

**SENATE—Tuesday, April 25, 2000**

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, in a few moments we will pledge allegiance to our flag with words that may have become faithfully familiar with repetition. As we affirm that we are one nation under You, dear God, shake us awake with the momentous conviction that You alone reign supreme and sovereign in this Nation and very powerfully and personally in this Chamber. Give us a renewed sense of Your holy presence and fill us with awe and wonder. This is Your Senate and the Senators are here by Your divine appointment and are accountable to You for every word spoken and every piece of legislation passed. Help them and all of us who work with them to live this day on the knees of our hearts, with renewed reverence for Your presence and profound gratitude for the grace and goodness of Your providential care for our beloved Nation. May all that we say and do this day be done by Your grace and for Your glory. For You are the Lord, the Creator, and our Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Senate in the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona.

**SCHEDULE**

Mr. KYL. Mr. President, today the Senate will begin debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of crime victims, until 12:30 p.m. Following that debate, the Senate will stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet. At 2:15, the Senate will proceed to a vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 3. If cloture is not invoked on the motion, then a second vote will occur on cloture on the substitute amendment to the marriage tax penalty bill.

I thank my colleagues for their attention.

**ORDER OF PROCEDURE**

Mr. KYL. Before we begin, I will also ask unanimous consent that Senator SPECTER address the Senate for 10 minutes on an unrelated matter.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I hope in the process of the debate this week we get some information from the majority as to when we are going to be taking up the conference report on juvenile justice, when we will be taking up the conference report on the Patients' Bill of Rights, when we are going to start doing some substantive things on education. The session is winding down. We have 13 appropriations bills with which we must deal in the process. I think it would be a real shame if we finished the year without having worked on some of these issues the American public want most, including doing something about prescription drugs for senior citizens and the rest of the American public.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes.

Mr. REID. Mr. President, there was a unanimous-consent request in that regard that has not been approved yet.

Mr. KYL. I wanted to note that I am sure the majority leader will be happy to respond to all of the elements the distinguished minority whip has raised when he is able to reach the floor.

Mr. REID. Mr. President, I have no objection to the Senator from Pennsylvania speaking for 10 minutes as long as the minority also has 10 minutes to speak in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

**RESERVATION OF LEADER TIME**

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

**PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED**

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the motion to proceed to S.J. Res. 3 which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S.J. Res. 3 proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank my distinguished colleague from Arizona for yielding me a few moments this morning.

**ELIAN GONZALEZ**

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the case involving young Elian Gonzalez. At 11 o'clock this morning, Senator LOTT has scheduled a closed-door proceeding with Attorney General Reno, and there are a number of important outstanding questions which, in my view, should be addressed.

At the outset, let me make it plain that I believe and have believed that young 6-year-old Elian Gonzalez should have been reunited with his father at the earliest possible time. I believe that as a legal matter there is no real justification for any asylum proceeding to keep young Elian Gonzalez in the United States. The purpose of asylum is to protect an alien from going back to a country where he or she will be persecuted. That certainly is not the case with Elian Gonzalez. He would be adulated.

Nonetheless, I believe there are some very serious issues which have arisen that the Congress ought to address, and the most prominent of those is the manner in which Elian Gonzalez was taken into custody. In my opinion, there were less intrusive ways in which that could have been accomplished. The Immigration and Naturalization Service said that they proceeded at 5 a.m. because they did not want to have any interference from the crowd. The avoidance of interference from the crowd could have been accomplished at high noon if the crowd were to have been moved back several blocks, which is customary where people have a right to demonstrate, people have a right to express themselves, but they do not have the right to do it right at the location where there may be other interests which have to be preserved. Had the crowd been several blocks away, there would have been no difficulty in taking whatever action was deemed appropriate without the risk of having a problem with the crowd.

Once the Immigration and Naturalization Service agents were directed to move in to take custody of young Elian, they had been armed to protect