representatives. As I stated earlier, the House passed this measure by a resounding vote of 398 to 16. Shortly after that vote, the White House issued a policy statement saying, "The President has made it clear that he does not support assisted suicides. The Administration, therefore, does not oppose enactment of H.R. 1003, which would reaffirm current Federal policy prohibiting the use