

The PRESIDING OFFICER. All time having expired, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 37, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—63

Abraham	Fitzgerald	Mack
Allard	Frist	McCain
Ashcroft	Gorton	Murkowski
Baucus	Graham	Nickles
Bayh	Gramm	Reid
Bond	Grams	Roberts
Breaux	Grassley	Rockefeller
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Cleland	Hollings	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Johnson	Stevens
Crapo	Kyl	Thomas
DeWine	Landrieu	Thompson
Domenici	Lincoln	Thurmond
Enzi	Lott	Voinovich
Feinstein	Lugar	Warner

NAYS—37

Akaka	Edwards	McConnell
Bennett	Feingold	Mikulski
Biden	Harkin	Moynihan
Bingaman	Inouye	Murray
Boxer	Jeffords	Reed
Bryan	Kennedy	Robb
Byrd	Kerrey	Sarbanes
Chafee, L.	Kerry	Schumer
Conrad	Kohl	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 37.

Two-thirds of the Senators duly chosen and sworn not having voted in the affirmative, the resolution is rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, last fall I became the 21st or 22nd person in the history of this body to cast 10,000 votes. When somebody asked me about those votes, whether they were all important, I said: No, a lot of them were merely procedural votes that we all cast, but some were important. Some of those 10,000 were.

Certainly this vote, whatever number of votes I might be privileged to cast on the floor of the Senate, will go down as one of the most important votes, as it will for all Senators. Whether they voted for or against the amendment, it

will be one of the most important votes they will cast in their career.

I take a moment to commend the Senate for its actions this afternoon. It protected the Constitution, the Bill of Rights, in particular our first amendment freedoms. This has been an emotional debate, as one would expect, about a highly charged political issue. I believe the Senate fulfilled its constitutional responsibility to both debate and then vote on this proposed 28th amendment to the Constitution.

I thank Senators on both sides of the aisle, Democrats and Republicans, and on both sides of this issue—those who voted, in my estimation, to protect the Constitution as it presently stands and those who used their constitutional right to vote to amend the Constitution. There were thoughtful and heartfelt statements on both sides.

The distinguished Senator from Wisconsin, Mr. FEINGOLD, who is ranking Democrat on the Constitution subcommittee, spoke eloquently on the floor, as he has in committee. He has been a leader on constitutional issues since he arrived in the Senate. I thank him for all he has done.

We heard from Senator KENNEDY. We heard from Senator MOYNIHAN, one of 11 Senators in this body who fought in World War II. We heard from Senator DODD, Senator DORGAN, Senator CONRAD, Senator DURBIN, Senator WELLSTONE, and so many others. All were thoughtful and constructive contributors to the debate.

In particular, I commend my dear and very special friend, TOM DASCHLE, Democratic leader, for his remarks closing this debate and also for his leadership throughout this debate.

Over the last 24 hours, we heard compelling statements—if I may single out a couple—from Senator BOB KERREY, Senator CHUCK ROBB, and Senator JOHN KERRY. Each of these men was an heroic veteran of the Vietnam war. Each was decorated for his bravery, and one had the highest decoration of this country, the Congressional Medal of Honor. Each of them rose to the defense of our freedoms. We have heeded their counsel. We have heeded their service, as we have our former colleague, Senator John Glenn, another American hero; Gen. Colin Powell, another American hero; our late colleague, Senator JOHN CHAFEE; and the many veterans who testified and contacted us urging that we preserve, protect, and defend the Constitution by not amending the first amendment to the Bill of Rights for the first time in the history of our great Nation.

I recognize the courage shown by the distinguished senior Senator from West Virginia, Mr. BYRD—Senator BYRD gave us a history lesson which will be studied long after all of us are gone—and the distinguished Senator from Nevada, Mr. BRYAN, who, during the course of consideration of this proposal, looked inside themselves, looked to the principles of this country and changed the position they had held be-

fore. I commend them for that. I thank them. Their legacy will include their dedication to the Constitution and their vote to uphold, protect, and defend it.

I thank Prof. Gary May, Keith Krueel, James Warner, Rev. Nathan Wilson, Prof. Robert Cole, the American Bar Association, People for the American Way, and the ACLU for their views.

I thank Maj. Gen. Patrick Brady and Lt. Gen. Edward Baca for their testimony opposed to the position I have taken today.

I commend Senate staff on both sides of the aisle, those for the amendment and those opposed. I think in this case I may be allowed to thank Bruce Cohen and Julie Katzman of my staff, who spent far more hours than this Senator had any right to ask them to spend on this in answering every question I ever asked, anticipating those I was not wise enough to ask, and always giving me good counsel. Bob Schiff, Andrea LaRue, Michaela Sims, and Barbara Riehle, they should be proud of their work and of the Senate's action today.

I would also like to thank my friend and Chairman, Orrin HATCH, who has fought so hard for this amendment over the years.

Mr. President, I see other Senators seeking recognition. I will yield the floor in one moment. Again, I thank all Senators on both sides of the issue for their dedication to this issue.

I yield the floor.

Mr. WARNER. Mr. President, we respect the comments of our colleague from Vermont. Recognition should also go to Senator HATCH. I realize Senator LEAHY also was about to speak on behalf of Senator HATCH. I want to recognize his efforts in working with the Senator from Vermont on this issue. The final vote was 63, and that is well beyond 50 percent of the Senate by which most issues are decided.

Mr. President, at this time, I notice the senior Senator from South Carolina on the floor. I ask unanimous consent that I be recognized following his presentation.

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

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MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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THE PLIGHT OF ANDREI BABITSKY

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my concern about Andrei Babitsky, the accomplished Russian journalist who still faces serious charges in Russia after being held captive first by Russian authorities, then by Chechens, and now again by Russian authorities.