

Johnny Penry, who in 1979 raped and murdered a 22 year old woman, has been on death row for twenty years. He committed a terrible crime; there has never been any doubt about that. But besides the crime itself, what makes Johnny Penry's case so disturbing is that he has an IQ of 56. What that means is that he has the intelligence of a 6-year old child.

Mr. President, 11 years ago the Supreme Court ruled that it is not cruel and unusual punishment to execute the mentally retarded. I disagree with that decision. But more importantly, despite the Supreme Court ruling, 13 States with capital punishment and the Federal Government have forbidden execution of the mentally retarded, and a clear majority of Americans oppose the practice.

The State Senator who in 1998 sponsored Nebraska's bill to prohibit execution of the mentally retarded later said that it should not have been necessary because "no civilized, mature society would ever entertain the possibility of executing anybody who was mentally retarded."

Executing the mentally retarded is wrong; it is immoral. People with mental retardation have a diminished capacity to understand right from wrong. As Justice Brennan wrote:

The impairment of a mentally retarded of-ferer's reasoning ability, control over im-pulsive behavior, and moral development . . . limits his or her culpability so that, whatever other punishment might be ap-propriate, the ultimate penalty of death is al-ways and necessarily disproportionate to his or her blameworthiness.

Proponents of the death penalty argue that it "saves lives," but executing the mentally retarded cannot be justified on the grounds of deterrence. Let me again quote Justice Brennan, writing in 1989:

The very factors that make it dispropor-tionate and unjust to execute the mentally retarded also make the death penalty of the most minimal deterrent effect so far as re-tarded potential offenders are concerned. In-tellectual impairments in logical reasoning, strategic thinking, and foresight, the lack of the intellectual and developmental predi-cates of an ability to anticipate con-sequences, and impairment in the ability to control impulsivity, mean that the possi-bility of receiving the death penalty will not in the case of a mentally retarded person fig-ure in some careful assessment of different courses of action. In these circumstances, the execution of mentally retarded individ-uals is nothing more than the purposeless and needless imposition of pain and suf-fering.

People with mental retardation are also more prone to make false confes-sions simply to please their interroga-tors, and they are often unable to as-sist their lawyer in preparing a de-fense.

We saw this with Earl Washington, who had an IQ of 69. Arrested for break-ing into a neighbor's home during a drinking spree and hitting her with a chair, Washington readily confessed to a series of unsolved murders that he could not have committed.

Beyond all of this, executing the mentally retarded severely damages the standing of the United States in the international community. The United Nations has long condemned this practice. Just last year, the U.N. Commission on Human Rights called on nations "not to impose the death penalty on a person suffering from any form of mental disorder." We should join the overwhelming majority of na-tions who do not execute the mentally retarded.

Johnny Penry suffered relentless and severe physical and psychological abuse as a child, spends his time in prison coloring with crayons and look-ing at comic books he cannot read, and still believes in Santa Claus. I remem-ber reading that when they stayed his execution he said, "Does this mean I'm not allowed to have the special meal I was supposed to have?"—The last meal of the condemned man. He could not possibly have assisted meaningfully in his own defense.

No one can excuse Johnny Penry's crime, and no one suggests that he should be set free. But the question is what is the appropriate punishment for a defendant who is mentally retarded.

Neither our Constitution nor our na-tional conscience permits the execu-tion of a 6-year-old child for commit-ting a heinous crime, and neither should we execute a person with the mental capacity of a 6-year-old. It of-fends the very idea of justice.

I yield the floor.

The PRESIDING OFFICER. The Sen-ator from Virginia.

Mr. ROBB. Mr. President, first I in-quire, is there any limitation on the length of time to speak?

The PRESIDING OFFICER. The Chair informs the Senator from Vir-ginia that we are in a period for morn-ing business with Senators to speak not to exceed 5 minutes.

Mr. ROBB. I do not believe I will ex-ceed 5 minutes, but I ask unanimous consent to proceed for such time as I may use, consistent with the order for morning business.

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

Mr. ROBB. I thank the Chair.

THE SENATE EXPERIENCE

Mr. ROBB. Mr. President, I thought I would take this opportunity for just a very few minutes to say thank you. I will be leaving the Senate at the end of this Congress. I had assumed, as many of our colleagues had, that this would be the last day of the session. That as-sumption is very much in question at this point. I just left a conference with members of my caucus, and there are clearly some deeply held convictions and passions that are still unresolved. It may be that we will be here for hours or days. I hope that is not the case, but there frequently are at this particular time in the session those who hold convictions and beliefs so deeply that they do not believe under

any circumstance they should leave any stone unturned or any avenue un-explored to advance those convictions and beliefs.

While some of those issue are being resolved, I want to take a minute to say thank you, first of all, to the peo-ple of Virginia who were kind enough to honor me with 12 years of their rep-resentation in the Senate of the United States.

I thank my colleagues on both sides of the aisle who have given to me and my wife Lynda and members of our family an experience we will treasure for the rest of our lives. The personal interaction with colleagues has been a part of the Senate experience that I will always enjoy, remember, and re-vere. I express to colleagues again on both sides of the aisle how much I ap-preciate the many considerations they have shown me.

I understand my senior colleague from Virginia took the floor while we were in the caucus. I did not hear his words, but I appreciate his cooperation on many issues, and I appreciate his friendship. We have had some dif-ferences; certainly, we have had some political differences; but the degree of cooperation between our offices has al-ways been good and strong when it came to working on behalf of our Com-monwealth.

The Senate is, for many of us, like a family. That sentiment has been ex-pressed before. It is an extended fam-ily, and I say to all of those members of that extended family a very sincere thank you. I thank the floor staff and the officers of the Senate for the co-operation that has been extended to me over the past 12 years.

I thank the Cloakroom staff from both sides, particularly my own Cloak-room, who work so closely with us on a regular basis to make sure the institu-tion functions, and that we are here when necessary in order to conduct the nation's business.

I express my appreciation to all of those who make this institution work. Some of them are visible, such as our friends of the Capitol Police who are here around the clock in a position, as we learned to our regret and sorrow, to put their lives on the line to provide safety and security.

There are many other officers of the Senate and employees of the Senate who are not as visible to the public, but are just as crucial to the operation of the Senate. The employees who work for the Architect of the Capitol who take care of many of the duties that are required to make the institution run. We see and work with them on a daily basis. Many of them have ex-tended courtesies and kindnesses to me over a long period of time that I will long remember.

There are the many often unheralded folks who help with the phones, who operate the Capitol switchboard, who handle the maintenance, and who work in the food service we do not see but

who make it possible for all of us to do our jobs as effectively as possible. These people keep the institution functioning, like the maintenance crews who make the repairs and changes that are frequently required and who always seem able to accommodate—all of their good will is very much appreciated.

I thank the pages, too, who work and do all of the things they are required to do during the daytime and then get their studies done at night. We frequently see them working on their studies at the same time they are helping to make life a little easier for us.

I also express my appreciation to the committee staffs, the professional staffs who work with each of the committees and help me and all of you on a regular basis. We develop personal friendships with many of these individuals whom we will long remember.

Finally, I want to say a very personal thank you to the members of my own staff. I have been extraordinarily well served by some very able professionals who have served their Commonwealth and their country in ways that I will always appreciate and for which they can always be very proud.

There have been many, and I am not going to attempt to list them all. It occurred to me that maybe, because I have been so fortunate and so well served, I should mention the names only of those who have been with me continuously helping and assisting me my entire term in the Senate, serving with me over the last 12 years. Two of those professionals actually have been with me through my gubernatorial service: Pat Mayer and Susan Albert, now Susan Albert Carr as of last weekend, have been with me for the full 12 years and then some. Matt McGowan, Jim Connell, JoAnn Pulliam, Anne Geyer, Debbie Lawson-Goins, and Jim O'Quinn have all been kind enough to provide for me the kind of professional staff assistance that has made my job easier. We will remain friends. The members of my staff have helped make this an experience I will cherish.

I have undoubtedly left out a number of individuals whom I want to thank and I have tried to thank.

I also thank the people who have made this a very good experience for my wife Lynda, particularly the prayer groups. She has been associated with several of those. I understand she gets to continue her membership in the prayer groups and the spouses group, even though I will become a former Member and will leave these premises.

Mr. President, I say to all of my colleagues that they are a group of principled, compassionate, caring men and women, many of them friends. We may have disagreements. Some of those are principled disagreements. In fact, I just attended what may be the last Democratic conference called by our leader. I say once again, I heard members express in passionate terms their commitment to doing what they believe is in the best interest of their State and the Nation, and I think that is some-

thing that may not always be apparent. Again, that occurs on both sides of the aisle. I am particularly grateful to many who have demonstrated the courage to stand up and be counted when it was not always politically popular.

Finally, I want to make a brief comment about the leadership. I thank the majority leader for the courtesies he and the members of his staff have extended to me.

I conclude with a special note of thanks to someone I consider an extraordinary leader, who is kind enough to be here for these couple of minutes, TOM DASCHLE, the current Democratic and minority leader who will become on January 3 through January 20 the majority leader. As a point of personal privilege, I look forward to that time.

He and the team that he has put together have been exceptional leaders. I see the distinguished whip HARRY REID on the floor, as well. They have led by example. They have led by inclusion. And they have led by listening. They have been friends. They have been effective. They have been leaders in the truest sense in that they have caused us to want to work with them to make the institution run and to get the job done.

So, Mr. President, to you, as a personal friend, and as a representative of our colleagues, and to all of our friends who have been kind to me and have supported some of the things I have done over the years, may I express my profound thanks.

I take leave of the Senate proud to have had the opportunity to serve in this great institution.

Mr. President, I thank the Chair and yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time, if I may, at this time.

TRIBUTE TO SENATOR CHARLES ROBB

Mr. DASCHLE. Mr. President, I congratulate Senator ROBB on his remarks. I thank him very much for sharing them with all of us.

These past elections brought our caucus nine new members and we hope many new opportunities to address America's priorities. But they also handed us a great disappointment, the loss of our friend and colleague, CHUCK ROBB.

I am appreciative of the opportunity that I had just now to listen to Senator ROBB, maybe for the last time on this Senate floor. I had feared he might leave without giving us a chance to thank him for his remarkable service to the Senate. It would have been like him to do so; he is an enormously modest man.

In an editorial the day before the election, the Washington Post wrote:

Even in the final days of a nip-and-tuck campaign, Senator Chuck Robb seems uncomfortable singing his own praises. While

some voters may find this quality refreshing, Senator Robb's reluctance to tout his accomplishments hides them too effectively in a tight race.

CHUCK ROBB's reluctance to promote himself—his commitment to sound policies over sound bites—may have cost him reelection, but they have earned him the respect of his peers and this Nation.

In 12 years in this Senate—and for 8 years before that as Lieutenant Governor and then Governor of Virginia—CHUCK ROBB rarely spoke about himself. He has always been more comfortable speaking on behalf of others—the people whose voices too often are not heard at all.

Today, on what we hope could be the last day of this Senate, I want to say just a few things about him that he will not say about himself, just to remind us what a good man—what a good man—with whom it has been our good fortune to work.

As we all recall, he was elected to the Senate in 1988, with the largest vote total for any office in Virginia's history. It was the first time in 22 years that Virginia had not sent a Republican to the Senate.

He has spent his Senate career working for Virginia and for what he calls the "long-range, big picture, important issues": national security, a balanced budget, education, and civil rights—for all Americans.

He is a member of the Finance Committee and the Joint Economic Committee. He is the only Member of the Senate ever to serve simultaneously on all three national security committees: Intelligence, Armed Services, and Foreign Relations.

He is a former member of the Budget and Commerce Committees, as well as the Select Committee on POW/MIA Affairs, where he cochaired a task force that declassified and released vast quantities of information on missing U.S. service members.

Quietly, with little fanfare, he has provided a steady leadership that has helped keep our Nation safe and move us forward.

He is a lifelong fiscal conservative.

In 1993, he voted for the deficit reduction plan that launched the strongest economic recovery in our Nation's history. He remains an important part of the Senate's economic conscience, always reminding us that our job isn't finished, that we must pay down our national debt.

He has been a tireless fighter for education, the chief sponsor of our proposal to help States and local school districts build and renovate 6,000 schools.

He fought to reduce class sizes by hiring 100,000 teachers and to make America's schools safer and stronger.

He helped create new partnerships to connect every school in America to the Internet.

He is as hard a worker as you will find in this body.

In 12 years as a Senator, incredibly, he has missed only 10 votes.