

they would only name those cuts. It will be education, it will be health care. They would jeopardize Social Security.

End the triple fraud. Let us be honest about the numbers. Show us the cuts.

BARRY GOLDWATER

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I rise today to note with profound sadness the passing of my fellow Arizonan, Senator Barry Goldwater, a great American statesman.

I was just 10 years old when I met Barry Goldwater at an old-fashioned political rally in the little town of Elgin, Arizona. At the time he was running against an incumbent Democrat Senator, Majority leader Ernest McFarland. Nobody thought he could do it, but he won. The rest, as they say is history.

Six years later Barry nominated me to become his Senate page, and I served in that capacity for 3 years. That is when I got to know, really know, this extraordinary man. He always said what was on his mind. He never shaded the truth.

Mr. Speaker, Barry Goldwater did not spend a lot of time worrying about whether he would be elected or not. He worried instead about principles and about America. He did not change his principles, but America changed.

In an era of cynicism and distrust of public officials, Barry Goldwater's life stands as a reminder of values that are lasting and eternal—honesty, integrity, patriotism. We will miss him, but in our hearts we know he was right.

Farewell, my friend.

JOIN THE CONGRESSIONAL DIABETES CAUCUS

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute.)

Mr. NETHERCUTT. Mr. Speaker, I rise today to advise my colleagues that representatives of the Juvenile Diabetes Foundation will be meeting with each of you today to advocate more Federal funding for diabetes research to cure this very serious disease. Diabetes is one of the leading causes of death and disability in America.

Now these JDF representatives are not paid lobbyists. They are individuals from all walks of life, of Democrat and Republican Party affiliation. They are male and female, Democrats, Republicans, of all religions, and only caring about one thing. That is curing diabetes.

They will tell you their personal story about diabetes. They will ask you to become a member of the Congressional Diabetes Caucus, which now numbers 159 Members. They will ask my colleagues to show that they care about diabetes.

So I urge my colleagues to welcome these individuals to your offices, listen to their stories, fund the Federal research to cure diabetes, and welcome them to Capitol Hill.

IT IS TIME FOR CONGRESS TO EXAMINE THE THREAT TO OUR NATIONAL SECURITY

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, India and then Pakistan conducted nuclear tests. China transferred nuclear technology to Pakistan and Iran. Now we learn the United States Government may have given missile technology to communist China, the same country that transferred nuclear technology to Pakistan and Iran. But rest assured, we are told, the Chinese communist government has assured us they will not do that any more.

It is time for Congress to examine this threat to our national security. It is time for the White House to explain how it is that transferring authority for satellite waivers from the State Department to the Commerce Department was in our national interest. The White House should respond to a recent Pentagon report that concluded that "Our national security has been harmed" as a result of these transfers arising out of China's rocket failure in February 1996.

The President should respond to these questions, Mr. Speaker, before the next nuclear test takes the world by surprise again.

SUPPORT THE RELIGIOUS FREEDOM AMENDMENT

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, there are people out there who are afraid of the Religious Freedom Amendment. They are afraid that it goes too far.

But let me just ask my colleagues this: Is it not going too far to ban prayer at high school graduations when guns and violence have become all too common in our schools?

Is it not going too far to ban nativity scenes and menorahs in public places and replace them with a Santa Claus on every street corner? And then we wonder why Christmas has become so commercialized.

Is it not going too far to ban the Ten Commandments from our schools and replace them with the distribution of free condoms instead?

Things have already gone too far, way too far. It is time to bring the separation of church and state back from the fringe of extremist interpretation. It is time to bring back common sense.

Mr. Speaker, I urge my colleagues to support the Religious Freedom Amendment.

WHO IS MINDING THE STORE?

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, to look at American policy of helping China develop its missile and rocket programs, one can only ask who is minding the store. While most Americans would think that we should not be arming our adversaries, apparently there are some in this administration who think otherwise. This is liberalism at its most mindless and most dangerous.

How else to explain the administration's policy of helping Communist China develop its missile and rocket program? How else to explain the administration's decision to allow the Commerce Department to overrule the Justice Department and the Pentagon in matters of national security? How else do we explain the administration's decision to help China to perfect its Long March missile? How else do we explain the administration's policy of arming the same country that reportedly has 13 long-range strategic missiles pointed at the United States?

I cannot explain it, and I do not know how the administration is going to attack their accusers this time. It is the American people who are demanding answers.

PROVIDING FOR CONSIDERATION OF H.J. RES. 78, CONSTITUTIONAL AMENDMENT RESTORING RELIGIOUS FREEDOM

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 453

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 78) proposing an amendment to the Constitution of the United States restoring religious freedom. The joint resolution shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the joint resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by the Member designated in the report, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a modified closed rule to House Joint Resolution 78. The rule provides that H.J. Res. 78 shall be considered in the House, shall be considered as read, and that the amendment in the nature of a substitute recommended by the Committee on the Judiciary, now printed in the joint resolution, shall be considered as adopted.

The rule provides that the previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto prior to final passage, without intervening motion except as specified.

The rule provides for 2 hours of debate on the joint resolution, as amended, equally divided between the chairman and the ranking minority member of the Committee on the Judiciary.

The rule provides for consideration of a further amendment printed in the report of the Committee on Rules, which may be offered only by the Member designated in the report, shall be considered as read, and shall be separately debatable for 1 hour equally divided between the proponent and an opponent.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I do not take amending the Constitution lightly. In fact, I do not think we should even have to amend our Constitution to permit students and teachers to pray. Unfortunately, though, activist judges have prevented the acknowledgment of God in public. Our only remedy is to let the American people decide whether or not they want to allow prayer in schools.

Let me make one thing clear. If this resolution passes both the House and the Senate by a two-thirds majority, it is passed along to the State legislatures. To become part of our Constitution, the amendment then must be approved by three-fourths of the States.

A vote in favor of this amendment is a vote to let the American people decide whether there should be prayer in our schools. Each local community has the right to discuss the issue and decide for themselves what they would like to do. No one is forced to do anything.

Our schools should be places where children can grow in character. When judges keep God out of our schools, they prevent our children from maturing both emotionally and spiritually. Others may disagree, but I firmly believe that the Founding Fathers of this Nation did not intend to prevent our children from praying in school.

Opponents of this amendment will claim that we should not tinker with the Constitution, as if the drafters of

the First Amendment meant to exclude God from our public life. God is a part of our public life. "In God We Trust" is on our money and here in our Chamber above the Speaker's chair.

To such critics I would respond that we honor the Constitution when we use its time-honored amending process to clarify the intent of its framers.

H.J. Res. 78 clearly protects the right of each and every American to recognize their God without government interference. The plain wording of the amendment forbids the establishment of any state religion and forbids any coercion on the basis of religion.

The intent here is not to force God on anyone. The amendment simply clarifies that we are all free to engage in voluntary prayer in public places. In doing so, the amendment enhances religious freedoms for all of us.

I urge my colleagues to support this rule and allow the debate on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

The rule we are considering today would permit a vote on an amendment to the United States Constitution dealing with the subject of school prayer. Let me begin this debate by reading these words:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

For 206 years these words in the Bill of Rights have protected religious freedom and religious liberty in our Nation. Now some in this body seek to amend the First Amendment to alter this basic and fundamental section of the Constitution.

The Founding Fathers, Thomas Jefferson and James Madison, wisely crafted a very straightforward protection for religious liberty in our land. Why then do some wish to amend our Bill of Rights for the first time in our history?

□ 1045

Thirty-six years ago, the United States Supreme Court, in the case of *Engel v. Vitale*, interpreted the first amendment to bar a New York school board's requirement that students join in prayer composed by the State regents. A year later, in the case of *Abington School District v. Schemp*, the Supreme Court specifically disallowed State sponsorship of daily devotions which involved oral readings from the Bible and the unison recital of the Lord's Prayer.

I attended public schools in Fort Worth, Texas, in the decade preceding the *Engel* and *Abington* decisions. While we did not have an official regents prayer in Fort Worth, we did have daily Bible readings over the public address system. Sometimes those Bible readings were from the Old Testament, and sometimes they were from the New Testament. It did not make any difference to the school that there

were dozens of students there who did not follow the New Testament, or that there may have been some who adhered to the teachings of the Koran. The Bible readings blared out over the public address speaker system every single day.

Mr. Speaker, we have traveled some distance since those days in the 1950s, and the most blatant religious practices are no longer followed in our schools. There is a fine line today between permitting students to observe their own faith and interfering with the observation of the faith of someone else. We should not cross that line by enacting the amendment presented to us today.

The Clinton Administration has issued guidelines on religious practices in our schools that make abundantly clear where that line is. As these guidelines make clear, public school students are free to voluntarily pray privately and individually at school. Students have a right to say grace at lunchtime. They have the right to meet in religious groups on school grounds and use school facilities like any other school club. They have the right to read the Bible or any religious text during study hall or other free class time. Similarly, people who wish to engage in religious expression on public property have the same rights as people who wish to engage in comparable non-religious expression.

Not only is a new constitutional amendment unnecessary, Mr. Speaker, H.J. Res. 78 would, in a variety of ways, undermine the religious freedom we now cherish. It would embroil State and local governments in years of divisive and costly debate and litigation over its meaning, and we should all be aware it could well require American taxpayers to provide financial support to churches, parochial schools and other religious institutions.

For over 200 years, the first amendment has protected our right to be as religious as we choose. Congress should not tamper with this most precious liberty. The first amendment should not be rewritten.

Mr. Speaker, some advocates of this constitutional amendment will argue that the amendment is the answer to dealing with our growing problem of school violence. I recently met with a group of public school teachers and administrators in my congressional district to discuss this very important problem. It was clear from that meeting that the real solutions to dealing with our problem of escalating school violence are smaller class sizes, repairing our deteriorating older schools, more counselors and the stationing of law enforcement officers on our middle school and high school campuses. This constitutional amendment will not solve the very serious problem of school violence.

There are millions of people of faith in this Nation. Religion, however, is a uniquely private matter. We draw strength from our faith, but we should

never attempt to impose our religious beliefs on any other person, no matter how well-meaning our actions may be.

Ours is a great Nation, in no small way because of the truly magnificent language of our Bill of Rights which creates a separation between church and State. We should not alter that historic guarantee of religious liberty by passing the constitutional amendment presented to the House today.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as we begin this important debate on the steps of this historic Capitol, religious leaders from all across America have gathered to voice their strong opposition to the Istook amendment, which would, for the first time in our Nation's history, amend the Bill of Rights.

People of deep faith, because of their respect for the importance of religion in their individual lives, are standing with James Madison and Thomas Jefferson and all of the evidence of human history, which proves that the best way to ruin religion is to politicize it.

If one believes that the way to protect religious liberty is to get government, the Federal Government, involved in private matters such as children's prayers with their God, allow judges to push their personal political views through the use of their offices and positions, and to actually use taxpayer dollars to fund religious organizations, if people believe that is the way to protect religious liberty, I think they are sadly mistaken.

Mr. Speaker, whether one supports or opposes the Istook amendment, and I vehemently oppose it, the fact is that this process, this rule, does a great disservice to that cherished document we call the Bill of Rights.

Whereas Mr. Madison and Mr. Jefferson debated this very issue for over 10 years in the Virginia legislature, the Committee on Rules last night, with many of the Members not even present, decided to send the most important issue in this country, the issue of religious freedom, to this floor with such a limited unfair rule that each of the Members of this House, both for and against Istook, will have less than 13 seconds to express their deep convictions on the important issue of religion and religious liberty.

Again, whether you are for or against the Istook amendment, I would suggest that a vote against this rule would be a vote in respect of the importance of the Bill of Rights. Whether 5 years or 50 years from now, it will set a terrible precedent to have such an important issue, an issue that we have not voted on in 27 years in this House, come to the floor after only one day of hearings in the full Committee on the Judiciary this year, and come to the floor of this House with a rule that only allows 12 to 13 seconds of debate.

Mr. Speaker, I would say to my friends on both sides of the aisle, my

friends on both sides of the issue, I would urge you to search your conscience and think about the precedent we are setting when we say that we have such a cavalier respect for the Bill of Rights, and even the first amendment, and even the first 16 words of that Bill of Rights, that we think it is wise and smart to bring this amendment to the floor, prohibiting Members the opportunity to speak out from the heart of their conscience. That is wrong.

We will debate in the hours ahead why I believe and why many religious leaders believe that the Istook amendment is wrong, but, for the moment, I would urge my colleagues to cast a vote of respect for our Constitution, cast a vote of respect for the Bill of Rights, and say that none of the Members should be gagged in their opportunity to express their conscience.

If there is any right we ought to respect in this historic body, it should be our right and our responsibility as the voice for the nearly 600,000 people we represent in our respective districts to speak out for those people of our district, to speak out for the beliefs we hold deep and dear. Vote no on this rule.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to clarify by reading the language in this amendment exactly what we are talking about here today. This simply says, "To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

Mr. Speaker, that is all there is to it.

Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, if the President were to say that there are grave problems within the Executive Branch, we would be wise to listen. If the Speaker were to say that there are grave problems within the Congress, we would be wise to listen. If the Chief Justice of the Supreme Court said there were problems with what that Court was doing, we would be wise to listen.

Mr. Speaker, the Chief Justice has said so. The rulings of the Supreme Court over the last 36 years have used the first amendment not to protect freedom of religion but to attack it; to say that rather than freedom of religion, it is freedom from religion.

I am proud to say that Chief Justice William Rehnquist, as well as many other justices, has been a steady voice

in dissenting from what the other justices have done. He has been a steady voice in saying that the Court is going in the wrong direction; that it is undermining our religious liberty, rather than protecting it. Because in 1962 the court began an attack that says, well, if you are on public property, other people have a right to censor you if you want to pray or otherwise express your religion. That is not freedom of religion. That is not even free speech. As so many Supreme Court justices have said over the years in dissent, their brethren have gone the wrong way.

It is incumbent upon us, Mr. Speaker, because the Supreme Court has not corrected it, it is incumbent upon us to correct it, through the only way that works. No presidential guideline makes any difference when the Supreme Court claims something is unconstitutional. No regulation can make a difference. No statute can make a difference. The only remedy left to us is the one that was established within the Constitution itself, for a constitutional amendment.

Previously, for example, the 13th amendment was one of a number of amendments that have been adopted when the Supreme Court went in the wrong direction. When the Supreme Court ruled in the Dred Scott decision that neither the Congress nor the States could put an end to slavery, we passed the 13th amendment. After that terrible bloody Civil War, we put an end to slavery, but it took a constitutional amendment to do it, and we followed the process that has been established to correct things when the Supreme Court goes in the wrong direction.

That is what we are doing today, because the Supreme Court in 1962 ruled that even when it was voluntary, if it was during the school day, children could not come together and say a prayer together. They ruled in 1980 that the Ten Commandments could not be posted on the wall of a public school, because the Supreme Court said children might read them and obey them. Well, in an era when we have guns and knives and drugs in school, maybe the Ten Commandments and prayer would not be as bad.

In 1985, the Supreme Court took a law from the State of Alabama that made a moment of silence permissible and said, no, that is unconstitutional because it permits silent prayer.

In 1992, the Supreme Court ruled that a prayer offered in this case by a Jewish Rabbi at a graduation ceremony was unconstitutional because, they said, it is wrong to expect children to be respectful of something with which they might disagree. Since when, Mr. Speaker, are we teaching our children disrespect, rather than respect?

As a number of Supreme Court justices have said in dissenting from these decisions, and many of them were the narrowest decisions, 5-4 margins, as a number of them have indicated, the way to unite people is to bring them

together in prayer, not to isolate one another and claim that prayer in school is somehow a threat, rather than a unifying force.

It should never be mandatory, Mr. Speaker, but it should be permitted.

□ 1100

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to the rule and consideration of this resolution. We are amending the Constitution. We have only had one hearing on this amendment. There have been several hearings during this Congress on religious issues, but only one on this amendment.

Last night we were still slapping the thing together. The final version of the amendment was being drafted after the hearing on the rule itself. This would be the first amendment to the Bill of Rights. Every word is important, and here we are at the last minute still putting together the final version that we will consider on the floor today.

The First Amendment to the Constitution, the Bill of Rights, has saved us from the religious strife that other countries have suffered through. We need to know exactly what this amendment would do. How is it different from our present First Amendment? What difference does it make? We should not be misled by inaccurate anecdotes and political pressure into changing the Bill of Rights.

We have heard the question about the moment of silence. Many States have moments of silence, moments for silent prayer. To direct people to pray during that moment of silence has been ruled unconstitutional, but a moment of silence has been sustained. So we ought not be misled by inaccurate anecdotes into amending the Bill of Rights for the first time in our history.

Mr. Speaker, let us protect our religious freedom that we have enjoyed for over 200 years, and let us defeat this amendment.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I never thought that an occasion would occur when I would have to rise and ask my colleagues to refrain from gutting the First Amendment to the Constitution. One would expect that after 200 years the Bill of Rights would have garnered a little respect in Congress, but gutting the First Amendment is exactly what this bill would do today.

This religious freedom amendment is dangerous in that it breaches the constitutionally guaranteed separation of church and State, thereby reducing religious liberty and equality. Moreover, it would allow official school prayer and government funding of religious institutions.

The most tragic results of this amendment, though, is that it sows the seeds of strife and divisiveness that the Bill of Rights was designed to protect us from. Listen to the level of debate that has occurred lately.

A few weeks ago one of my colleagues rose on the floor and said that those of us who oppose this amendment would be heading likely to hell. I quote from the RECORD:

Mr. Speaker, there is no doubt in my mind that there is a special place in hell for a number of Federal court judges, as I am sure there will be for Members of Congress.

This level of debate denigrates both the Bill of Rights and this institution, and it also threatens the notion of religious tolerance that has made our country unique. That is why religious groups such as the American Baptist Churches USA, the Baptist Joint Committee, the Presbyterian Church USA, the Episcopal Church, the Evangelical Lutheran Church in America, the Muslim Public Affairs Council, the Reform Jewish Movement, and virtually the entire Jewish community are opposed to this measure.

Proponents of this measure would have us believe that we are attacking religious expression, and that is nonsense. Students currently enjoy the right to religious expression in our Nation's public schools. They have the right to pray individually or in groups, to say grace before meals, to discuss religion with other interested students, to read religious books in their spare time, and to pray before, during, and after tests.

When James Madison and the other early American leaders drafted the First Amendment, they knew full well the capacity of the majority to subjugate the minority when it came to matters of religion. We see it today.

I have just returned from 7 days in the former Yugoslavia, where tens of thousands of people are dead because three governments with different religions decided to impose their will on people who did not believe as they did. That is the path that our Founding Fathers sought very carefully to avoid.

Amending the Constitution is not a matter to be taken lightly. The separation of church and state, and the protections enshrined in the First Amendment so that we are free to practice our religion as we wish, having to answer to no man or no government, has helped to make the United States one of the most religiously diverse nations in this world.

Thomas Jefferson wrote: "Religion is a matter which lies solely between man and his God that he owes account to none other for his faith or worship, that the legislative powers of government reach actions only, and not opinions. I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or,' most importantly, 'prohibiting the free exercise thereof,' thus building a wall of separation between church and State."

Mr. Speaker, I urge this body to reflect on its words and defeat this rule.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just for clarification, one of the previous speakers said that there had not been hearings on this particular issue. There were seven hearings on the issue that is addressed by this amendment. There were 74 witnesses that were heard from at that time.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, we are going to hear a lot of things today about what this amendment does, what it says. I would encourage our colleagues to read the amendment. There is nothing in the amendment that allows funding of religious institutions. There is nothing in the amendment that establishes a church that has particular access to government monies. There is nothing in the amendment that requires anybody to participate.

What this amendment does is restore the Constitution to its practices for the first 175 years. We certainly want to look at the intent of the Founders of the Constitution; and when we look at the intent of the Founders of the Constitution, we do see that they did not want to establish a church. What we also see is that they clearly did not want to remove religion, did not want to remove God from our public discourse, from our public ceremonies, from our public institutions.

In fact, right here in this House this morning, as has been the case every day since the Congress began, we started with prayer. We started with prayer, and now we have a debate as to why we could not have prayer at high school graduations. We started with prayer, and now we have a debate as to why we could not have a prayer before a football game. We started with prayer, and now we have a debate as to why we want to not allow city councils to do that same sort of thing in their public institutions.

"In God We Trust" is emblazoned above your head, Mr. Speaker, as we debate every day in this House. We cannot go back to the writings of the people who wrote the Constitution, we cannot go back to what George Washington did as our first President, in putting in our public discourse and our public ceremonies the clear understanding that religion and morality were cornerstones for the kind of government we wanted to have, and not see that that was their intent.

In fact, it was their intent until 1962 when the Supreme Court, on a series of decisions that were, as often as not, five-to-four. A five-to-four decision means that even the Supreme Court was not very certain as to what they were doing and wondered what the Constitution might have said. In 1962 the Supreme Court began to say these things that for 175 years we believed the Constitution to say and we believed the Constitution to allow, it no longer would allow, beginning at that time.

We had a high school class invite a Jewish Rabbi to pray at a graduation, and a student decided to sue, and suddenly prayer at high school graduation, one of the cornerstones of those ceremonies from the time we began to have high school graduation, is suddenly unconstitutional.

Many of our schools, many of our communities have chosen, as in some ways we might even say the Congress has chosen, to ignore that prohibition. I encourage we support the rule and support this amendment.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on both sides, please.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. FROST) has 16½ minutes remaining. The gentlewoman from North Carolina (Mrs. MYRICK) has 17½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, to the gentlewoman, I do want to acknowledge that, yes, there have been many hearings on prayer in school, but only one hearing on the Istook amendment.

Mr. Speaker, I rise with a completely different perspective, for I believe that it is important to tell the American people what we believe. We believe in the freedom of this Nation and the right to prayer and the right to express our religious beliefs.

I am glad my colleague acknowledged that we in this House do pray. For that reason, we support the fact that Americans pray in whatever manner they so desire.

But I want my colleagues to know that the Istook amendment has nothing to do with our right to pray. It really has a lot to do with the intrusive, oppressive conferring of some particular religion on many, and that religion may not be the religion of the many.

When the flag rose and remained flying after the war in the 1800s, and the Star Spangled Banner was written, the one question asked: Was the flag still there? The reason for that was the flag symbolized freedom, freedom of expression, freedom to believe as we so desire to believe.

The Istook amendment takes away from us our religious beliefs. It does not give them to us. For us to take away the obvious, what the First Amendment already provides, the freedom of religion, what Madison and Jefferson debated for some 10 years, we want to change in 2 or 3 hours.

I would simply ask my colleagues, Republicans and Democrats alike, this is not a partisan issue. This goes to the very underpinnings of what this country stands for. Our children can pray. Our different faiths can be expressed, whether it is Allah or God or anyone

else. We have the right to pray in this Nation.

It is tragic that we take some very isolated incidences where court decisions may rule against what we would like and change the whole Constitution. Stand up for what is right. I pray that we do that.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, interesting debate. Constitution. The first Constitution allowed slavery. It treated women like property. It treated American native Indians like buffalos.

The Congress, in its wisdom, changed the wrongs of the Constitution and did so by amending it. Now the judges have determined that school prayer is prohibited under the language of the Constitution.

I submit that the Founders are rolling over in their graves, because they did want to separate church and State on a denominational basis, but they never intended to separate God and the American people.

This legal mumbo jumbo is absolutely ludicrous, because of the fact that school kids used to have the three R's of reading, writing, and arithmetic; today there are four R's: rape, rifle, and Ritalin. Ladies and gentlemen, there is a fourth R. It is called run. Run as in run for your life.

My position is very, very simple. I believe where God is omitted, then evil will be committed. Ladies and gentlemen, why is it unconstitutional for Congress to consider the opportunity to let a local school board make that decision?

The Constitution prohibits it; that is what the Supreme Court said. Fine. Change the Constitution. This is the mechanism to do it. If it is a moment of silence, fine. If it is a prayer, it should not be any denomination that is, in fact, promoted.

Ladies and gentlemen, there are several things I think must be understood here. On our bills, we say "In God We Trust". We open the session up with a prayer in the Congress. The Supreme Court opens up their session by asking God to preserve the court and preserve the Nation. But our school boards cannot make that decision. So what we have is rape, murder, mass murder, violence, killing, fear in our schools, but they are not allowed to have a prayer. Come on now.

I can remember a debate we had where it was called political posturing to open the session of Congress with a pledge of allegiance to the flag. The motives of those who brought it forward were questioned. On all of these constitutional mumbo jumbo reasons we had these big debates. Now we have a pledge of allegiance. Quite frankly, I think we should.

Quite frankly, the Congress opens the session with a prayer, and we are a

bunch of hypocrites by not allowing a local school board to make that decision. Neither are all of the decisions in the Supreme Court. In America, the judges do not govern; the American people do. The American people want to allow prayer in our schools.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I would like to address the gentleman from Ohio in his constitutional wisdom, and I am glad he is staying here for it.

First of all, to my good friend the gentleman from Ohio (Mr. TRAFICANT), I would like to point out to him that no Supreme Court decision ever has prevented students from praying on their own.

□ 1115

Not a single decision of any court can be cited for the contrary proposition.

Number two, in the 1962 Supreme Court case of *Engel v. Vitale*, which I am sure the gentleman has reviewed, it struck down only the practice of having government compose school prayer. In the *Wallace* case, which the gentleman may or may not be familiar with, it held, "The government may give objective instruction about religion in public schools and provide for religiously neutral moments of silence, permit students to engage in private, non-disruptive prayer during the school day, and pose no barrier to organized student-initiated religious clubs under the Equal Access act." We are not hypocrites.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, the legal decisions say that if a school board wants to have a school prayer, they are prohibited from doing so.

Mr. Speaker, I say to the Members, the judges in America do not govern, they interpret the Constitution. They interpret the law. They do that only. The people of the United States govern. When they see fit to change a constitutional mandate that has been interpreted counter to the wishes of the American people, it is up to the people and the Congress only to make that decision.

I will say this, the gentleman is certainly more knowledgeable on all these decisions, but here is what I am saying. All those decisions the gentleman cited all add up to one thing: We do not allow for school prayer. I am saying that we should. That is what I do support.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted my friend, the gentleman from Ohio (Mr. TRAFICANT),

who has left the floor, to understand that nothing prohibits voluntary prayers, from school boards, courts, or anything else. I am doing this in a friendly way. I am not emotional about it. But it is about time that we learn what the law is that we want to change. I thank the gentleman for his generosity.

Mr. NADLER. Mr. Speaker, this amendment, which should really be referred to as the Religious Coercion Amendment, is an assault on the first freedom which has been protected for 200 years by the First Amendment.

I am amazed at some of my conservative colleagues who do not trust the government to protect the environment or to build new schools in our communities or to regulate the railroads, but are perfectly willing to turn over to government bureaucrats the power to do everything short of actually declaring a State religion, or to involve those bureaucrats in shaping the moral and religious lives of our children.

Many supporters of this constitutional amendment have been irate at the way some schools teach American history, but they are perfectly willing to delegate to those same schools the right to guide a child's religious education.

This amendment, Mr. Speaker, makes a radical departure from our current constitutional framework. The First Amendment now prohibits any "law respecting an establishment of religion." The rewrite we have before us today would narrow that to prevent government only from establishing any official religion. Anything short of establishing an official church which favors one religion, that of the majority, over all others, would be allowed under this amendment.

The amendment says, "The people's right to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed." "The people's right," that is a collective term, not an individual right; a radical departure from our constitutional tradition.

What does it mean? It means that the people, "the people," the majority, either by referendum or through council action or action of a local legislative body, a town council, a school board, a city council, could mandate that particular religious symbols, Presbyterian in one area, Catholic in an area, Muslim in a third, Centurian in a fourth, must be prominently placed in every schoolroom, in every courtroom, and that every litigant must do his case in front of that religious symbolism, even if it offends his conscience, and every child in every classroom, likewise.

We can see evidence in the world today of the terrible harm which comes in the government meddling in religious affairs, of allowing some in the community to use the government to further their religious goals.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. I thank the gentlewoman for yielding me the time, Mr. Speaker.

Mr. Speaker, I rise in support of this rule. Today we are having a debate on a very serious problem that does deserve our attention. We can do this by supporting this rule.

I am in entire agreement with the authors of this amendment in their concern for the systematic attack on religious expression throughout the country. There is no doubt hostility exists, especially against conservative religious expression. It is pervasive and routinely expressed in our courts.

Those who attack religious values are, unfortunately, not doing it in the defense of constitutional liberty. Secular humanism, although equivalent to a religion, is passed off as being neutral with respect to spiritual beliefs, and yet too often used to fill the void by forced exclusion of other beliefs.

This is indeed a problem deserving our close attention, but the approach through this constitutional amendment is not the solution. I was a co-sponsor of the original version of the amendment, but after serious reconsideration, especially after the original version was changed, I now am unable to vote for it.

The basic problem is that our courts are filled with judges that have no understanding or concern for the constitutional principles of original intent, the doctrine of enumerated powers, or property rights. As long as that exists, any new amendment to the Constitution will be likewise abused.

This amendment opens the door for further abuse. Most of those who support this amendment concede that, quoting the authors of the amendment, "Because government is today found everywhere, this growth of government has dictated a shrinking of religion." This is true, so the solution should be to shrink the government, not to further involve the Federal Government on how States and school districts use their property.

This amendment further enables the Federal Government to do more mischief. The only solution is to shrink the government and raise a new generation of judges and Congressmen who understand the constitutional principles of original intent, the doctrine of enumerated powers, and property rights. If we do this, the First Amendment, freedom of religious expression, will be protected.

Another recourse, less complicated than amending the Constitution, is for Congress to use its constitutional authority to remove jurisdiction from the courts in the areas where the courts have been the most abusive of free expression. Unfortunately, this amendment encourages a government solution to the problems by allowing the Federal Government and Federal courts to instruct States and local school districts on the use of their

property. This is in direct contrast to the original purpose of the Constitution, to protect against a strong central government and in support of State and local government.

Until our judges and even our Congress have a better understanding of the current Constitution and a willingness to follow it, new constitutional amendments will do little to help and will more likely make things worse.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, in our country the State is not to sponsor or sanction religious exercises. Neither is it to interfere with the free exercise of religion. That is a delicate balance that the Bill of Rights has protected for over 200 years. It is a delicate balance that the Istook amendment threatens to destroy.

I want to make one point this morning, a quite simple and straightforward point: the prohibition against State-sponsored religious exercises in our country protects not only civic life but also, and more importantly, religious life. Mr. Speaker, it is no accident that a long list of religious communities and religious organizations are lined up in opposition to the Istook amendment.

Amending the First Amendment to permit the State establishment of religion is a threat to our constitutional democracy, to be sure, of which freedom from religious coercion is a cornerstone. But even more, it is a threat to religious faith and practice.

Mr. Speaker, religious liberty is not just freedom from coercion.

Religious liberty is also freedom for the leading of the spirit, freedom to follow and obey God's will. Roger Williams, colonial America's foremost proponent of religious liberty, understood that the prohibition against the establishment of religion was more about protecting the church than it was about protecting the State. Religious freedom protects communities of believers, it protects the lonely conscience of the prophet, it protects the faithful individual.

Mr. Speaker, central to our Christian and Jewish and Muslim traditions is the notion that we stand under God's judgment, that we are not to identify our power and our program with God's will, that we are all sinners and in need of forgiveness. That is central to all of our religious traditions.

Religious faithfulness is a struggle. It is not something that we lay hold of easily or that someone in authority can achieve for us. The life of faith is a struggle for an individual and a community that cannot and must not be dictated or directed by the State. It is a struggle in which we must engage with freedom, as God gives us the light to find the right way.

That is what religious freedom is about, and it is mainly for religious reasons that we must defend the First Amendment and rebuke those who

would put the State's power behind particular religious beliefs or practices. The Istook amendment threatens not only civil liberty but also religious faithfulness, and for that reason we should defeat it today.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the time.

Mr. Speaker, I want to get back to something the previous speaker said about the Supreme Court's making a statement that they never came out against school prayer. That was not the case at all. If we look at the *Engel v. Vitale* case in 1962, a pertinent portion of this debate was when *Engel* stated, and I quote, "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the establishment clause, as it might be from the free exercise clause of the First Amendment, both of which are operative against the State by virtue of the 14th Amendment."

So clearly there is a case where the Supreme Court has said that even voluntary prayer is a problem in terms of their interpretation of the Constitution. Because of that, because of their extreme approach on this, I do support this rule and the Istook amendment.

I think one of the questions, as we get bogged down here, and clearly, Mr. Speaker, this is not a black and white issue, there are some grays in this issue, and I echo the words of the gentleman from Texas (Mr. PAUL), a lot of these items boil down to the size of government, an intrusive Washington command-and-control, one-size-fits-all government approach to everything and every solution.

I still think some of these things do have to be handled on a local level. I think it does not harm society to have some local decisions on things like this.

But we do have to ask ourselves a bigger question. We can all play lawyer here today. It is clear, listening to the debate, that everybody is trying to be lofty and historical and so forth. But let us just ask ourselves some basic questions: Is society better served by having a religious society? Is it more good or more harmful to have a prayer at graduation? Is it more good or harmful to have a prayer at a football game?

□ 1130

If a child comes into school and her mother is sick and a student suggests, as the students get concerned and show concern, can they bow their heads and pray for the young lady's mom, is that harmful? I think if we look at the measure of the results of this, that it would be more helpful to have a more religious society, one that is tolerant and one that respects each other, rather

than have these religion-free zones in public buildings, public institutions, whereby if we say anything that is religious, we are the perpetrator of some horrible crime, rather than somebody who is trying to take everyday life to a higher level so that we can acknowledge a Creator and a Higher Being.

I believe if we ask ourselves those questions, we are going to realize that this amendment is not going to solve all the problems; the current situation we have does not solve all the problems, but we have to continue to support religion as a country and in public.

Mr. Speaker, I urge my friends and fellow Members to support the Istook amendment.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, this is a very perilous path we tread. No one knows where this will lead, this vaguely worded amendment, not even the most well-intentioned supporter. There are more unanswered questions than there are answered questions.

There is a presumption of whose religion it will be, and that presumption even goes further. It is a presumption that it will be a Christian religion, and it is a presumption on the part of many that it will be their form of Christian religion. That is not set by this. It can be any cult claiming to be a religion.

Mr. Speaker, that happened to my State. We have a 20-day voter cutoff in our State because a cult, the Rajneeshis, tried to take over a school board, and we were afraid they would bus people in from outside the State to take over that school board and impose their cult on the children of that rural town. That would be allowed under this amendment.

We will fight a pitched battle, community by community, county by county, State by State, over where the tax dollars will flow because this allows tax dollars to flow to private religious activities and institutions. And some support that. Despite the desperate straits of our public schools, some support that.

But, guess what? This amendment also in all probability allows for the first time in our history the taxing of religious institutions. Now, I think many who support the tax dollars for private religious schools will be aghast when they receive a tax bill for their previously-exempt institutions.

There are those who are proposing that somehow this is an answer to the violence in our schools. I live in Springfield, Oregon. No one is closer today to that question than I am. And those who bring forward the simplistic answer that if we only had had an established prayer in that school, a very conservative town that I live in, that we would not have had that violence, that is an insult.

Mr. Speaker, this is a complex problem which goes to many things. This is not a simple solution. It raises more

problems than it answers, and it potentially threatens the stability of this Nation.

Do we want to be Bosnia? Do we want to be Northern Ireland? Do we want to be India and Pakistan and have a nuclear war over religious issues? Vote no on this amendment.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the Istook amendment.

Let me say that I have been concerned in recent years that in our society there seems to be a great deal of legal pressure on our people not to express their religious convictions. And I know that some people honestly are afraid that some religion might be imposed on someone officially, and I think that is what is motivating this.

But what has really happened, the outcome of this is the nature of our society has changed in that, before, our Founding Fathers thought that the expression of religious faith was a very positive thing. This is something that worked to the benefit of our country throughout our history. It gave a solid foundation to the young people of our country because people, whether it was the President of the United States on down, we have "In God we trust" right over here in Congress. These expressions were seen as benevolent and positive things in our society.

But, in recent years, we have seen the phrase "separation of church and State," by the way, which is something that is not in our Constitution. That phrase is not in the Constitution. It is "the establishment of a religion" is the phrase that is within the Constitution. But that phrase of "separation of church and State" has been used to justify all kinds of legal pressures and restrictions on Christians and Jews and other people of religious faith from uttering their belief.

This is wrong. This is wrong, and the only people who are being imposed upon are not people who do not believe in religion or God, but the people who are being imposed upon are the people of religious faith, whatever that faith may be.

Mr. Speaker, worse than that, we have now evolved into a society where Jesus Christ can be taken and can be put into a bottle of urine and called art and it can be subsidized with tax dollars. With people who are sincerely Christian, this is a violation of their sacred beliefs when they complain they are being told this is separation of church and State and they cannot have anything to say about that.

But we actually subsidize a tax of these people's religion while, at the same time, if somebody wants to put a manger scene in front of city hall during Christmas season, they are told, oh, no, that is separation of church and State.

The Istook amendment I think goes back to what our country is based on.

It is not separation of church and State. No one wants to impose religion on someone else. What we are talking about, the basis of our country is freedom of religion. Freedom of religion, especially freedom of religious expression. And that is what the Istook amendment is all about.

We have got all of our priorities haywire here. We are now justifying the separation of religious utterances when it is a benevolent thing and has been throughout the history of our country.

Mr. Speaker, I support the Istook amendment and the rule.

Mr. FROST. Mr. Speaker, may I inquire of the time remaining on each side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. FROST) has 5½ minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 4½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST), my colleague on the Committee on Rules, for yielding me this time to stand today to oppose this rule.

Mr. Speaker, I asked for an amendment to be considered last night in the Committee on Rules because I share some of the concerns of the proponents of this amendment, although I oppose the Istook amendment. The amendment I asked for would actually go further toward what Thomas Jefferson, George Mason and James Madison had said and used in a lot of our State Constitutions, to make sure we do have freedom of expression. But the Committee on Rules said, no, we cannot improve on this except for one case offered by the gentleman from Georgia (Mr. BISHOP).

Mr. Speaker, I am opposing this rule and opposing the Istook amendment. It is hard to stand up here, Mr. Speaker, to do that because my religious beliefs are really important to me and my family. We do not need to wear them out here on the floor of the House to talk about how important religion is to our family and to us individually.

I seem to remember growing up in Sunday school and in church as always part of my life and learning that we do not need to yell from the street corners our religion, that we should go into a room and pray on our own and not necessarily have to do it like we are doing it today.

So people of faith can stand up here and oppose this amendment, even though I heard in a special order the other night one of my colleagues, the gentleman from Georgia, who said there is a special place in hell for Justices and Members of Congress who oppose this. Thank goodness he is not making that decision. He is putting his place in the place of God.

That is why this amendment is wrong. We need to have religious freedom. We have it right now. The Depart-

ment of Education has said we have religious freedom. My wife teaches in public school. I have given prayers at football games. We have Bible studies. We have prayer every morning in our public school around the flagpole. We have prayer in our schools. It is not the prayer that the school board wants the students to say, because that is what the Constitution never said. It is prayer that our students want on their own, that their parents provide them the guidance.

Mr. Speaker, that is why we should oppose this amendment. We have prayer in the schools right now. Let us not make it worse by the Istook amendment.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, the gentleman from Texas (Mr. GREEN) just mentioned about yelling from the corner about one's religious convictions. The fact is that we respect the right of people to raise their voice and shout about political things and we respect people's rights to raise their voice and shout about religious things as well.

Certainly we do not want people to get in somebody else's way, nor do we want to force somebody to participate in a chant. But I think that again demonstrates the sort of haywire priority that we have here. That, yes, people have religious convictions and they have a right to express it, but all of a sudden there seems to be this pressure on religious people not to make these public utterances. There is nothing wrong with someone shouting out for the glory of God, if that is how they feel.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Texas.

Mr. GREEN. Mr. Speaker, I have no problem with that. They have that right. But they do not have the right to stand up in an algebra class and do it. But they have the right to pray on their own. And so we have to have some reasonableness applied to it. We have prayer in the public schools now.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, but they do not have a right to have a little group meeting of that.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this constitutional amendment. Freedom of religion and freedom from religious coercion has been at the core of American democracy for over 200 years. I believe that the first amendment has served all of us of every religion extremely well.

The separation of church and State does not require the separation of spir-

itual values from secular affairs. In fact, I believe strongly that private morality and public conscience must guide the formation of our Nation's public policy. But no one individual or individual religion may be permitted to impose one set of religious beliefs on the rest of us.

The American people do not want this Congress telling them how and when to pray. In fact, this amendment is entirely unnecessary. Although the Supreme Court has upheld the separation of church and State, the Court has also clearly stated that all American citizens are free to exercise their religious beliefs in public schools.

In the words of President Clinton: Schools are not religion-free zones. Students can pray privately and individually whenever they wish. They can say grace before lunch. They can form religious clubs and those clubs can and should be treated like any other extracurricular activity. And students reading to themselves have every right to read the Bible or any other religious text they want.

So what would this amendment change? Well, it could allow public tax dollars to be spent on religious schools, shifting scarce resources from public schools and setting up competition among faiths. It would allow mandatory prayers in schools, and it could allow a local school board to endorse certain religious traditions and ignore others.

Mr. Speaker, there is a reason this amendment is opposed by most of the churches, synagogues, and religious organizations in the United States, including the National Council of the Churches of Christ, the Baptist Joint Committee, the American Jewish Committee and the Presbyterian Church of the USA.

I want to say, Mr. Speaker, as a woman of the Jewish faith, my personal religion and the right to pray is important to me and my family and that is why I oppose this amendment.

□ 1145

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

My great grandfather came to this country fleeing religious persecution in the Old World. He was a peddler in East Texas. I would like to quote from the grandson of a peddler from Arizona that some Members on the other side will recognize, the late Senator Barry Goldwater.

In 1994, when Senator Goldwater was asked about his views on a school prayer amendment, he replied,

It is a waste of time. There is nothing in the law that says people can't have a moment of silence in schools to do what they want, pray or cuss someone out.

Barry Goldwater was a very wise man. I did not agree with him on every issue. He spoke his mind and he spoke it very clearly on this fundamental issue of our Constitution and what should be done with our Constitution and what should not be done with our Constitution.

We do not need to alter the Bill of Rights. It has stood for 206 years and served this country well. It would be a mistake for us to pass the Istook amendment.

I urge my colleagues to vote no when this matter comes to the floor later today.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentleman for yielding me this time.

The amendment that we will be debating today provides for equal treatment of discussion about religion, equal to the treatment that we give for discussion on political matters.

The First Amendment protects political speech under our Constitution. Indeed, the Supreme Court has interpreted the First Amendment as permitting students to speak on political matters even contrary to the policy of the school board. I am thinking particularly of the case of *Tinker v. Des Moines* during the Vietnam War. But it does not afford that same protection to students who on their own wish to discuss or raise issues about religion.

It is important under the First Amendment that we respect religion while we are not respecting an establishment of religion. The First Amendment reads that Congress shall make no law respecting an establishment of religion, but it goes on to point out the importance of not prohibiting the free exercise of religion.

The way that the law is today, the Supreme Court has given greater protection for political speech than it has for religious speech. Those of us who support this amendment today are not asking for any preference for religion. We are merely asking that the right of the people to express their religion be given as much protection as the right the people presently have to express their political point of view.

Those who have expressed great concern about amending the First Amendment must also be responded to. I also share that concern. But what is wrong about using the constitutional process for amending the Constitution, which we attempt to do here today?

The Supreme Court has amended the Constitution regarding the First Amendment at least 14 different times. The First Amendment says Congress shall make no law respecting an establishment of religion or abridging the freedom of speech. The Supreme Court has added, "except for speech that advocates the imminent overthrow of the United States," and "except for slander and libel," and "except for obscenity." "Except for" added by the Supreme Court is every bit as much as an amendment to the Constitution as what we propose today.

With these points in mind, I urge support of the rule and support of the amendment.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MYRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 169, not voting 16, as follows:

[Roll No. 196]

YEAS—248

Aderholt	Foley	McHugh
Archer	Forbes	McInnis
Armey	Fossella	McIntosh
Bachus	Fowler	McIntyre
Baesler	Fox	McKeon
Baker	Franks (NJ)	Metcalfe
Ballenger	Frelinghuysen	Mica
Barcia	Galleghy	Miller (FL)
Barr	Ganske	Moran (KS)
Barrett (NE)	Gekas	Morella
Bartlett	Gibbons	Murtha
Barton	Gilchrest	Myrick
Bass	Gillmor	Nethercutt
Bateman	Gilman	Neumann
Bereuter	Goode	Ney
Berry	Goodlatte	Northup
Billbray	Goodling	Norwood
Bilirakis	Goss	Nussle
Bishop	Graham	Ortiz
Bliley	Granger	Oxley
Blunt	Greenwood	Packard
Boehlert	Gutknecht	Pappas
Boehner	Hall (OH)	Parker
Bonilla	Hall (TX)	Paul
Bono	Hamilton	Paxon
Brady (TX)	Hansen	Pease
Bryant	Hastert	Peterson (MN)
Bunning	Hastings (WA)	Peterson (PA)
Burr	Hayworth	Petri
Burton	Hefley	Pickering
Buyer	Hill	Pitts
Callahan	Hilleary	Pombo
Calvert	Hobson	Porter
Camp	Hoekstra	Portman
Campbell	Horn	Pryce (OH)
Canady	Hostettler	Quinn
Cannon	Houghton	Radanovich
Castle	Hulshof	Rahall
Chabot	Hunter	Ramstad
Chambliss	Hutchinson	Redmond
Chenoweth	Hyde	Regula
Christensen	Inglis	Riggs
Clement	Istook	Riley
Clyburn	Jenkins	Roemer
Coble	John	Rogan
Coburn	Johnson (CT)	Rogers
Collins	Johnson, Sam	Rohrabacher
Combest	Jones	Ros-Lehtinen
Condit	Kasich	Roukema
Cook	Kelly	Royce
Cooksey	Kim	Ryun
Cox	King (NY)	Salmon
Cramer	Kingston	Sandlin
Crane	Klug	Sanford
Crapo	Knollenberg	Saxton
Cubin	Kolbe	Scarborough
Cunningham	LaHood	Schaefer, Dan
Danner	Largent	Schaffer, Bob
Davis (VA)	Latham	Sensenbrenner
Deal	LaTourette	Sessions
DeLay	Lazio	Shadegg
Diaz-Balart	Leach	Shaw
Dickey	Lewis (CA)	Shays
Doolittle	Lewis (KY)	Shimkus
Dreier	Linder	Shuster
Duncan	Livingston	Skeen
Dunn	LoBiondo	Skelton
Ehlers	Lucas	Smith (MI)
Ehrlich	Manzullo	Smith (NJ)
Emerson	McCollum	Smith (OR)
Everett	McCrery	Smith (TX)
Ewing	McDade	Smith, Linda

Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Tanner
Tauzin
Taylor (MS)

Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins

Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—169

Abercrombie	Gutierrez	Mink
Ackerman	Harman	Moakley
Allen	Hastings (FL)	Moran (VA)
Andrews	Hefner	Nadler
Baldacci	Hilliard	Neal
Barrett (WI)	Hinchey	Oberstar
Becerra	Hinojosa	Obey
Bentsen	Holden	Olver
Berman	Hooley	Owens
Blagojevich	Hoyer	Pallone
Blumenauer	Jackson (IL)	Pascarella
Bonior	Jackson-Lee	Pastor
Borski	(TX)	Pelosi
Boswell	Jefferson	Pickett
Boucher	Johnson (WI)	Pomeroy
Boyd	Johnson, E.B.	Poshard
Brady (PA)	Kanjorski	Price (NC)
Brown (CA)	Kaptur	Rangel
Brown (OH)	Kennedy (MA)	Reyes
Capps	Kennedy (RI)	Rivers
Cardin	Kennelly	Rodriguez
Carson	Kildee	Rothman
Clayton	Kilpatrick	Roybal-Allard
Conyers	Kind (WI)	Rush
Costello	Klecicka	Sabo
Coyne	Klink	Sanchez
Cummings	Kucinich	Sanders
Davis (FL)	LaFalce	Sawyer
Davis (IL)	Lampson	Schumer
DeFazio	Lantos	Scott
DeGette	Lee	Serrano
Delahunt	Levin	Sherman
DeLauro	Lewis (GA)	Sisisky
Deutch	Lipinski	Slaughter
Dicks	Lofgren	Smith, Adam
Dingell	Lowe	Snyder
Dixon	Luther	Stabenow
Doggett	Maloney (CT)	Stark
Dooley	Maloney (NY)	Strickland
Doyle	Manton	Stupak
Edwards	Markey	Tauscher
Engel	Martinez	Thompson
English	Mascara	Tierney
Eshoo	Matsui	Torres
Etheridge	McCarthy (MO)	Towns
Evans	McCarthy (NY)	Velazquez
Farr	McDermott	Vento
Fattah	McHale	Visclosky
Fazio	McKinney	Waters
Filner	McNulty	Watt (NC)
Ford	Meek (FL)	Waxman
Frank (MA)	Meeks (NY)	Wexler
Frost	Menendez	Weyand
Gejdenson	Millender	Wise
Gephardt	McDonald	Woolsey
Gordon	Miller (CA)	Wynn
Green	Minge	Yates

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Brown (FL)	Herger	Spratt
Clay	McGovern	Stokes
Ensign	Meehan	Talent
Fawell	Mollohan	Thurman
Furse	Payne	
Gonzalez	Skaggs	

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Ms. VELÁZQUEZ and Messrs. BALDACCI, MEEKS of New York, and MANTON changed their vote from "yea" to "nay."

Mr. BAESLER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.