

years. Compare that to the life expectancy during the days of the Roman Empire, when the average Roman citizen could expect to live approximately 22 years (June 13, 1994, Gannett News Service). Twenty-two years—an amazing fact, especially when we consider that today, one must attain the age of 25 before serving in the United States House of Representatives and the ripe old age of 30 before contemplating service in the United States Senate.

I mention this not as a point of interest, however, but to underscore the fact that the august members of the Roman Senate—many of whom were in their thirties or forties—were, indeed, the “senior citizens” of their time.

Recently, ABC News aired a story in which they questioned the accuracy of two passages in my book, *The Senate of the Roman Republic*. The reporter of this news segment chose to take issue with my assertion that “the Roman Senate, as originally created was meant to be made up of a body of old men.” What ABC News failed to mention, however, was the average life expectancy for that period of time—a mere twenty-two years. If the ABC reporter had just looked up the word senate in *Webster’s New International Dictionary, Second Edition*, he would have seen that the very definition of senate is “literally, an assembly of old men or elders \* \* \*” Further, when Flavius Eutropius, a fourth-century historian, was writing of the origin of Rome, he made reference to Romulus’ creation of the first senate, “\* \* \* he chose a hundred of the older men \* \* \* whom, from their age, he named senators.”

In addition, ABC disputed my claim with respect to the Roman Senate’s veto power. As the following excerpts from noted historians will attest, this power of the Senate ebbed and flowed from time to time, but in the main, the Senate preserved, directly or indirectly, its authority and power of ratification or veto over the actions of Roman assemblies. I believe my case is made by the following quotes from prominent historians.

—*A History of the Roman People* (1962) by Heichelheim and Yeo:

The senate possessed still another ancient source of authority summed by the phrases *auctoritas patrum*, which gave it the power to ratify resolutions of the popular assembly before enactment.

—*A History and Description of Roman Political Institutions* (1963) by Frank Frost Abbott:

This view that the senate was the ultimate source of authority was the aristocratic theory of the constitution down to the end of the republican period. . .

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Between 449 and 339, then, in the case of both the *comitia centuriata* and the *concilium plebis*, a bill, in order to become a law, required, first, favorable action by the popular assembly, then the sanction of the patrician senators. . . Now one clause of the Publilian law, as we have already seen, provided that in the case of the centuriate *comitia* the *auctoritas patrum* should precede the action of the *comitia*.”

—*Roman Political Institutions from City to State* (1962) by Leon Homo:

*The Senate*.—Lastly, the Senate, the stronghold of the Patriciate, which it permanently represented, enjoyed a still more complete right of control. In elections and in voting of laws alike, the decision of the Centuriate Assembly must, to be fully valid and to produce its legal effects, be ratified afterwards by the Senate (*auctoritas Patrum*). Refusal of the Senate to ratify was an absolute veto; it made every decision of the *Comitia Centuriata* null and void, and they had no legal recourse against it.

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So, through the Consuls, the Senatorial oligarchy recovered, in indirect but effective form, the veto, the *auctoritas Patrum*, of which the *Lex Hortensia* had deprived it.

\* \* \* \* \*  
. . . the Senate, in losing its right of veto, . . .

\* \* \* \* \*  
Sulla, in the course of his Dictatorship, restored its [the Senate’s] old right of veto, but it was only for a short time.

—*A History of the Roman World 753–146 BC* (1980) by H.H. Scullard, FBA, FSA:

Though the Senate was a deliberative body which discussed and need not vote on business, it had the right to veto all acts of the assembly which were invalid without senatorial ratification.

\* \* \* \* \*  
In all branches of government the Roman people was supreme, but in all the Senate overshadowed them: “*senatus populusque Romanus*” was not an idle phrase.

—*A History of Rome to A.D. 565* (1965) by Arthur E.R. Boak, Ph.D. and William G. Sinnigen, Ph.D.:

The Senate also acquired the right to sanction or to veto resolutions passed by the Assembly, which could not become laws without the Senate’s approval.

\* \* \* \* \*  
During the early years of the Republic, the only Assembly of the People was the old Curiate Assembly of the regal period. . . Its powers were limited to voting, for it did not have the right to initiate legislation or to discuss or amend measures that were presented to it. Its legislative power, furthermore, was limited by the Senate’s right of veto.

\* \* \* \* \*  
The legislative power of the Centuries was limited for a long time, however, by the veto power of the patrician senators (the *patrum auctoritas*), who had to ratify measures passed by the assembly before they became law. This restriction was practically removed by the Publilian Law (339), which required the *patres* to ratify in advance proposals that were to be presented to this assembly.

\* \* \* \* \*  
Hence it was called the Council of Plebs (*concilium plebis*) and not the Tribal Assembly. Its resolutions, called plebiscites, were binding on plebeians only; but, from the late fourth century at least, if the resolutions were approved by the Senate, they became valid for all Romans. In the course of the fourth century the consuls began to summon for legislative purposes an assembly that virtually duplicated the Council of the Plebs but was called the Tribal Assembly (*comitia tributa*) because it was presided over by a magistrate with *imperium* and was open to all citizens. It voted in the same way as the

Council of the Plebs and its laws were subject to the veto power of the Senate.

—*A History of Rome to the Battle of Actium* (1894) by Evelyn Shirley Shuckburgh, M.A.:

. . . the second ordered the *auctoritas* of the fathers (that is, a resolution of the Senate) to be given beforehand in favor of laws passed in the centuriate assembly . . .

\* \* \* \* \*  
It took from the senators the power of stopping the passing of a law in the centuriate assembly, . . .

Mr. President, though these two matters may seem trivial and insignificant to some, I did want to take this opportunity to assure the readers of my book, *The Senate of the Roman Republic*, that the conclusions drawn are based on a great deal of study on my part. Over the course of many years of research, I have gleaned information, not only from esteemed modern scholars in Roman history, but also from the actual historians of the time. My reference to the Roman Senate as an assembly of old men and to the veto power of the Roman Senate was garnered from these authorities. I recognize that history is sometimes subject to interpretation; therefore, one can only assume that this may have been the premise for the ABC News story.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. HUTCHISON). There being no further morning business, morning business is closed.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report the pending business. The assistant legislative clerk read as follows:

A bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sarbanes Amendment No. 2782, to restore homeless assistance funding to fiscal year 1995 levels using excess public housing agency project reserves.

Rockefeller Amendment No. 2784, to strike section 107 which limits compensation for mentally disabled veterans and offset the loss of revenues by ensuring that any tax cut benefits only those families with incomes less than \$100,000.

Rockefeller Amendment No. 2785 (to committee amendment on page 8, lines 9–10), to increase funding for veterans’ medical care and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than \$100,000.

Baucus Amendment No. 2786, to provide that any provision that limits implementation or enforcement of any environmental