

TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of the passage of the bill, H.R. 3433, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 1, answered "present" 2, not voting 20, as follows:

[Roll No. 197]
YEAS—410

Abercrombie	Coyne	Hansen
Ackerman	Cramer	Harman
Aderholt	Crane	Hastert
Allen	Crapo	Hastings (FL)
Andrews	Cubin	Hastings (WA)
Archer	Cummings	Hayworth
Army	Cunningham	Hefley
Bachus	Danner	Hefner
Baesler	Davis (FL)	Heger
Baker	Davis (IL)	Hill
Baldacci	Davis (VA)	Hilleary
Ballenger	Deal	Hilliard
Barcia	DeFazio	Hinchey
Barr	Delahunt	Hinojosa
Barrett (NE)	DeLauro	Hobson
Barrett (WI)	DeLay	Hoekstra
Bartlett	Deutsch	Holden
Barton	Diaz-Balart	Hooley
Bass	Dickey	Horn
Bateman	Dicks	Hostettler
Becerra	Dingell	Hoyer
Bentsen	Dixon	Hulshof
Bereuter	Doggett	Hunter
Berman	Dooley	Hutchinson
Berry	Doolittle	Hyde
Bilbray	Doyle	Inglis
Bilirakis	Dreier	Istook
Bishop	Duncan	Jackson (IL)
Blagojevich	Dunn	Jackson-Lee
Bliley	Edwards	(TX)
Blumenauer	Ehlers	Jefferson
Blunt	Ehrlich	Jenkins
Boehlert	Emerson	Johnson (CT)
Boehner	Engel	Johnson (WI)
Bonilla	English	Johnson, E. B.
Bonior	Ensign	Johnson, Sam
Bono	Eshoo	Jones
Borski	Etheridge	Kanjorski
Boswell	Evans	Kaptur
Boucher	Everett	Kasich
Boyd	Ewing	Kelly
Brady (PA)	Farr	Kennedy (MA)
Brady (TX)	Fattah	Kennedy (RI)
Brown (CA)	Fazio	Kennelly
Brown (FL)	Filner	Kildee
Brown (OH)	Foley	Kilpatrick
Bryant	Forbes	Kim
Bunning	Ford	Kind (WI)
Burr	Fossella	King (NY)
Burton	Fowler	Kingston
Buyer	Fox	Kleccka
Callahan	Franks (NJ)	Klink
Calvert	Frelinghuysen	Klug
Camp	Frost	Knollenberg
Campbell	Gallegly	Kolbe
Canady	Ganske	Kucinich
Cannon	Gejdenson	LaFalce
Capps	Gephardt	LaHood
Cardin	Gibbons	Lampson
Carson	Gilchrest	Lantos
Castle	Gillmor	Latham
Chabot	Gilman	LaTourette
Chambliss	Goode	Lazio
Chenoweth	Goodlatte	Leach
Christensen	Goodling	Lee
Clayton	Gordon	Levin
Clement	Goss	Lewis (CA)
Clyburn	Graham	Lewis (GA)
Coble	Granger	Lewis (KY)
Combust	Green	Linder
Condit	Greenwood	Lipinski
Conyers	Gutierrez	Livingston
Cook	Gutknecht	LoBiondo
Cooksey	Hall (OH)	Lofgren
Costello	Hall (TX)	Lowe
Cox	Hamilton	Lucas

Luther	Petri	Smith, Adam
Maloney (CT)	Pickering	Smith, Linda
Maloney (NY)	Pickett	Snowbarger
Manton	Pitts	Snyder
Manzullo	Pombo	Solomon
Markey	Pomeroy	Souder
Martinez	Porter	Spence
Mascara	Portman	Spratt
Matsui	Poshard	Stabenow
McCarthy (MO)	Price (NC)	Stark
McCarthy (NY)	Pryce (OH)	Stearns
McCollum	Quinn	Stenholm
McCrery	Radanovich	Stokes
McDermott	Rahall	Strickland
McHale	Ramstad	Stump
McHugh	Rangel	Stupak
McInnis	Redmond	Sununu
McIntosh	Regula	Talent
McIntyre	Reyes	Tanner
McKeon	Riggs	Tauscher
McKinney	Riley	Tauzin
McNulty	Rivers	Taylor (MS)
Meek (FL)	Rodriguez	Taylor (NC)
Menendez	Roemer	Thomas
Metcalf	Rogan	Thompson
Mica	Rogers	Thornberry
Millender-	Rohrabacher	Thune
McDonald	Ros-Lehtinen	Thurman
Miller (CA)	Rothman	Tiahrt
Miller (FL)	Roukema	Tierney
Minge	Royal-Allard	Torres
Moakley	Royce	Towns
Moran (KS)	Rush	Trafficant
Moran (VA)	Ryun	Turner
Morella	Sabo	Upton
Murtha	Salmon	Velázquez
Myrick	Sanchez	Vento
Nadler	Sanders	Visclosky
Neal	Sandlin	Walsh
Nethercutt	Sanford	Wamp
Neumann	Sawyer	Waters
Ney	Saxton	Watkins
Northup	Scarborough	Watt (NC)
Norwood	Schaefer, Dan	Watts (OK)
Nussle	Schaffer, Bob	Waxman
Oberstar	Schumer	Weldon (FL)
Obey	Scott	Weldon (PA)
Olver	Sensenbrenner	Weller
Ortiz	Serrano	Wexler
Oxley	Sessions	Weygand
Packard	Shadegg	White
Pallone	Shaw	Whitfield
Pappas	Shays	Wicker
Parker	Sherman	Wise
Pascarell	Shimkus	Wolf
Pastor	Shuster	Woolsey
Paul	Sisisky	Wynn
Paxon	Skeen	Yates
Pease	Slaughter	Young (AK)
Pelosi	Smith (MI)	Young (FL)
Peterson (MN)	Smith (NJ)	
Peterson (PA)	Smith (TX)	

NAYS—1

Frank (MA)

ANSWERED "PRESENT"—2

Mink Owens

NOT VOTING—20

Clay	Gonzalez	Meeks (NY)
Coburn	Houghton	Mollohan
Collins	John	Payne
DeGette	Largent	Skaggs
Fawell	McDade	Skelton
Furse	McGovern	Smith (OR)
Gekas	Meehan	

□ 1229

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

A bill to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to work, to extend Medicare coverage for such beneficiaries, and to make additional miscellaneous amendments relating to social security.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SKAGGS. Mr. Speaker, due to my son's high school graduation I missed 2 votes earlier today. Had I been present for Roll Call 196, I would have voted "no," and on 197 I would have voted "yes."

□ 1230

PERSONAL EXPLANATION

Mr. ROTHMAN. Madam Speaker, yesterday on rollcall vote numbers 193, 194 and 195, I was detained in New Jersey attending my son's band concert. Had I been present, I would have voted "yea" on all three of these rollcall votes.

CONSTITUTIONAL AMENDMENT RESTORING RELIGIOUS FREEDOM

Mr. CANADY of Florida. Madam Speaker, pursuant to House Resolution 453, I call up the joint resolution (H.J. Res. 78) proposing an amendment to the Constitution of the United States restoring religious freedom and ask for its consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mrs. EMERSON). The joint resolution is considered read for amendment.

The text of House Joint Resolution 78 is as follows:

H.J. RES. 78

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. To secure the people's right to acknowledge God according to the dictates of conscience: The people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. The Government shall not require any person to join in prayer or other religious activity, initiate or designate school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

The SPEAKER pro tempore. Pursuant to House Resolution 453, the amendment recommended by the Committee on the Judiciary printed in the joint resolution is adopted.

The text of House Joint Resolution 78, as amended pursuant to House Resolution 453, is as follows:

H.J. RES. 78

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

“ARTICLE—

“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.”

The SPEAKER pro tempore. After 2 hours of debate on the joint resolution, as amended, it shall be in order to consider the further amendment printed in House Report 105-563 if offered by the gentleman from Georgia (Mr. BISHOP) or his designee, which shall be considered read and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will now control 1 hour for debate on the joint resolution.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 78.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House considers House Joint Resolution 78, the Religious Freedom Constitutional Amendment, a measure which responds to the public’s valid concern that certain court rulings have been hostile to religion, have erected barriers to religious expression and exercise, and have attempted to remove religious influences from the public arena.

In the past 3 years, the Subcommittee on the Constitution of the Committee on the Judiciary has held a total of seven hearings in Washington and across the country examining the issues that are addressed by this amendment.

We conducted hearings in Harrisonburg, Virginia; Tampa, Florida; New York City; and Oklahoma City, Oklahoma. The subcommittee heard testimony from 74 witnesses.

The record of our hearings is clear: There is a fundamental and widespread misunderstanding of what the Constitution requires with respect to the prohibition on the government’s establishment of religion. This misunderstanding is so significant and pervasive that a constitutional amendment promises to be the most effective means of providing a meaningful remedy.

Americans are a religious people, and opponents of this amendment are fond

of citing church attendance statistics to support their argument that there is no problem with the free exercise of religion in America. Although the first amendment was certainly designed to protect worship in a church, temple or synagogue from governmental interference, the protection afforded by the free exercise of religion in the first amendment was intended to reach much further than that. Yes, we are a profoundly religious country, and we do enjoy great freedom in America today, but we must not be complacent while that freedom is eroded.

Many State and Federal courts have misinterpreted the first amendment under the flawed notion that the Constitution requires a wall of separation between church and State. By the wall of separation, they do not mean that the government should not interfere with the freedom of churches and other religious organizations. We all agree with that principle. What they mean is any religious influences should be removed from the public sphere. That is what the proponents of the wall of separation contend.

Chief Justice William Rehnquist condemned the Court’s reliance on the phrase “the wall of separation between church and State” and said in a dissenting opinion over a decade ago, “The greatest injury of the wall notion is its mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. It is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.”

In an effort to satisfy this extra-constitutional and extreme theory of separation of church and State, courts have confused governmental neutrality towards religion with the concept of required public secularism, thus moving toward a public arena with no mention or sign of religion at all.

The result of this distorted view of the first amendment is that, wherever government goes, religion must retreat, and in our time there are few places government does not go. Thus, religion is slowly being eliminated from more and more of our public life.

Religious liberty that can only exist in one’s private home is not true religious liberty. It is far removed from the liberty the framers of the first amendment embraced.

House Joint Resolution 78 seeks to correct this fundamental problem. It reaffirms that government may not establish any official religion, and I would ask the Members to pay particular attention to that language in this amendment. This is an important part of the amendment and, unfortunately, a part that many of the critics of the amendment seem to ignore.

The amendment also prohibits the government from requiring “any person to join in prayer or other religious activity and from prescribing school prayers.” These provisions, taken together, ensure that the coercive power

of government will never be used to compel any Americans under any circumstances to participate in any religious activities against their will.

House Joint Resolution 78 protects the right of the people to pray and to recognize their religious beliefs, heritage or traditions on public property and prohibits government discrimination against religion. It also forbids the denial by government of equal access to a benefit on account of religion.

All of these provisions are designed to eliminate government hostility toward religion and to recognize the historic role that religion has played in our life as a Nation.

All too often, religious Americans of all faiths find that their speech is curtailed specifically because of its religious character. Under the prevailing understanding of the first amendment in many quarters, there are scrupulous concerns to ensure that no person be exposed to any unwanted religious influence but woefully inadequate concern for the religious person whose expression of faith is not publicly tolerated.

The first amendment was designed to foster a public sphere which gave religious citizens, as Madison described, the ability to participate equally with their fellow citizens in public life without being forced to disguise their religious character and conviction.

Another form of government-sanctioned discrimination, besides that affecting speech, is the denial of benefits to religious organizations and individuals.

The benefits provision of the religious freedom amendment, greatly misrepresented by some opponents of this proposal, merely states that the government cannot use religion as a basis for preventing a qualified organization or person from receiving governmental benefits. Public programs should be open to all who meet the objective purposes of the program. Equal access does not mean equal funding. Equal access simply means receiving a fair chance.

Contrary to the claims of its critics, the religious freedom amendment does not change the first amendment. The first amendment, as written, needs no improvement. Unfortunately, however, the first amendment, as interpreted by the courts and as widely understood by many governmental officials, has strayed both with respect to the meaning of the establishment clause and the free exercise clause and the relationship between those two clauses. That is what House Joint Resolution 78 is designed to correct.

As we debate this proposal, I would submit to the Members of this House that it is important that we all recognize that people of good faith can disagree on the merits of this particular proposal. I understand that there are some people who feel very passionately that this amendment is not the right public policy, and I can respect that, although I vehemently disagree with

their position. But I think it is also important that we all recognize that there is a problem that urgently demands our attention.

Now, today as we stand here in this Chamber of the House of Representatives, the people's House, we stand under the words "In God We Trust." They are inscribed on the wall. I would submit to the Members of this House that, as we stand here under those words, there is a problem when students in this country are told they cannot carry their Bibles to school, and there is a problem when students in this country face the threat of being fined by a Federal judge if they mention God, so much as mention God, in a commencement speech.

Now, things like that are happening in America today. The opponents of this amendment will claim that many of the things that are happening that we find troubling can easily be corrected, but the fact of the matter is, there is a persisting pattern of these sorts of problems. We discovered that in the hearings that were conducted by this Subcommittee on the Constitution all across the country, where we heard from so many different people who told of the personal experiences where they had been subjected to discrimination simply because of their religious faith.

Now, things like this are happening in America today, and it is simply not right. It is an infringement of the free exercise of religion, and it is an injustice.

This amendment, which is before the House today, gives this House an opportunity to protect the free exercise of religion and to put an end to the injustices that are being done in the name of the first amendment. I urge my colleagues to support this proposal.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, this constitutional amendment would have dire consequences if ever ratified. As a former member of the Virginia General Assembly, I take great pride in Virginia's religious freedom tradition. This country's very first religious freedom statute was drafted by Thomas Jefferson and enacted by the Virginia General Assembly in response to a failed system of government-sanctioned religious practices very similar to that which would occur if this amendment is ratified.

The mistakes made and corrected in Virginia became the foundation for the religious freedoms included in the United States Constitution, and it is because of our Bill of Rights that we have enjoyed centuries of peace, free from the religious divisions that continue to mar the lives of millions of people across the globe.

H.J.Res. 78 is touted by its supporters as a restorer of religious freedom. Nothing could be further from the truth.

First of all, we already have religious freedom. This freedom has existed for

over 200 years in the form of the first amendment to the United States Constitution. Unfortunately, the words that protect us from religious persecution, that is that Congress shall make no law respecting an establishment of religion nor prohibiting the free exercise thereof, those words are under attack by this proposed amendment.

The language in the proposed amendment ends the church-State separation by allowing religious groups to be directly funded by the government. So what happens when the Catholics must compete with the Baptists for limited school funding? How much safer will society be if only people willing to practice certain religions are able to get treatment for drug addiction? Which religious groups would and would not be funded? How safer will our schools be when children begin fighting over which prayers will be said or which religious expressions should or should not take place before each class day? How much better off will churches be once they become dependent on government funding?

□ 1245

Although the answers to these questions are not at all clear, we know for sure that, if this amendment is ever ratified, the religious freedoms that protect all Americans would be transformed into a divisive manifestation of the very problems the first amendment was designed to protect us from. If the amendment is ratified, it would recklessly disrupt the religious tranquility that we have, that we have appreciated for hundreds of years.

This amendment strips the individual of his or her right to pick his or her own prayer or to practice his or her own religion without having to subject their beliefs to the manipulation or interference by arrogant majorities.

I am specifically referring to the language in the proposed amendment's first sentence. The effect of this language would be to overturn the Supreme Court cases on religious expression and schools. Nothing in this amendment would stop schools or classrooms from choosing by majority vote to actively recite certain prayers or express certain religious beliefs that are most popular in the school or classroom.

So what happens to the losers of these popularity contests? That is why the National Education Association and the American Federation of Teachers oppose this amendment, because of the potential disruption that will occur when 40 percent of the students are not able to express their beliefs while they are subjected to the beliefs other than their own. This amendment will not encourage religious freedom; and, in fact, it invites religious divisiveness.

Despite the assertions of this amendment's proponents, school prayer is alive and well. It is often said that, as long as there are math tests, there will be prayer in public schools. In fact, children praying in school is not now

prohibited. What is prohibited is making those who want to pray pursuant to a different religion or not pray at all to be subjected to someone else's prayer.

In fact, a broad coalition of religious and civil liberties groups, including both proponents and opponents of the Istook amendment, prepared a document entitled "Religion in the Public Schools: A Joint Statement of Current Law" to make it clear that religious expression is permitted in schools.

Madam Speaker, we should not be misled by inaccurate anecdotes. The proponents of H.J. Res. 78 often mention incidents where children are told they cannot bring bibles to school or say grace before eating lunches. These are clearly permissible under current law.

In fact, it is this kind of anecdotal evidence, of a need for a constitutional amendment, that is misleading in large part because most, if not all, of the examples used by the proponents of this amendment result from misstatements of fact or misinterpretations of current law.

That is why we need to preserve our Bill of Rights. That is why we need to join many religious groups in opposing this amendment. Those groups include the American Baptist Churches, the United Church of Christ, the National Churches of Christ, the Presbyterian Church, the Episcopal Church, the Southern Leadership Conference, and many other groups. Let us join these religious organizations to preserve religious freedom by opposing this attack on our first amendment.

Mr. CANADY of Florida. Madam Speaker, I yield 8 minutes to the gentleman from Oklahoma (Mr. ISTOOK), the sponsor of the amendment under consideration.

Mr. ISTOOK. Madam Speaker, I rise not only on behalf of myself but over 150 Members of this body who are co-sponsors of the Religious Freedom Amendment because we are tired of seeing what the Supreme Court has done to change the first amendment. We cherish the first amendment of the United States of America. It has been attacked and twisted and warped by the U.S. Supreme Court.

For some people who say, oh, all these problems can just be corrected with a phone call, before I even talk about some of the Supreme Court decisions, let me tell my colleagues the story of Zacharia Hood, a first grader in Medford, New Jersey.

He was told, because they had a reading contest in school, you get to read the story you want to, to class. He said great. He said, I want to read this story about two brothers that reunited after being apart. He wanted to read the story of the reunion of Jacob and Esau from his copy of the Beginners Bible. The story does not even mention the word God. But his teacher said, oh, horrors. We have been told there is separation of church and State. You cannot read it.

This disappointed six-year-old told his parents, and they tried making

these phone calls. No good. They tried going to the school and the school board. No good. They said, this is an infringement on religious liberty; we are going to exercise our right in court.

The Federal judge, just a few months ago, said, oh, no, under all these cases from the U.S. Supreme Court, the schools can tell us we cannot read a story from the Beginners Bible no matter what it says or does not say; that, rather than the first amendment, all they pay attention to is what somebody said. Oh, it is separation of church and State.

What does that mean? As the gentleman from Florida (Mr. CANADY) said, it has been condemned, using that phrase as a substitute for what the Constitution really says and was meant to say. The Chief Justice of the U.S. Supreme Court, the one that is sitting right over there in the Supreme Court chambers right now, has said that is wayward. That is wrong. That diverts people from knowing what the Constitution really is and what it is supposed to be.

Yet, that Supreme Court, with him dissenting and with a number of other judges dissenting, has embarked upon a pattern of attacking people and saying, if we are trying to express a prayer, same way we started Congress, but if we are trying to express a prayer on public property, we are going to be limited. We are going to be restricted.

Other things, hey, do what we want. They protected Nazi Swastikas on public property. They have protected burning crosses. Supreme Court decisions.

But in 1962, they said, even when it is voluntary, for children during the school day to pray together is against the Constitution.

In 1980, they said, if the 10 Commandments is posted on the wall of a school, it is unconstitutional, because students might read them and might obey them. Imagine, in an era when guns, knives, and drugs are common in public schools, we are told the 10 Commandments is not welcome if not permitted.

In 1985, the law from the State of Alabama said we can have a moment of silence; and one of the many purposes to which you can apply this, if we choose, is silent prayer. The Supreme Court said, nope, that is unconstitutional to permit silent prayer.

In 1992, they said, to have a minister, in this case it was a Jewish Rabbi, to come and speak at a school graduation was unconstitutional because there might be some students there that would disagree with the prayer, and they would not want to be expected to be respectful with something with which they disagree. That is what the Supreme Court said; fortunately, not all of them.

What we are doing today in the Religious Freedom Amendment is taking what the justices who disagreed with the rest of them, taking what Supreme Court justices said ought to be the policy, what the intent was of the Founding Fathers, and we have put that into the Religious Freedom Amendment.

As in several of these cases I have cited, they were 5/4 decisions. One of them was the graduation prayer case. I want to read what four Supreme Court justices wrote about prayer in this case, which was *Lee v. Weisman* (1992).

Justices Rehnquist, Scalia, White, and Thomas wrote this about the proper interpretation of the first amendment, had the Supreme Court not gone awry. They said, "Nothing, absolutely nothing, is so inclined to foster among religious believers of various faiths a toleration, no, an affection for one another than voluntarily joining in prayer together to the God whom they all worship and seek. Needless to say, no one should be compelled to do that. But it is a shame to deprive our public culture of the opportunity and, indeed, the encouragement for people to do it voluntarily. The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman was inoculated from religious bigotry and prejudice in a manner that cannot be replicated. To deprive our society of that important unifying mechanism in order to spare the nonbeliever what seems to be the minimal inconvenience of standing or even sitting in respectful nonparticipation is senseless."

That is what we say in the Religious Freedom Amendment: It is senseless to say that everyone else must be censored and silenced because someone chooses to be intolerant. Prayer is not divisive. Prayer is unifying. What is divisive is for people to teach that we should not respect the prayer of another person or that we should not respect prayer in general. If you teach your children that, shame on you. But if we want people to be united, give them the chance to come together and express things positively.

The Religious Freedom Amendment does that. No compulsion. Government cannot dictate anything. Government cannot say we must pray. Government cannot tell us what our prayer must be. But government has to get out of the censorship business.

The Pledge of Allegiance is the proper standard. The Supreme Court has ruled, in the late 1940s, no one can be compelled to say the Pledge of Allegiance. I agree. But they did not permit someone who did not want to say it to censor and stop the rest of the students in that classroom who did want to join together.

That is the proper standard for prayer in public schools. If we want to do it, it is permitted. If we do not want to, we do not have to. But we do not have the right to shut people up and censor them just because we choose to be thin-skinned and intolerant when someone else is trying to express their faith.

I urge support of this amendment.

Mr. SCOTT. Madam Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Madam Speaker, I rise in opposition to the Istook resolution because I cherish the first amendment.

Under the First Amendment, students and citizens are not prohibited from the opportunity for religious expression. Students are free to pray privately or at school. Constitutional protections now are sensitive both to the needs of those who practice various religions, and to those who choose to remain silent. It should be quite telling that scores of religious organizations are strongly opposed to this legislation.

First amendment protections on expression of religious beliefs are available, have served our country well for many years and are appropriate to allow religious expression to thrive without improper government interference. We have not had to be worried about government favoritism of a particular religion or of conflict between religious organizations for government resources. This legislation would change all that.

This amendment is an extreme attempt to dismantle the protections so carefully drawn between church and state. I urge my colleagues to protect the religious freedom of all in our nation and oppose this unnecessary harmful legislation.

Mr. SCOTT. Madam Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPs).

Mrs. CAPPs. Madam Speaker, I rise in opposition to this resolution.

Today, I speak as the product of two generations of Lutheran clergy and as an active member of my congregation. I speak also as a life partner of your former colleague, Walter Capps, a professor of religious studies for over 30 years at the University of California.

Last year, my husband, Walter, made a strong statement in opposition to this legislation; and I quote him in part from the statement. He said, "I believe I understand what the framers of this amendment have in mind, but I truly believe that the consequences of what this amendment does will place religion not in freedom but in bondage and under great threat. If we imperil religion in this country, we undermine indispensable articles of faith. Indeed, we commit grave injustices to the life of the human spirit."

As a school nurse for over 20 years, my concern is what this bill would do in our schools. For example, it would permit students to use the school intercom to lead captive classroom audiences in prayer, creating a host of troubling questions, such as whose prayer will be prayed?

I firmly support the current constitutionally protected role of religion in our schools. Students can now pray and read the Bible privately, say grace at lunch, distribute religious materials to their friends, and join voluntary religious clubs.

The Religious Freedom Amendment would go much further and turn public schools into arenas of religious coercion and conflict. In short, the Istook amendment is unneeded and would harm religious liberty in America. It is contrary to the heritage of religious freedom in this country.

I urge a "no" vote on this bill.

Mr. CANADY of Florida. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Madam Speaker, I rise today in support of the Religious Freedom Amendment, and I commend my good friend, the gentleman from Oklahoma (Mr. ISTOOK) for introducing this important legislation.

America was founded on Judeo-Christian principles, and the Founding Fathers, therefore, took steps to ensure that the individual's freedom of religion would always be protected. Unfortunately, recent trends have infringed on this important freedom, and children and adults nationwide are finding that their rights have been suppressed.

□ 1300

I think that the Founding Fathers would be sorely disappointed. Today we have the opportunity to ensure that Americans are once again able to freely express their religious beliefs by passing the Religious Freedom Amendment. The amendment does not infringe on anyone's rights. It simply protects the individual's right to pray and to express his or her religious belief. In my opinion, it is the key to restoring true religious freedom in America.

In closing, please allow me to share an excerpt from a 1995 article by Jeff Jacoby about the Founding Fathers' sentiments on religion and freedom:

In linking religion to American liberty, Adams and Jefferson were not simply bowing to the political correctness of their time, or verbalizing empty sentiment that no one was expected to take seriously. They were articulating a core principle of American nationhood: Religious faith, and the civic virtues it gives rise to, is as indispensable to a democratic republic as freedom of speech or the right to own property. Religion can survive in the absence of freedom, but freedom without religion is dangerous and unstable.

I urge my colleagues to remember the wisdom and wishes of our Founding Fathers, and to take steps to ensure that free expression of religion once again reigns in America. Support the Religious Freedom Amendment.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Madam Speaker, I rise with great trepidation to oppose a bill or a resolution that purports to restore religious freedom, but this bill does nothing of the sort.

If I thought for one moment, one moment, that thousands of American teenagers, because of a 15-second or a 30-second school-sponsored prayer, were going to stop taking drugs or stop being involved in teen relationships or stop using alcohol, I might vote for this bill.

If I thought for one moment that a 2-minute prayer exercise at a commencement program is going to take guns out of the hands of kids across America, I might just vote for this.

If I even thought that thousands of kids in America would come home

after this school-sponsored prayer, come home and simply hug their mother or hug their father and say, "Mom, I honor you," just like the Ten Commandments say, I just might vote for this.

But let us really think, outside of the constitutional context, what will really happen to children across America? Let us think about those thin-skinned children that the sponsor spoke of, that courageous young child that will be in a high school football game after this one-size-fits-all prayer is said by the majority will of the students, and since when is our First Amendment determined by majority will? There is no such thing as majority will built into the First Amendment. But that is what we will have.

What will that young, courageous child be subjected to, that thin-skinned child? They will be humiliated. They will be scorned. In the worst-case scenario, they will be beaten up and involved in fights. Why? Because they had the courageousness of their convictions to say that one of the most beautiful things about being an American is that no matter how powerful or influential a person or a group is, you cannot tell me how to pray, and you also cannot tell me to sit down or shut up, and do it respectfully, while somebody else tells me how they are going to pray at their school, at their commencement.

I love being an American. I cherish being an American, because as an American we have an opportunity to say that we and our family will learn religion the way our family wants it to be learned. We have an opportunity to pray or not pray the way our families have prayed for thousands of years, because of a thing called the Bill of Rights.

The Bill of Rights is not determined by the majority, it is not determined by a political whim, it is determined by the greatness of our Founders; that little children will have the opportunity to stand and pray as they choose, without consideration of whether the school said they sponsored it or not sponsored it, and without the consideration of whether they happen to be in the majority or the minority.

Do not, do not change the Bill of Rights. Do not change the First Amendment. It is one of the things that makes this country so great, and which most Americans cherish until they will have the opportunity not to, if this amendment were in some way passed today.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I want to first compliment my friend, the gentleman from Oklahoma (Mr. ISTOOK). The gentleman has spent so many long hours, so many days working on this, and working

with so many people, constitutional scholars and others. I want to also thank the committee for their hard work.

This is a good piece of legislation. For 150 years we in this Nation understood and we practiced a restraint of government against the pattern that we had seen, our Founding Fathers had seen and found aberrant in so many other cases where governments imposed religion on people.

Our Founding Fathers understood that the role of the government in this right, as in all other human rights, was to recognize and honor and appreciate that these rights are given to man by God Almighty, and that it is the role of the State to protect those rights.

But beginning in the fifties and then in the sixties, we saw what anybody that had any common sense understanding of personal liberty and religious conviction would understand to be bizarre decisions made in the courts, and sometimes, in fact, in regulations by the Federal Government.

For example, in San Francisco, after 63 years, a cross that had stood in a public place was declared unconstitutional, while in nearby San Jose, \$400,000 of taxpayers' money was used to erect a statue to an ancient Aztec God.

In April last year a minister was arrested by police for praying on the steps of the Supreme Court. In 1988, a South Carolina man was told by his county government to stop his weekly Bible study in his own home because it violated zoning ordinances.

Last year, a Florida student was suspended for handing out religious literature before and after school hours. Two students in Texas were told by their principal they could not wear their rosaries, because he thought it meant they were part of a gang; and maybe they were, part of God's gang. But rosaries?

An elementary student received a zero because she wrote a thesis on her hero, and her hero happened to be Jesus, and that offended somebody. A district judge was told by another court that he could not display the Ten Commandments in his courtroom. And in Stowe, Ohio, recently, a court ordered a cross removed from its seal, as had happened in Edmond, Oklahoma. It took a congressional action to block proposed Federal regulations which would have regulated what on-the-job workers could or could not mention about religion.

Nobody, nobody with any common sense can believe that it is the role and the function or legitimately acceptable by agencies or courts of the Federal Government to impede people's ability to practice their faith in their home, in their school, in their job, as long as they do so freely and voluntarily. That is what this is about. It is about respect. It is about respect for any person of any faith in this Nation to be protected, and their right and their ability to express that faith.

We protect the American people in many ways, in many ways that are important to us: our fortunes, our families, our health, our safety, our security, our nourishment. Is not our faith, each and every one of us, individually, separately, and in our own way, as important a dimension of our life as our food, shelter, clothing, nourishment, health?

Does this government not have even more so a sacred responsibility to protect the practice of religion, and to restrain itself from prurient impulses, derived out of thinking that can be called nothing other than sophistry, to repress people's practice of their faith? It is time we set this straight. In doing so, we will have the ability to understand the faith of our Founding Fathers, the decency to respect it, and the courage to require it for our children.

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Madam Speaker, I thank the gentleman from Virginia for yielding time to me.

Madam Speaker, I rise today to oppose this amendment. I recognize that in opposing this amendment, that there are good intentions on both sides.

I am the grandson of the chairman of the deacon board, and I strongly believe in prayer. This is the graduation season. I have spoken to a lot of students about the importance of spirituality and faith in their lives. But the fact remains that despite its good intentions, this amendment will not work, and will in fact lead to an infringement on the rights of others.

I had the opportunity to discuss this amendment with the sponsor, who is very sincere and well-intentioned. But when we got to the fine points of how this would be implemented, when we got away from the general language we all agree on, we came down to some fundamental questions, questions such as who decides on what day who gets to pray for how long, and who gets a turn? What about the satanists? Do they get a turn? Personally, I do not think I should be subjected to that, nor should my child be subjected to that.

This is not philosophy. This is not a question of exposing people to other philosophies. This is religion. Religion is a very personal, perhaps the most personal of all rights and all beliefs. People have the right to protect that and not be exposed. They have the right not to hear or be forced to hear beliefs with which they disagree. This is not an academic exercise. This is religion, this is faith.

We have in our current system the ability to pray in schools, not just because of math exams. We have the right to pray before school, during lunchtimes, after school. The Department of Education has issued regulations making it clear that students can say grace, students can meet in religious groups, students can use all school facilities to exercise their reli-

gious rights, like any other club or group. There are over 10,000 religious clubs in America, and I think that is a good thing. I think they ought to exercise their rights on school property.

But as we used to say when I was in law school, the exercise of your right stops at my doorstep. I do not believe we should have a system that infringes on my rights so you can exercise your rights. I urge us to reject this amendment. It is well-intentioned, but it is wrong and it is unworkable.

Mr. GOODLATTE. Madam Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Madam Speaker, a government that silences its people and denies them their religious beliefs should be considered nothing less than oppressive. We would expect this behavior from a nation where freedom is neither respected nor revered. We would expect it in a nation where the Almighty is the state and faith is a dirty word. However, we would never expect this in the United States.

Nevertheless, with increasing hostility and insensitivity, our courts have systematically stripped us of our First Amendment right to the basic and fundamental right of religious expression. It is time we reversed this trend of suppressing religious expression. It is time we pass a new constitutional amendment that retains and strengthens the Constitution's original intent.

Government should neither compel nor control religious expression. We must pass this amendment so no other generation will ever be deprived of its constitutional right of religious expression due to some extreme and overly zealous Supreme Court justices.

Mr. Speaker, a 5 to 4 majority in today's court should never overrule 220 years of constitutional authority. If this amendment passes, it never will again.

Mr. SCOTT. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I would respond to a couple things that have been said. Several anecdotes have been given, and I think we need to respond to them a little as we go.

One suggested that a student could not read the Bible in class. The court held in that case that the student could read the Bible all he wanted, but could not proselytize religion to a captive audience. It also concerned itself with what would happen if other students wanted to practice the same freedom in religions that their parents were not interested in having them listen to.

□ 1315

So that was the holding in that case. Not that they could not read the Bible, but they could not read it to a captive audience and they did not want other religions being given the same, all religions including Satanism and everything else, being given the same freedom.

Also, the F that was received because someone wrote on the topic of Jesus Christ, both the Federal court and appeals court found that the F was not because of the religious discrimination but, quote, her refusal to comply with the requirements of the teacher, including changing her paper topic without permission and choosing a topic which she was already familiar with, and the assignment was to do something they were not already familiar with.

The first amendment already protects the student's right to address religious topics in homework if relevant and otherwise complying with the assignment.

Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, for more than 200 years the Bill of Rights has protected our liberties and has served as an example to the world of how democracy can work. The United States is the most religiously diverse and the most religious Nation in the world.

Fifty percent of Americans go to church at least once a week or more. Our religiosity, our religious quality makes us a strong Nation. The separation of church and State spelled out so eloquently in the Bill of Rights by our Founding Fathers has allowed people with very, very diverse views to live together in peace and to flourish for hundreds of years. But now for the first time in our Nation's history we have an amendment that would change the Bill of Rights.

Children can pray in school right now any time they like, so long as the prayer is not organized by the school. They can hold a prayer group, a Bible study class during lunch, recess or study hall or in a classroom at the end of the day. They can close their eyes and they can pray silently right at their desk or any time that they wish. And, yes, they can even pray before a math test.

There are Bible clubs and prayer clubs all over this country. The Istook amendment would jeopardize that freedom and dangerously politicize religion. This amendment would, for the first time in our Nation's history, allow for government-sponsored religion. It would allow for the imposition of government into our citizen's private religious beliefs. It would allow town councils to set an official prayer. It would allow government to fund religious activities.

That is why we have such a broad coalition of mainstream religious groups who oppose this amendment: The National Council of Churches of Christ in the U.S.A.; the Presbyterian Church, U.S.A.; the Episcopal Church; the United Church of Christ; the United Methodist Church; the Evangelical Lutheran Church in America; the Religious Action Center of Reformed Judaism, and many others.

Madam Speaker, I urge my colleagues to support religious freedom.

Support the flourishing of religion in America in the proud tradition fostered by the first amendment. Support the Bill of Rights and vote against the Istook amendment.

Mr. GOODLATTE. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in strong support of House Joint Resolution 78, the Religious Freedom Amendment offered by the gentleman from Oklahoma (Mr. ISTOOK). I would like to commend the gentleman for offering this much-needed constitutional amendment.

Madam Speaker, in the last few decades courts throughout the United States have twisted the traditional understanding of the first amendment to require the government to favor the nonreligious over the religious. The courts have pitted the Constitution's establishment clause against the free exercise clause rather than reading them as equal parts of the same first amendment. This misinterpretation has led to the government, whether it be through teachers, judges or public officials, placing barriers on all types of religious expression.

Abusive courts are using the first amendment as the club to drive anything with even the slightest religious overtone out of the public sphere. Religious expression now enjoys no more protection in our culture than obscenity or libel. According to the courts, flag burning is protected by the first amendment, pornography is protected by the first amendment, but posting the Ten Commandments on a public school wall is not.

Madam Speaker, where is the common sense? Religious expression, the one form of expression specifically carved out for protection by the first amendment, is the one form of expression under the heaviest attack. We clearly have a problem in this country when children are told they cannot sing Christmas carols or Chanukkah songs at school, when students in our schools are not allowed to have open prayers, even observe moments of silence.

The Religious Freedom Amendment does not amend the first amendment, it restores it. This amendment merely restates the understanding of our Founding Fathers and the vast majority of the American people today that government should protect the religious freedom of its citizens, not infringe upon it.

The Religious Freedom Amendment protects the rights of Americans to express their religious views in the same way that Americans currently enjoy the right to express nonreligious views. It does not permit the government to compel prayer to occur or to compel participation in religious activities. It simply permits prayer or other religious activity to occur on a voluntary basis among those individuals who choose to participate.

Madam Speaker, as Americans, we should encourage the open expression of our many religious backgrounds and

the knowledge and tolerance that can be gained from the sharing of our religious histories. We should once again embrace our Nation's diverse religious heritage, not reject it.

I urge my colleagues to vote in support of this important amendment.

Mr. SCOTT. Madam Speaker, I yield myself 30 seconds to respond to one of the things that was said.

Madam Speaker, in "Wallace v. Jaffree" the Court held that 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, nondisruptive prayer during the school day, and impose no barrier to organized, student-initiated religious clubs under the Equal Access Act. That is a 1985 decision.

Madam Speaker, I yield 2½ minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Madam Speaker, I need no sanction from the United States Congress to confirm my abiding faith and do not need congressional authority to pray when and where I desire.

The unanimous Declaration of Independence of July 1776 says that when in the course of human events, to paraphrase it, it becomes necessary to exercise a vote of solemn conscience to uphold and defend the Constitution, a decent respect to the opinions of mankind requires a declaration of the causes which impel the stand, that vote, in the service of the oath of this high office of our Congress. Our vote to uphold what our forefathers so eloquently wrote, that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

These are the very first words of the very first change of the fundamental document at the root, the base of our scheme of government: the first amendment to the United States Constitution.

Much has been said in support of this proposal to amend, that it will redress and resolve a crisis endangering religious freedom. It is also urged that our moral decline or even school gun violence will be arrested by amending the Constitution. Yet crisis often helps faith to flower. In this time of asserted crises our citizen of all walks of life are everywhere engaged in religious pursuits, praying, worshipping, building churches, helping those less fortunate to find comfort and faith and nourishment.

The crisis that was the life of cruel deprivation suffered by so many who worked so hard and gave so much to make America so great worked wonders in the creation of our Nation, and religious worship survived and came to flourish.

There is written in the book of Matthew:

But thou, when thou prayest, enter into thy closet, and when thou has shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.

Mother Teresa was once quoted as saying that,

Prayer is needed for children. Children need to learn to pray, and they need to have their parents pray with them.

Madam Speaker, I recognize that the vote that we cast here today, the way we vote today will come under rigid political scrutiny. I commend those who, like Paul, remain unmovable and unshakable in our abounding belief in the Constitution as it now stands.

I will cast my vote to uphold the Constitution as it now stands. I would encourage my colleagues to do likewise.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, first of all, I want to thank Mr. ISTOOK for his leadership on this issue; and I want to commend him for being willing to change his proposal from last session. He has put some new safeguards in there. It sounds as if some of the Members are arguing against his proposal from last session and that they have not read this one.

Frankly, it is quite unfortunate that we must even have this debate today here in America, the most free country of the world. Yet it has come to the point that a primary aspect of our freedom, our right to practice the religion of our choice, is no longer afforded to everyone.

We are talking here about free speech protection for students; and we are talking about student-initiated, not teacher-initiated, not government, not school-sponsored prayer, but voluntary, student-initiated right to free religious speech. Just as they have protection on political speech or philosophical speech, they should have the right to the protection for religious speech.

What we have proclaimed throughout the world now must be practiced here in the United States. Madam Speaker, the Religious Freedom Amendment is needed today to correct and clarify 36 years of Supreme Court decisions which have warped the plain and simple meaning, original meaning, of the Constitution as far as religious rights being protected under the first amendment are concerned.

The Religious Freedom Amendment simply states that individuals in this land have a constitutional right to acknowledge God according to the dictates of their conscience. It states specifically, and I quote, "neither the United States nor any State shall establish any official religion," end quote. Yet although the United States cannot establish an official religion, neither should it prevent its people from this free exercise; and that is why people of all faiths can support this amendment.

This amendment would in no way infringe on an individual's rights to pray or not to pray. The amendment would, however, support the opportunity that people in this country have to practice

their beliefs and even to recognize their religious heritage or traditions on public property.

Even though the Religious Freedom Amendment allows students to initiate school prayer explicitly, it does not permit the government or its agents to dictate that a prayer be given or dictate any contents of a prayer. Schools should be able to simply permit prayer, voluntary prayer, to occur, much like that which is practiced in this body, right here in this Chamber.

The Religious Freedom Amendment follows the same standard which the Supreme Court applied to the Pledge of Allegiance. That is, no student can be compelled to take part, but those who do not want to participate are not permitted to censure and silence those who do.

Madam Speaker, this goes to the heart of the first amendment rights. It goes to the heart of who we are as a people in America. We are, after all, one nation under God.

Therefore, Madam Speaker, I urge the Members to support this amendment which would practice freedom of religion, not freedom from religion.

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Madam Speaker, I rise in reluctant opposition to the amendment, and I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Madam Speaker, I have two principal objections.

First of all, this amendment legitimizes the Supreme Court's application of the establishment clause of the first amendment to the States.

I should note that it was not applicable to the States from 1791 through 1947. In fact, many States had established religion at our Nation's founding. Massachusetts, for example, paid the salaries of the Congregational ministers in that State until 1833, 42 years after the ratification of the first amendment.

Indeed, it was proposed but rejected by Congress to directly apply the religious clauses of the first amendment to the States.

In 1876, 8 years after ratification of the 14th amendment, Congress considered a constitutional amendment introduced by Senator James Blaine of Maine. The Blaine amendment read, quote, "no State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof," end quote. This amendment was debated at length and defeated in the Senate.

Madam Speaker, if this amendment is ratified, our States will forever lose their ability to define the appropriate level of public expression of religion.

My second objection to the amendment is in its apparent definition of "establishment." The language of the

RFA suggests that any action beyond "acknowledgment" or "recognition" of God may be in violation of establishment.

□ 1330

Indeed, the entire amendment is prefaced on the mere right to "acknowledge." Does this mean that 30 years from now we will be told by the Supreme Court that mentioning the Bible or wearing a cross or crossing oneself is prohibited by the RFA because it goes beyond acknowledgment and into the particular? Does this mean that school prayers which go beyond simple recognition will be forbidden? What about worship?

Time will tell. Or maybe, I should say, a future Supreme Court will tell. The First Amendment is not the problem. The Constitution is not broken. I do not believe that the RFA will restore true religious freedom in America today.

Mr. GOODLATTE. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, I thank the gentleman from Virginia for yielding me the time.

I support the religious freedom amendment, and I thank my friend, the gentleman from Oklahoma, for introducing the legislation. For 200 years our Constitution was interpreted as allowing for the free expression of religion. It was not until 1962 that a liberal Supreme Court changed Thomas Jefferson's meaning of the wall of separation between church and State.

The right to free speech is one of the most highly revered rights in our Constitution, but the Constitution does not protect freedom from religion. It guards against having one religion imposed on us all. The drafters of the First Amendment did not intend to bar religious speech and actions. This amendment requires that those who express their religious beliefs receive the same treatment as those who express nonreligious views.

For instance, it will prohibit discrimination against student religious groups and provide them the same opportunities nonreligious groups now enjoy. This amendment will allow public prayers to be offered but it will not require any student to participate. A single student will no longer be able to silence the prayers of others.

I urge my colleagues to support the religious freedom amendment.

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

Mr. GREEN. Madam Speaker, I thank my colleague from Virginia for yielding time to me.

I rise in opposition to the Istook amendment. It is uncomfortable to be opposing it because I think a lot of Members on both sides of the aisle, on both sides of this issue, feel uncomfortable in talking about prayer because prayer has often been such a private matter. I believe in the power of prayer

and I know it works, and that is why it is uncomfortable to be opposing it because I worry, just like my colleague from Indiana, that the Istook amendment goes much further and does things that maybe they do not realize.

Frankly, we already have prayer in our schools. My district, I have a number of public school districts in my district and my wife is a high school teacher. She has been teaching since 1969. She teaches math. And in the last 3 years, ever since the Department of Education sent out their guidelines, "Dear Superintendent," I have this here, if there is a school board member or administrator that is watching today or if some Members want this, they need to ask the Department of Education, August 10, 1995, where it takes the guidelines from the court opinions and where we do have prayer in our schools.

At my wife's high school, Aldine High School, there is Bible study for teachers on their own time. It is voluntary. In the mornings, around the flag pole, that is one of those 10,000 at my wife's high school, 10,000 student groups around the country have the ability to pray every morning voluntarily. There is not an administrator, there is not a teacher there, but it is organized.

I have been honored for a number of years to give prayers at our football games because in the district my kids went to school in, we have four high schools. Obviously, in Texas football is important so we obviously pray for a win. But I have been honored to do. We have prayer at our schools. I worry the Istook amendment goes much further than we want.

The Washington Post on May 7, an article talked about in public schools, religion thrives. We have religious expression in the public schools. That is why it is so important that we defeat the Istook amendment today.

Mr. SCOTT. Madam Speaker, could the Chair advise us of the time remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia (Mr. GOODLATTE) has 29½ minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 38 minutes remaining.

Mr. GOODLATTE. Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, religion is important to every single Member in this House. I think that this is a real healthy debate because Members on both sides of the issue have concerns.

My friend, the gentleman from Virginia (Mr. SCOTT), I would say that when it comes to not shying away from being religious or right, the Black Caucus, regardless if we agree on fiscal issues or not, always stand out in front for their beliefs. I laud especially the Black Caucus. For that they take second to no one in this body. I think because of those reasons and those concerns, I think this is a healthy debate.

But there has been, my concern is that there have been abuses. My wife is a principal in an elementary school. I do not think it is wrong to be able to have a Christmas tree at Christmas, but at the same time I do not think it is wrong to celebrate Hanukkah or any other religion.

When I was dean of a college, one of my staff members, his name was Mostafa Arab, he was on the Shah's Gold Cup soccer team, came to me and said, "Can I pray to my God at the school?" And his God happened to be Allah. I said absolutely. Would I want him to conduct lessons in the Koran? No. But if he wanted to offer a prayer prior to an event, I would say yes.

Maybe that is why this is so much of a problem, is that people do not know what is yes, what is no. But there have been abuses. I support the Istook amendment because I think it clarifies our position. Let us clear up the abuses and support the freedom of religion.

Mr. SCOTT. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Madam Speaker, I rise in opposition to this proposed constitutional amendment, which is in the guise of expanding religious freedom but will actually narrow religious freedom for all Americans.

First, there is simply no need for this legislation because the First Amendment to the Constitution already protects religious freedom and expression, including in our public schools and public institutions. But I think more importantly I am in some respects offended by what this amendment seeks to do.

I deeply value the role that religious and moral beliefs have in shaping the history of this Nation and they continue to have today. As a person of faith I personally believe that it is my obligation and right to pass on these beliefs to my children as I see fit, and as do millions of parents across the country.

But I abhor the belief that the State should usurp my authority as a parent to make such a choice, and that is exactly where this amendment is headed. I am offended by those who would seek to impose their will on my children absent my consent. Each of us is less free when a government is given the power to intrude upon this right.

I oppose the amendment, and hope my colleagues would do the same.

Mr. GOODLATTE. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

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

Mr. HYDE. Madam Speaker, I appreciate being given this opportunity to talk on this very important issue. Essentially stripped of all the verbiage,

this amendment seeks a couple of things: basically to permit and to guarantee a right to pray in schools and, secondly, to afford equality of treatment between faith-based social service providers and treat them the same as secular ones.

So reduced to its simplest terms, this amendment provides more free speech by removing prayer in a public space from the list of constitutionally forbidden conduct. It recognizes the value to our society, as the founders and framers did, of religiously-based providers of social services.

So it expands free speech. It does not narrow it. It restores free speech to the original dimensions that we find in the Declaration of Independence, where God is mentioned four times. That must drive some people crazy when they go by the Archives, knowing that in that building is the Declaration of Independence, our country's birth certificate, that talks about the Creator and nature's God in four different places. It certainly would not pass muster with the Supreme Court today.

So this expands free speech and seeks to correct constitutional distortions that have crept into our jurisprudence as a result of a series of misbegotten court decisions.

Now, our Nation, we all agree, was founded by people searching for freedom. The First Amendment, properly interpreted, guarantees the free exercise of religion and at the same time prohibits the government from establishing a religion or showing any preference toward any sect or particular religious faith. The aggressive secularism that now constitutes our establishment was never intended by those who drafted and who ratified our Constitution.

It is unfortunate that we must amend the Constitution to repair the damage done to our liberties by foolish and ill-considered interpretations of the Constitution by the Supreme Court, but this is the situation we find ourselves in today. Basic liberties are being infringed because of judicial wrong-headedness and, frankly, secularist bias.

Today we must seek to restore the equality and genuine neutrality with respect to religion that inspired our founders and framers. Neutrality towards religion, not hostility, is the ideal we seek. That is what the Religious Freedom Amendment is intended to repair.

This amendment preaches more than mere tolerance. It says equal protection of the law applies to religious expression with the same force as it does to secular expression. In a word, it preaches equality.

This is not a perfect vehicle, but it makes a statement that I share and am proud to associate myself with.

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

Mr. WISE. Madam Speaker, I do not question the sincerity of anyone on ei-

ther side of this issue because people of faith are on both sides of this issue.

I believe in prayer. I believe in God. I believe in the importance of prayer. But I do not believe that the best thing to do is to amend the Constitution of the United States.

Can children pray in school? They are praying every day. They can pray quietly or silently at any time. Bow your head right now, if you want, and say a prayer to your Lord. They can say grace. They can go to a prayer club like thousands are now in schools.

Madam Speaker, my faith, I want to get personal for a minute, comes from my heart. I seek, and I know many do, God in many ways, and we each find him in our own way through our parents, through our churches, through our community groups, through our pain, through our joy, through our many errors. That is how we find God. I take comfort in Matthew, Chapter 6 and Verse 6, "and when thou prayest, pray to thy father in private and he shall hear you." I think those are important words because that is the prayer that the Lord hears.

Madam Speaker, I have great respect for everyone in this Chamber, men and women devoted to their government and to doing right. But with all due respect, I want this Chamber writing laws, I want us writing budgets, I want us writing resolutions. I do not want politicians writing my children's prayers. Let my children find God as we all must find God, through ourselves and our churches and our communities and our parents and our upbringings and our many experiences.

I urge a "no" vote on this amendment.

□ 1345

Mr. SCOTT. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Madam Speaker, I rise in strong opposition to this amendment. It is both unwise and unnecessary.

We have heard time and time again anecdotal evidence from the proponents of this amendment. That evidence only highlights the need to set the record straight as far as what the establishment clause currently allows in the United States Constitution.

There were hearings held on this issue as identified in the committee report. One of them was held in my hometown of Tampa in which some children were under the misunderstanding they could not carry their Bibles to school, which of course is incorrect.

Our focus here should be on educating principals, teachers, parents and students about what rights they currently enjoy to protect their religious freedom in schools. The United States Department of Education has issued guidelines which clearly state that students have the opportunity to voluntarily pray privately and individually in school, to say grace at lunchtime, to

meet as religious groups on school grounds, and to read the Bible or any other religious text during free class time or study hall. These are rights we should jealously protect.

This amendment has the opposite effect. It will introduce the government into policing and refereeing the competing faiths among children in our schools. Far from clarifying the religious freedoms of Americans, this amendment would lead to greater confusion, more court cases, and further misinterpretation by schools and the courts. Is this body ready to endorse the taxpayer funding of religious schools? Are we here today voting to allow judges to lead a courtroom or a jury in prayer before a trial? And ultimately, are we endorsing public school prayers over public address systems? If so, how can we possibly accommodate the diversity of faiths that exist in our society without so diluting the prayer's content that it becomes a watered-down, homogenized recitation? That indeed would trivialize religion and ignore the robust tradition of religion and diversity which has enriched and strengthened our Nation for over 200 years.

We do not need to inject the government into this very intensely personal and private exercise on the part of each individual. We need to use those rights we have, and we need to defeat this amendment.

Mr. GOODLATTE. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Madam Speaker, there is a story that comes from Pine Bluff, Arkansas, that explains why I am for this amendment and want to speak for it at this time.

Some 8, 10 years ago, there was an organization called the Fellowship of Christian Athletes at Pine Bluff High School. A minister had been over the years taking care of it. He got transferred out. He could not find anybody, no faculty member, nobody else. He came to a group of us adults and he said, Would you all take over the Fellowship of Christian Athletes and just kind of monitor it and see if you can continue to do the good that we have tried to do? We said yes.

We met once a week during school. We would have prayer, we would provide prayer before ballgames, we would get the kids at the ballgames to go get the other kids after the game and those that wanted to would pray in the middle of the field, and we did those things.

We also did other things. We tried to raise funds in the community so that we could go to national camp. At one time we sent 75 kids to national camp. They all got together and they sold different things, car washes, and everything else. We did things on the weekends. We would have a hobo olympics on the weekends. No one objected to that.

But all of a sudden there started to come in some objections from other

areas. Not the parents or anything else. We had a lot of minority. We would go into their churches when they would have times when they were called to preach and so forth. We would all just kind of converge on the churches of our members.

Then all of a sudden people started complaining. Well, what church is behind this? Or how much is the school paying for this? We had to prove these things and prove these things.

Then came a letter one day and it said, "If you don't stop this, we're going to take your school to court." We had to stop it.

Now, the reason I am here is to tell you that I could not answer the question that came by phone after that. One of the athletes, he was not a very good athlete, but he was an athlete which qualified him for this organization, called me and said, "Mr. DICKEY, tell me, are we going to have FCA next week?" I said no.

He said that he had heard that. He said, "How about the week after that?"

"No," I said, "we're not."

And he said to me a question that I cannot answer. He said, "Why not? What have we done wrong?" I tried to answer him but I could not.

What I hope this amendment will do and what I trust this amendment will do will answer that young man so that we can have organizations like this across the Nation.

Mr. SCOTT. Madam Speaker, I yield 1 minute to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, if you listen to this debate, you would think that if you oppose this amendment, you are against religion. Nothing could be further from the truth. Many of us who are believers or have a belief do not wear it on our shirt. My belief is that if it ain't broke, we don't need to fix it. This amendment fixes something that isn't broke.

The thing that is most disturbing about it is this. If you look around the world, at Northern Ireland, the Middle East, South Asia, the Azerbaijanis and the Armenians, all of those are religious-based conflicts. We have managed to avoid that in this country.

We have always had a party of fear. There was a party of fear called the Know-Nothings, which was really the base of the Republican Party in the 1850s. They did not like Catholics and they did not like anybody who did not speak English. So they did not like Germans and they did not like Irish immigrants. That is the nature of this debate.

There is an exhibit opening in the Library of Congress today about the issue of religion in this country. My belief is we ought to pay attention to Ignacius who said, "Give me a boy to the age of 6. After that, you can have him."

You choose the prayer in his schools, you affect his life.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, under the first amendment, individuals have a sacred right to religious expression. Students have the right to pray, read the Bible, initiate prayer clubs, and distribute religious materials.

The constitutional amendment before us would go far beyond the first amendment by sanctioning organized prayer and display of religious symbols. Instead of guaranteeing religious freedom, this amendment would actually burden the religious rights of individuals.

Questions like this are presented by the amendment: Which prayer? What symbols? What happens to those whose prayer and symbols are not included?

How is everyone's religious freedom served by this amendment which would allow a particular prayer to be organized, broadcast over the school intercom and participated in by a teacher or other administrator.

The first amendment protects the balance necessary to ensure individual religious freedom. This constitutional amendment jeopardizes that balance so carefully crafted by the founders of our Constitution. Their wisdom prevails to this day and should not be rejected by passing this amendment.

Mr. SCOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. The Founding Fathers recognized that faith in God was critical to this Nation and any Nation. Indeed, they said our inalienable rights were God-given, not by the State, not by the king, but God-given.

Mr. Speaker, I believe that no government on earth is powerful enough to exclude my God from any place that a person of faith raises their voice to pray to my God. I believe that faith is critical.

But I also believe like the Act of Religious Toleration, passed in Maryland in 1643 by a Catholic colony concerned that the majority of Protestants in that colony would force them to practice the Protestant religion rather than the Catholic religion.

Mr. Speaker, the concern here is to protect faith, to protect church, to protect those who choose to pray and who choose to worship in their own way. I believe that the first amendment was designed specifically for that purpose.

Roger Williams, indeed a Baptist like me, was an antecedent to the creation of the first amendment. I believe that we do not need to amend this provision. But we do need to stress that faith in God and raising our voices in prayer continues to be one of the most important things that Americans can do.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, this Nation rests on a foundation of religious liberty. None of our freedoms are more jealously guarded. I

would urge my colleagues to approach this amendment very cautiously, because it could very well undermine the freedom we so cherish.

The truth is, this amendment is not about religious freedom, which is already guaranteed in the United States of America. It is not about religious expression in public places, which is permitted under current law.

The amendment is about something else, about allowing one person's religious commitment to encroach on another's, about letting a student prayer leader use school microphones to lead class prayer, or letting a judge lead jurors in prayer.

I am deeply concerned about the impact this amendment could have on public education. This amendment could require public funding of nonpublic religious schools and shifting dollars and resources from our public system at a time when public schools are literally crumbling and our education system is struggling to keep the resources in our classrooms and keep our students at pace. I urge my colleagues not to do this today.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time.

Mr. Speaker, I rise in strong support of the Religious Freedom Amendment. Our Founding Fathers never intended the Constitution to be used as an argument against the very freedom of religious expression that brought our earliest forefathers to this great land in the first place.

In the last 20 years, our right to free, personal religious expression has been virtually destroyed by misguided court rulings and wrongheaded public policy. We now live in a world where birth control devices can be dispensed at public schools but a voluntary moment of silent worship is often forbidden.

We have become so afraid of personal religious expression in schools and public places that in my State, ironically a State founded by those fleeing religious persecution, and on a national level, teacher unions are decrying a return to conservative values and, in particular, personal religious expression. They say those values and those religious expressions are a threat to public schools. Why? Because they are liberals, and they are out of touch with 80 percent of the people of my State and indeed this country, who believe that we should get violence out of our schools and allow into our schools personal religious expression. Religious speech is as free as any other form of speech, yet the courts have regulated religious expression more stringently than they regulate pornography. This amendment would return our Nation to a balanced approach that says personal religious expression shall be permitted, not restricted.

This clear, commonsense amendment does not limit. It does not ban. It does

not require. It does not proscribe or compel. It simply allows people to exercise that most fundamental of human rights, the right to acknowledge their God and their religious traditions and beliefs in all places, according to the dictates of their own consciences, not just at home, behind closed doors, but in public places, on public property and in our schools.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I teach my daughter she can pray and anytime, anywhere she wants, and my daughter does that. She has taught me a lot of things about prayer. My wife knows she can pray anywhere she wants at any time. I urge my colleagues to recognize that we already have this right. All we need to do is fight for it. We do not need to change the Constitution of the United States.

In a letter that was sent out to the Constituents of the gentleman from Texas (Mr. EDWARDS) the Christian Coalition, said this amendment would allow all Americans the freedom of religious expression in public places and would ensure that school children are not punished for creating a valentine to Jesus or for reading a Bible during free time.

They can do that right now. If someone seeks to punish them, they should use their freedom of speech under the Constitution and protest, however they have to protest.

Let's just fight for our rights under the Constitution, instead of trying to change it.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

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

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the Istook amendment. I am really concerned that this amendment would have more far-reaching and negative effects than most Americans realize.

First of all, the issue of prayer and religion in public schools touches deep emotions in most Americans. It has spawned much heated debate here in Congress, and in State legislatures across the Nation. In 1978, the State of Maryland passed a moment of silence law allowing schools in the State to incorporate voluntarily a daily moment of silent meditation into opening exercises. A part of this law allows teachers or students to pray or read silently from the Holy Scripture during this moment of meditation. Other States have passed similar laws.

Amending the Constitution is a serious business. Our Founding Fathers were wise to set up a wall separating church from State matters. We should not be rewriting the religious freedom provisions in the Constitution. The establishment clause substantially protects the religious freedom of every American. Under the establishment

clause, the bells of religious liberty ring in every corner of our Nation with clarity, with harmony and without discrimination.

I urge my colleagues on behalf of all Americans to vote no on this issue.

□ 1400

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise to lend my voice to allow every American citizen the fundamental right to express their religious faith on public grounds. The previous speaker from Maryland, my good colleague, has indicated that the States are starting to do what we are trying to do here in Congress. So the fever and the enthusiasm to have voluntary prayer is spreading across this Nation already, and I think it goes to the heart of the matter that we in Congress need to do this on a national basis.

In fact, in a recent poll in which voters were asked about moral issues that are confronting this Nation, almost 70 percent agree that America needs a religious freedom amendment that would simply allow voluntary prayer.

Mr. Speaker, Benjamin Franklin rose during the gathering of the Constitutional Convention in Philadelphia in 1787 and stated, quote, the longer I live, the more convincing proofs I see of this truth, that God governs the affairs of men, end quote. He went on to suggest at that point that the Convention begin its very own sessions with prayer "imploping the assistance of heaven, and its blessings on our deliberations."

We pray in the Senate, we pray in the House. We are simply asking for voluntary prayer today. Why can not schoolchildren rise today, just as Benjamin Franklin did 211 years ago, and ask for God's providence and assistance at the start of their day?

This amendment is simply the very essence of our Constitution and our cultural history, to allow the free religious expression of the American people that every American was able to enjoy for 190 years of our Nation's existence.

So, Mr. Speaker, I think the Religious Freedom Amendment is very important. It would eliminate the ambiguous constitutional question that has been established as a standard for religious expression. This amendment does not force religious choice on anyone who does not want to participate.

Mr. Speaker, I urge its adoption.

CHRISTIAN COALITION,
CAPITOL HILL OFFICE,
May 28, 1998.

PROTECT RELIGIOUS FREEDOM—VOTE FOR THE
RELIGIOUS FREEDOM AMENDMENT

DEAR REPRESENTATIVE: On Thursday, June 4th, the House will hold a truly historic vote. For the first time in 27 years, you will consider an amendment to the United States Constitution concerning the fundamental right of an American citizen to publicly acknowledge his or her religious faith. This constitutional amendment will guarantee the same First Amendment protection to religious speech as for non-religious speech, including voluntary school prayer. In a nation

that was founded on the principle of religious liberty, we must take steps to restore the rights that our Founding Fathers intended to protect. And in a recent poll in which voters were asked about moral issues confronting the nation, almost 70% agreed that America needed a Religious Freedom Amendment that would allow voluntary school prayer. The Christian Coalition strongly urge you to vote for the Religious Freedom Amendment (H.J. Res. 78).

The most dramatic example of a religious freedom that has been whittled away is the right to religious speech. The right to free speech is one of the most highly revered and protected rights in our Constitution. Yet, a series of Supreme Court rulings over the past 35 years have misinterpreted the Constitution to ban and censor free speech when that speech is religious in nature. Specifically, the Supreme Court has censored free speech in only three areas: inciting violence and insurrection, obscenity, and religious speech. It is absurd for the Supreme Court to equate the act of expressing one's faith in God with expressions of insurrection or obscenity.

This amendment would protect the right of school children to organize prayer during the school day, while explicitly reigning in the influence and participation of the government in such activities. The government, represented by either a teacher or a school administrator, would be prohibited from requiring, writing or forbidding prayer.

With the protection of the Religious Freedom Amendment, courts would no longer issue rulings such as the one in which the judge upheld a teacher's decision to give a young Tennessee student an "F" on a research paper simply because the student decided to write her paper about Jesus. (*Settle v. Dickson County School Board*). And the highest court in our land would be required to enforce the right of a rabbi to offer a non-sectarian prayer at a middle school graduation.

Enactment of the Religious Freedom Amendment is the only effective means to truly restore our religious freedom. On behalf of the Christian Coalition, I strongly urge you to vote yes for final passage on Thursday, June 4th.

Sincerely,

RANDY TAKE,
Executive Director.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from Florida, chairman of the Subcommittee on the Constitution on which I am very proud to serve, for yielding this time to me.

Mr. Speaker, I would ask those of our colleagues here today who argue against this proposed amendment, "What exactly is it that you fear? What is it in this amendment that makes you so fearful of having the American public debate and decide this issue, that causes you to deny even the American people the right to debate and vote on this issue?"

Is it that perhaps, if the American people had the issue presented to them through their legislatures in a clear-cut way what this amendment, proposed amendment, will do, that they might actually in large numbers all across America, not just in my district in Georgia which strongly supports this but all over the country rise up and tell their legislatures, yes, we do

want America to return to its roots; yes, we do want schoolchildren to know that perhaps the Bible and the scriptures, the Old and New Testament and other religious writings are better than guns to solve problems? Is that what they truly fear? Because if it is, then I think this debate ought to really recognize that and ought to highlight that here today. America truly is at a crossroads.

Where we see schoolchildren taking up not the scriptures, not the Ten Commandments, but guns to silence their colleagues, their friends in school, their teachers, then something is wrong. Why are we not to try some new approaches, which after all are not really new approaches at all?

This is an old, old approach. It is an approach recognized by our Founding Fathers, recognized through the greater part of our history and in our schools and our community institutions all across America, that in order to solve our problems here on this earth we ought to have the option of recognizing that there is a power greater than ours to which we ought to turn for guidance and for solutions to our problems.

All we are asking here today is for our colleagues to give the American people what the American people not only want but have an absolute right to, and that is a right to debate this issue. I urge adoption of this so that the States can decide this important issue.

Mr. SCOTT. Mr. Speaker, I yield 1 1/4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, freedom of religion is certainly a vital cornerstone of this country. The right to pray, the right to seek divine guidance should be unimpaired, and heaven only knows by watching this Congress in action, or this year in inaction, we have more and more to pray about every day.

But throughout recorded history our forebears have recognized the importance not only of religious conviction but of religious freedom and tolerance, for throughout recorded history there have been those who, as Jonathan Swift so aptly put it, had just enough religion to make us hate and not enough to make us love. And so it is this country was founded on the concept of religious freedom, to respect the rights of others, and that concept has served this Nation very well.

As we look around the world today we think of the divisions caused in society over religion. We look to South Asia or to the Balkans or to the Middle East. But indeed we have our own religious Ayatollahs right here in this country. Some of them unjustly attacked our colleague the gentleman from Texas (Mr. EDWARDS), and others like Jerry Falwell have declared, "I hope to live to see the day when there will be no public schools. What a happy day that will be."

That is what this amendment is all about, the movement to destroy public

education and to substitute religious arrogance for religious freedom.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman 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, I thank the gentleman from Virginia and the gentleman from Texas, Mr. Edwards for his leadership and for yielding this time to me, and it is interesting that he would have the honor of presiding over this very important debate, for it was in Virginia when those very able gentleman like Madison and Jefferson debated for 10 years this whole concept of the freedom of religion, something we do today in a mere 2 hours? What a tragedy that we have failed to remember those who fled Europe to avoid persecution because of their religion.

Although this H.J. Res. 78, has received so much attention and phone calls are coming in, and it appears at first innocuous. Further, it seems like it is something those of us who are believers would want to stand up and say, "Lord, we want to see this passed," or Allah or whoever we might believe in. But yet it is something that denies the freedom of religion. It interferes with the First Amendment that respects that there should not be a federal establishment of one religion over another. This freedom of religion in our Bill of Rights is a fundamental and imperative part of who and what America is. Both court decisions and the First Amendment have already allowed our children to pray to whomever their ultimate religious guider is.

This is not running away from the freedom to pray. This is to acknowledge what faiths from all over this country have said, like the Baptist Joint Committee that stated, that this amendment is unnecessary and would in fact completely upset the balance our founders provided between the obligations of religion and those of government in a religiously pluralistic society. The Union of American Hebrew Congregations and the Central Conference of American Rabbis have said that this amendment poses a grave danger to the American Jewish community by seeking to radically rework the entire relationship of government entities with religious faith.

I heard my colleague the gentleman from California (Mr. CUNNINGHAM) and he knows that we have respected each others' differences, but yes, we can pray in schools, 10,000 prayer groups around the country pray in our schools, yes, students do gather to pray everyday they are protected by the first Amendment. The question is, who do you want to have dominate the prayer line if this amendment passes? Will you be accepting of everyone's prayer? Or will you want your child to pray quietly and be able to have the freedom of joining groups of like kind and then going to their respective houses of worship, being trained and loved by their

parents or guardians as they desire. These same children can read the scripture wherever they might find it and pursuant to their conscience.

This is a bad amendment, and there are too many religious groups to name who oppose it. I take special issue with the characterizations of those of us who believe in the Founding Fathers' premise of the Bill of Rights and the freedom of religion in the purest sense, so that we do not develop a Bosnia or an Ireland who have fought all these years, that we are unbelievers. We do believe and our faith is strong and that faith is exercised under the first amendment.

I resent being accused of being non-religious and nonspiritual. It is a private issue. It is an issue that we have died for. It is an issue, when our National Anthem was written, the one thing they looked for: Is the flag still there? This flag protects the freedom of religion; H.R. 78 destroys it.

Mr. Speaker, I pray today that we do the right thing today.

Mr. Speaker, I come to the floor of the House today to urge Members to oppose H.J. Res. 78, the "Religious Freedom Amendment." First colleagues let me say that we already have Religious Freedom. It's called the First Amendment. The First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Prohibiting the free exercise thereof. The Establishment Clause of the First Amendment prevents the government from funding religious ministries or entangling the government in the affairs of religious institutions. In 1787, Thomas Jefferson said to James Madison "I do not like . . . the omission of a bill of rights providing clearly and without the aid of freedom of religion." Jefferson also said in 1813 to Richard Rush that "Religion is a subject on which I have ever been most scrupulously reserved. I have considered it as a matter between every man and his Maker in which no man, and far less the public, had a right to intermeddle." These constitutional safeguards provide religion with a great degree of autonomy from the influences of government. Thus, the Establishment Clause prohibits the government from funding sectarian institutions in order to further a particular mission. H.J. Res. 78 would overrule this fundamental provision of the Bill of Rights. I am always very wary of any attempt to alter the Constitution of the United States. Amending the Constitution is a serious undertaking. It should be reserved for those rare instances where there is a compelling need to establish rights that cannot be secured by other means. Moreover, it must be done in a manner that expands the rights of all individuals—not that expands the rights of some persons by diminishing the constitutional rights and protection of others.

Although the language of H.J. Res. 78 appears at first to be innocuous, it would, in fact, operate to weaken the First Amendment's Establishment Clause. The Establishment Clause, in conjunction with the surrounding court decisions that have arisen from it, is a carefully balanced set of rules to try to settle the tension between a religious (or nonreligious) people's need to express their religion, and at the same time be free from a Govern-

ment that seeks to compel religion, either religion generally or a particular religion. The Baptist Joint Committee states that this amendment is unnecessary and would, in fact, completely upset the balance our founders provided between the obligations of religion and those of government in a religiously pluralistic society." The Union of American Hebrew Congregations and the Central Conference of American Rabbis have said that this amendment "poses a grave danger to the American Jewish community by seeking to radically rework the entire relationship of government entities with religious faiths. The National Council of the Churches of Christ in the USA state that this ill-conceived attempt to amend the First Amendment is opposed by most of the mainline churches and synagogues in the United States. They also state that a Congress that prides itself on being somewhat conservative could do nothing more radical than amending the First Amendment.

The National Council of Jewish Women believe that amending the Constitution to protect religious expression is unnecessary. Currently, students can pray silently at any time, and student-led religious clubs can meet on school property to pray and study Scripture. They think that this amendment goes too far. While proponents of this legislation will likely argue that it is intended to bolster individual religious freedom, the Istook amendment is both unnecessary and dangerous. H.J. Res. 78 rests on the false premise that current law does not adequately protect religious expression in public places. The courts, however, continue to uphold religious freedom, making a constitutional amendment unnecessary and duplicative. Recent court decisions have reaffirmed the right of citizens to erect religious symbols in public areas and to have access to public facilities for religious activities. Students have the right to pray, read the bible, and distribute religious materials to their friends.

H.J. Res. 78 would go much further and would permit organized prayer and other sectarian activities in public schools. Any student would have the right to lead the class in prayer or other form of worship, because the school would not be able to "discriminate" against the student's religious expression or exercise. The amendment would also permit a teacher to join in the religious worship, because any attempt to prohibit the teacher could be deemed "discrimination" against the teacher's religious expression or beliefs. The Constitution currently respects religious beliefs as a deeply personal matter. Under this amendment, parents could no longer be certain that the religious beliefs, ideas, and modes of prayer taught in the home would not be undermined at public school. Whether a student is ostracized for refusing to participate in the prayer practiced by the majority of his or her classmates, or is pressured to participate in that prayer, organized school prayer would burden the religious liberty of individual students. H.J. Res. 78 would also have the effect of allowing government funds to go to pervasively sectarian institutions to finance thoroughly religious activities. The amendment would mandate that the government directly fund religious schools, houses of worship, and other "pervasively sectarian" institutions that can not be funded under current law. If a government entity denies funding based on the pervasively sectarian nature of an institution, the religious group could claim "discrimina-

tion" under the amendment based on "religious belief, expression or exercise." The Founders of our great nation were all too aware of the dangers of allowing government to promote religion. Such a role on the part of the government would almost inevitably result in the promoting of selected religions over others. Because of that concern, the Establishment Clause prevents the government from funding religious ministries or entangling the government in the affairs of religious institutions. This measure is the fifth amendment considered on the House floor so far this Congress alone—represents a continuation of an unprecedented assault on our Constitution and our civil liberties. It would significantly harm religious liberty in America and is contrary to our heritage of religious freedom that is ensured by our nation's current doctrine of separation of church and state. James Madison and Thomas Jefferson were right two hundred years ago and the American public is right today. We already have a religious freedom amendment; it's called the First Amendment.

I have heard from several of my constituents on this issue. Ryan Dickerson writes: "I believe that the real effects of this amendment go far beyond hat its supporters claim. The amendment would allow government officials to make decisions in their jobs that favor one particular faith." Anne Hanzel writes that, "this legislation, if enacted, would dismantle the existing constitutional separation of church and state by allowing the promotion of prayer in schools, the display of religious symbols on public property, and the use of tax dollars to subsidize private religious schools. Congresswoman, she writes "these are dangerous steps." I leave you with the words again of the great Thomas Jefferson who stated that "I should indirectly assume to the United States an authority over religious exercises which the Constitution has directly precluded them from. It must be meant, too, that this recommendation is to carry some authority. Civil powers alone have been given to the President of the United States, and no authority to direct the religious exercises of his constituents." Let's listen to Jefferson and Madison and defer to the First Amendment. Vote for religious freedom and liberty and Vote No on H.J. Res. 78.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Speaker, I rise in opposition to House Joint Resolution 78, and I understand that the sponsors of this want to do something positive. They want to help in terms of freedom of exercise of religion.

The fact is that the existing language in the Establishment Clause that this addresses is 16 words long. They propose about 85 words to replace this, and they suggest that the court decisions revolving around these 16 words have caused great consternation, and so they propose to send to the Supreme Court and the other courts of this land 85 words to be involved with in terms of judicial review.

So I would just suggest to my colleagues, just on the basis of that particular analysis, now I understand that there is over 200 years of judicial review, and for a nonlawyer like myself

that represents a substantial amount of reading. So what they are suggesting is to set that on the shelf and to add to it these 85 words, and my concern is that in their zeal to in fact provide for greater liberty and exercise of religious freedom they in fact may do something very, very different, adding over five times the verbiage for the courts to interpret.

I think that the fact is that if this is a solution, it is a mighty peculiar problem that our colleagues are trying to deal with. I just suggest that they stop and take a deep breath and look at what they are doing in terms of this constitutional amendment.

This establishment provision in the Constitution, while sometimes being interpreted incorrectly by some institutions and historically has evolved in meaning by the courts, has in fact served us very well in terms of trying to establish the proper balance, regards church and state. I am very concerned that the language that is presented to us today as a solution may in fact wrap our religious freedom around the axle with regards to the exercise of religion an essential liberty. The establishment clause in the Constitution is to establish that freedom, and I hope the Members will vote "no" on House Joint Resolution 78 which undermines the first amendment and our religious liberties.

I rise today in opposition to the Constitutional Amendment, H.J. Res. 78. While I support the right to the free exercise of religion guaranteed to all Americans by the First Amendment, I do not support amending our basic document of governance, the U.S. Constitution, to superimpose government sanction and regulation of religious activities.

This measure is completely unnecessary. The United States already has a Religious Freedom Amendment, which has worked for the past 200 years—it is called the First Amendment! The First Amendment would be undermined by the provisions in this measure, not enhanced. Struggles in the colonies created a distaste about unions of church and state, and fostered a movement to eliminate existing establishments. Therefore, the very first Congress of the United States correctly laid the groundwork for government neutrality in religious affairs.

One major point of contention with this legislation is the issue of school prayer. I want to be absolutely clear about this. I support the right of students to voice their beliefs in ways which do not interfere or disrupt the rights of other students in a school setting. The First Amendment certainly provides for the religious expression by students while maintaining the people's freedom from government-sponsored religion. This measure would tear apart that existing balance.

There are several ways that students express their religious beliefs in schools. Student prayer and religious discussion groups are becoming more common within such settings. Students may speak and express opinions about religion, just as they would speak about political opinions, or any other topics. Students may well express their beliefs about religion in the form of chosen topics, written projects, artwork, and other assignments or endeavors.

Furthermore, schools today, with the rights confirmed by the First Amendment, may not bar students from expressing their personal religious views or beliefs solely because they are of a religious nature. School authorities may not discriminate against private religious expression by students. It is clear that the First Amendment provides ample room for religious expression by students, while at the same time maintaining freedom from government sponsored religion.

Not only is this measure unnecessary, it represents a grave risk. The language of this legislation would permit the government to fund establishments such as churches, synagogues and parochial schools. Rather than solve a problem, this creates new problems and undermines an over 200 year old Constitutional balance.

First of all, it creates an entanglement of church and state. Government funding leads, necessarily, to government monitoring. Government-subsidized religion would invariably trigger battles among legislators and religious groups about who gets a cut of the limited money in the public purse. Inevitably, only majority religions would prevail—religions that can, in essence maintain popular support!

This amendment has vast implications regarding school prayer and school funding. Existing interpretations of the establishment of religion clause clearly prohibit government-financed or government-sponsored indoctrination in to the beliefs of a particular religious faith. If the Religious Freedom Amendment were passed, private elementary and secondary schools would be fully eligible for direct government funding. The result? Tax dollars would be diverted to religious school voucher programs. The public will see clear on this point, "public tax payer dollars should be used to support public education".

With some substantial effort, taxpayers already support a school system. They can't and shouldn't be expected to support multiple systems, some of questionable purpose and quality, most with a religious mission, and others which are for the wealthy in our society.

The First Amendment to the Constitution has long served as a protector of religious rights and provide a safeguard against using public funds to establish a religion or advocate religious practices. The amendment has served our nation well, and there is absolutely no reason to alter it. H.J. Res. 78, a transparently politically inspired measure, undermines our liberties. This legislation has been trumped up for political purposes, not to expand the rights of American people but rather to make virtue of force feeding extreme religious views to the public, willing or not to accept those views. The effect would be to dishonor and undermine both of our rights and our liberties concerning religion and free expression. I urge my colleagues to join me in opposing H.J. Res. 78.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

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

□ 1415

Mr. ADERHOLT. Mr. Speaker, the Constitution was intended to guarantee freedom of religion, not freedom from religion, but there are those who

have clearly been determined to drive out all traces of religion from the public sphere. They have ignored the religious traditions upon which this great Nation was founded.

When a small child in De Kalb County, Alabama, is subjected to two restrictions on how, when and where they can pray, this is not freedom. When tax dollars are used against people that will go to pay court-appointed monitors to go into the schools, this is not freedom.

This amendment does not endorse any one religion, but it, rather, states that religious expression such as prayer, which has deep-rooted significance in the history of this Nation, should not be excluded from the public square.

How can we promote integrity in our leaders and improve the moral fiber of our people without a basis and some absolute standard? George Washington, of course, the Father of our Country, probably said it best in his farewell address when he said morality could not be maintained without religion. His words were, "National morality cannot prevail in the exclusion of religious principle."

As has been mentioned here today, we open each session with prayer in this Chamber, the face of Moses looks down on us all as we stand here this afternoon, and we should not deny that same privilege to our children and the people of the United States of America.

This amendment reaffirms that we are a Nation dedicated to religious liberty, and I am proud to stand here on the floor of the United States House of Representatives to speak out in support of public religious expression and against the proposition that religious values and people of faith should be relegated to the back seat of public life.

I commend my colleague, the gentleman from Oklahoma (Mr. ISTOOK), for bringing this issue to the national attention, and I strongly urge my colleagues to support religious freedom.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this amendment seeks to solve a problem that does not exist and then quietly create a very serious problem.

There is no constitutional prohibition against children praying in school. Yes, teachers have told children not to read the Bible on the school bus or say grace before meals. Those teachers were wrong. Teachers are not infallible. Children have the right to do that. At all of those many moments during the school day when, without disrupting the regular procedure, children are free to talk, to read, to decide what to do, they may themselves pray, if they have been taught to do so.

The real problem here, and I find this ironic from people who talk about themselves as "defenders of family values," is that there are many in this country who do not think that the average family, left to its own choices,

will inculcate enough religion in their children, because any schoolchild who has been brought up to be religious will find innumerable chances during the day in school, and certainly before and after at school clubs that are sanctioned, as they should be, to pray. They can read the Bible on the school bus. They can say grace before they eat. They can say a prayer as they walk to class. They can say a prayer in the school yard at recess.

But people think children, left to their own, will not do enough, so this amendment seeks to allow us as a society to use the mechanism of compulsory school attendance to inculcate in official settings more religion in schoolchildren than they would learn at home.

Nothing now in the law prevents children from expressing themselves religiously, if they have been told to. But people who think they should be in charge of other people's religious instruction think that this does not provide enough. They want to use the coercive school mechanism, so that children who would not otherwise pray will be pressured into doing so, or pressured into doing so in a certain way.

Religion does not need now, as it has not in the past, the help of these self-appointed volunteers. Let us leave religion to the families and to individual choice. That choice can be freely expressed in school, as it can elsewhere, in the way that prayer has always been meaningful.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me ask my friends, how has the first amendment failed this country? I do not understand what we are doing here today. How has the first amendment failed this great land?

As with other parts of the Bill of Rights, the Founders had the foresight to set aside this precious area of individual religious choice and belief as free and insulated forever from majority rule, a terribly important central principle in a land as huge and as diverse as ours.

What this amendment, if it were to pass and become part of the Constitution, will do is to reverse that. It will make the use of public places and public spaces for religion subject to majority rule.

For those of you who believe we should have prayer in those places, including prayer in school and other religious observances, please think for a moment again about how fragile this country of ours is in matters of religious tolerance, how much care and work it takes to keep its fabric together, keep it from coming undone.

If we take this step, if we say to our friends in this country who do not share the majority faith, that you will be subjected, as will inevitably happen if this were to become part of the Constitution, in that most private and pre-

vious individual area of faith, to having your beliefs subordinated to those of the majority in the public business in this country, think again as to whether that really contributes to keeping this country whole, to living up to that value of one out of many. And reject this amendment.

Mr. Speaker, all year long we've been neglecting our work. There are important measures the House should be taking up, to properly attend to the people's business. But this is not one of them.

In fact, rewriting the bill of rights the way this amendment would do is something we should not be doing—not today or any other day.

This proposal is unnecessary. It's also profoundly unwise. Its adoption would undermine, not advance, our country's heritage of religious freedom. Its adoption would be breaking faith with our proud heritage of liberty.

Its supporters say that its primary purpose is to protect the ability of students to join in voluntary prayers in a school setting. But in fact, that's a problem that's already been addressed. Thanks to the Equal Access Act, passed in 1984 and upheld by the Supreme Court in 1990, thousands of students are joining in prayers and other religious expressions organized not by the state but by voluntary, student-run clubs that meet before or after classes—just like other extracurricular groups.

In fact, the free exercise of religion in America is alive and well among students and adults alike—protected by the same First Amendment whose establishment clause also protects against imposition of state-sponsored religion.

But this amendment is not just unneeded. It's also a bad idea. By revising the bill of rights, it would replace the familiar, balanced protections of the First Amendment with new language, language that hasn't been applied in any context or tested in any court. That means this amendment, if adopted, will create new disputes; it will trade new lawsuits for old ones. In other words, it's a prescription for new controversies, not a recipe for resolving old disputes.

Also, the language isn't just new. It's also very sweeping. The first part of the proposed amendment says "the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed." Note that this would establish a right that could be exercised on any public property—not just in schools.

Whose right would this protect? Who are "the people"? It could mean anyone and everybody—it could be an individual right of any person. If so, what would that mean?

Well, public school teachers and administrators are people, so arguably this would mean that they stand and recite prayers in classrooms, regardless of the wishes of the students or their parents.

Judges are people, and courtrooms are public property, so presumably all judges could place symbols of their various faiths in their courtrooms, regardless of how offensive this might be to people of other faiths who are legally summoned to come to those courtrooms and to comply with the rulings of those judges.

Sheriffs, prosecutors, and prison wardens are people, too, so presumably they also could insist on offering prayers or displaying

religious symbols in their offices or in prisons, regardless of the different religious beliefs of their deputies, the members of the public with whom they come into contact, or the prisoners under their control.

The doctors, nurses, and administrators of Veterans' hospitals are people, and so are their colleagues in city-owned hospitals or similar facilities—so, again, those public properties could be used to emphasize or support one faith, regardless of the views of some of the very taxpayers who support them or the patients they treat.

And the same goes for every other public employee and every public official, great or small, in every community, and on every kind of public property.

On the other hand, as a legal term "the people" often means people acting through their governments, not as individuals. If that's what is meant here, then this amendment may establish a new right for the people of a community, acting through their state or local government, to use public property to set up religious symbols or to otherwise give official recognition to some religious traditions but not others.

So, whatever "the people" may mean, this amendment—even though it starts out by saying that neither the federal government nor any state government can establish any official religion—will have the predictable effect of entangling religion and government throughout the country, leading to exactly the ugly disputes and bitter resentments that have so deeply divided so many other societies. Why would we want that?

And that's not all. The proposed amendment also says "Neither the United States nor any State shall * * * deny equal access to a benefit on account of religion." Again, this would be new language, untested language. What could it mean?

Well, it could mean that religious institutions serving a particular faith could insist on "equal access" to any program funded by any taxes—local, state, or national. According to the many groups who form the National Coalition for Public Education, it can be read to mean "public schools being used to support religious education and * * * tax dollars being diverted to religious schools". Others may not agree with that—but, again, this is new and untested language and so at a minimum it means new controversies, new litigation, new divisions.

As I said, Mr. Speaker, this is not what we should be about. We should get on resolving our problems, not adding to them. We should be working together to meet our country's needs and enabling Americans to improve their lives. We should not be doing things that will produce new and unnecessary divisions and controversies. We should focus on making the government work better, not on trying to revise the bill of rights. We should reject this resolution.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, this amendment should really be labeled the religious coercion amendment, or the establishment of religion amendment, because it does so. It establishes religion according to the tenets of the majority in a given local area in three ways:

First of all, it says it is a school prayer amendment, a coercive school prayer amendment. Someone once said that there is plenty of prayer in the public schools; that as long as there are math tests, there will be prayer in the public schools. Of course, that sounds funny, but it recognizes reality. Children are free to pray at any time they want in the schools.

What nobody is free to do is to have organized prayer in a coercive manner, to coerce someone to pray or to have to separate himself or herself from the group and say, "I am different and I do not want to join in your prayer." That is coercive prayer. This amendment would permit that. That is what the Supreme Court does not, and properly does not, permit.

Secondly, this is far more than a coercive prayer amendment in two ways. This amendment says the people's right to recognize their religious beliefs, heritage or traditions on public property, including schools, should not be infringed.

What does that mean? The people, collectively, through their local city council or school district board or legislature, the people's right to put a cross or a Star of David or a crescent or a centauria symbol above the judge's bench in the courtroom or in the school, will not be infringed.

If you are a member of the minority and a member of a jury and you do not want to be on the jury in front of a religious symbol that is not yours, too bad. If you are a member of the minority in that town, if you are a Catholic and they have a Protestant symbol, or vice versa, and you do not want to be in the school room with that, too bad. Because the right of the people, the majority, to bring their religious beliefs, heritage or traditions into public property, including schools, shall not be infringed.

Finally, what does it say? It says neither the United States nor any State shall deny equal access to a benefit on account of religion. What does that mean? What that means is that you cannot deny access to a benefit on account of religion.

Let us assume we establish, as we have, a hot lunch program for poor people, and let us assume that a church wants to be the agent for distribution of the hot lunch program and submits a grant proposal. That is fine.

But let us assume that that church, as a condition of giving out the hot lunches, wants to subject the people to proselytizing, to a religious sermon or to a prayer first. Right now, they cannot do that. You are entitled to the hot lunch if you qualify. But we cannot deny to the church the benefit of distributing the hot lunches on account of religion, so now we can have religious tests for getting benefits from government. The church cannot be denied the right to religiously proselytize in order to get the benefit of participating in the government program.

This, Mr. Speaker, is a coercive reestablishment of religion amendment,

and I submit it is extraordinarily ill-advised.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, the Founding Fathers struggled long and hard over the very issue that we are spending relatively little time on here today on the floor, but I can say I think from listening to this debate that the Members on both sides of the aisle speak from deep conviction. Their comments today about their own personal faith that they bring to this debate I think have made the debate on this issue exemplary. I am particularly impressed by those Members who perhaps do not talk about their religion on a regular basis but who have today talked about their belief in God and the way in which they attempt to communicate with their God through private prayer.

But, unfortunately, I think the amendment we are voting on today is unnecessary and, frankly, could do damage to the first amendment that gives Americans the freedom to practice whatever religion they choose and the protection, which we often overlook, of not having religion forced upon them.

Our Founding Fathers were just as concerned about the people who came to this country to practice their beliefs out from under organized, government-sanctioned religion. This is not simply a concern about religion influencing a secular world. We all believe that spiritualism and prayer can infuse themselves into our public deliberations in a private way, but we are also concerned about somehow government making a determination as to what private prayer can be and what people can do under the first amendment protection of Freedom of Religion.

I am convinced that all of us understand that while there have been some decisions made at some levels of government that have confused or confounded us about the appropriateness of public displays of religion conviction, that the essential benefit of the first amendment of the separation of church and State is ultimately a protection of those who believe in religion and practice it daily.

So I am very hopeful that, despite the elevated nature of this debate and the sincerity with which the positions are held, we will come to the conclusion that it is not timely to abandon the first amendment of the Constitution, now over 200 years old. Protect our rights and vote against this misguided amendment which is so strongly opposed by most of our nations organized religions.

Mr. CANADY of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I think it is time to restore some perspective on what we are discussing and what we are not. This is the text of the Religious Freedom Amendment. "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."

That is what is at issue before us, and people that do not like it seem to fall into, they say, one of two categories.

□ 1430

Either those who say there is no problem or those who say, well, there is just no solution. Those who say there is no problem, I have gotten very tired of hearing people say, oh, they already have prayers in school; because we have got math tests, we have got prayer in school; or because we do have Bible clubs that are permitted to meet on school grounds.

Ladies and gentlemen, read the law. Read what the Supreme Court said. They are permitted to meet on school grounds before school or after school. They are not permitted to meet during instructional time like any other student club is: Spanish club, chess club, Future Teachers of America, whatever it may be. They can meet during a recess. They can meet during a lunch time. They can meet during a study hall. But not a faith-based club.

Read the Supreme Court decision on the equal access law. Maybe some are still doing it; they are practicing civil disobedience, and more power to them, because, perhaps, the ACLU and the other groups that oppose this amendment have not gotten around to filing suit there yet. That is why we still have some prayer in different environments. They have not yet filed all the suits.

Someone mentioned football game prayer. Great. I think it is fine. They are suing in West Virginia to stop it. Look at Ohio, with the ACLU suing to stop the use of the State motto, which is "With God, all things are possible."

I mean, they are coming down on it right and left all over the country. Do you say there is no problem, or do you say, well, there is no solution? To those who say maybe there is a problem but this is not the way to go about it, get your heads out of the sand. What are you doing about it?

I could not believe I heard one Member earlier say that, yes, we have a problem but we already have the right to do the same things that this says, so just fight for it. If they seek to punish us, just protest and fight.

What are they saying? Do they or do they not respect a court opinion even if they disagree with it? Are they saying that the solution is for people to go out

there and fight against what the Supreme Court has said, or use the orderly process set up by the Constitution to fix it when the Supreme Court has gone astray and has twisted and distorted the beautiful, plain, simple words of the First Amendment? That is what we are trying to do, use the peaceful process to resolve the disputes.

If my colleagues say, well, yes, there is a problem but we ought to do something about it, then what is their solution, and why are they not helping us?

I have heard persons say there is a problem but we do not want this amendment. Those persons have not done diddly to help with this effort. Vote for the RFA.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HEFNER).

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

Mr. HEFNER. Mr. Speaker, I had signed on to support this amendment, and I started calling some of my friends that I had known for years. For some 16 years I traveled all over this country and into Canada and places, singing gospel music, and I have been in every kind of church that my colleagues can imagine. I have been in the churches where their religious beliefs led them to take up the serpent. I never did get into that too much, but I have been in all kind of churches.

My grandfather started Happy Hill Baptist Church in Alabama, where I am still a member. I went there last Sunday. About 40 people. People got up and testified and talked about what God had done for them. Over these 16 years that I traveled all over the country, I have seen every type of religious philosophy.

You would think from some of the calls that we have had in our office that only the people that support this amendment can be Christians. You would believe, if you believe these calls that we are having, that unless you support this amendment, that when you stand before the bar of God and you stand before the bar of judgment, they are going to say, "Sorry, you cannot come in here because you did not support the Istook amendment. Sorry about that. You have been good. You have been a good family man. You have supported your children. You have gone to church. You have tithed. But you did not vote for the Istook amendment and you cannot come in here."

My good friend the gentleman from Texas (Mr. EDWARDS), who I have known many years, there is not a better family man, a better moral man in this body than the gentleman from Texas (Mr. EDWARDS). When somebody takes the liberty to send out a massive mailing that says that this man is a bigot, and the author of this amendment last night on television refused and would not say that he acknowledged that he was a bigot, he would not deny it, and when they send out a let-

ter this way and a card and say this man is a bigot, that to my knowledge, and I do not judge, but that is not Christian.

This is one of the finest family men, one of the most devoted men that I have ever met. To say that he is a bigot and there is no place for him in this Congress or in this country because he is against the Istook amendment is wrong.

Ladies and gentlemen, I am leaving this body at the end of this year. I have had threats, and most of the threats that I have had over the years had to do with religious issues. The Christian Coalition is sending out a letter that says this is going to be on the report card; if Members vote against the Istook amendment, we are going to get them in the next election.

Some of this posturing reminds me of the Pharisees when they stood in the temple and said, "Lord, look at me. I have given all this money, and I have done all of this." The people that have labored in the vineyard, that have helped the hungry and the needy, went about their business of praying in private. Give me that crowd rather than the ones that posture and try to make political mileage out of something that is so precious to all of us.

I will say this today. I believe that when I stand before the bar of judgment and God looks at my record, He is going to judge my record, not only whether I voted for the Istook amendment, but He is going to rate me on what I have done to obey His word and to do what I am supposed to do for the most needy in this country. I will take my chances on that.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH).

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

Mr. LEACH. Mr. Speaker, few issues are more difficult for a legislative body to deal with than those that affect religion. At issue today is the question of whether the First Amendment to the Constitution should, in effect, be modified.

The approach brought forward today represents an attempt to ensure that the faith which founds our lives as individuals and the religious values that bind us together as a society can have free expression. This is an honorable and most worthy motive and the only credible grounds for opposition must be based on the assumption that the First Amendment to the Constitution crafted by Jefferson and Madison is a greater protection of prayer and worship than the approach brought before us today.

The question this House must answer is thus whether expressions of faith in America will be freer with or without this proposed amendment.

My view is that the Constitution as it currently is written, which carries with it certain court decisions which at times are perplexing, nevertheless better protects freedom of religion than the well-meaning but potentially counterproductive language of the proposed amendment.

I reach this conclusion reluctantly, because I realize this amendment is championed by individuals and groups which have the well-being of our children, families, and Nation at heart.

I also realize we are considering this amendment at a time when a seeming epidemic of lethal violence perpetrated in some instances by children against children has led to deeply troubling questions as to how and even whether the faith and values that have sustained this country for over two centuries can be transmitted to the next generation of Americans.

Yet I am convinced that faith will be freer and thus more meaningful under the Constitution as it is now crafted than under the strictures under consideration today.

Nowhere more than in the First Amendment is the genius of our Nation's founders more clearly revealed. Its sixteen words—"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"—establish for the first time in human history that coercion would be replaced with persuasion in the religious life of a people.

The founders understood that citizens derive their values from faith, but that faith should be practiced willingly, not on demand. Proselytizing under the Constitution can only occur with permission, not compulsion.

I believe Congress would be wise to validate the appropriateness of moments of silent prayer or meditation in public schools, but for all its good intentions, the amendment before us opens the door to the authorization of majority-crafted spoken prayer in public schools. To say that children need not participate and would, for example, be free to leave the room is to deny the coercive power of peer pressure on young people.

As a Member of Congress, I frequently visit schools. When the prayer in school issue is raised, students are generally divided. But to the question: "Assuming prayer is required, would you prefer spoken prayer or a moment of silence?" every class I have spoken to has overwhelmingly indicated a preference for silent prayer or meditation. "Group prayer," one 9th grader told me, "would embarrass too many of my friends . . . It would be unfair."

My advice to the students I talk to is to pray at home, pray in church, pray in school and on the playground, but pray in your way, alone with God, and don't forget to pray for tolerance and those of differing faiths.

Moreover, no matter how carefully and sincerely stated, any prayer, especially if written by an official or arm of the State—i.e., teacher, principal or school board—can too easily offend members of one or another Christian denomination. For some, a "non-denominational" prayer that makes no mention of Jesus Christ would lack depth. For Protestants and Roman Catholics, the difference regarding the status of Mary and the saints and the role of the church hierarchy is profound.

For Jews and Christians, piety takes very different expressions. For Muslims, prayer involves turning toward Mecca and prostrating one's self. For Islam prayer is adoration of Allah, involving no requests and asking no blessings, as most Christian prayers do. For the son or daughter of Vietnamese-American Buddhists a "voluntary" prayer satisfactory to Southern Baptists or the Eastern Orthodox is likely to be unintelligible.

James Shannon, one of the most thoughtful theologians of our times, points out that in

both the Hebraic and Christian traditions, specific modes of prayer, going back to Mosaic and early Christian times, distinctly demarcate the prayer lives of scripturally oriented Jews and Christians. The name of God, Shannon notes, is so sacred in the Mosaic code that it is to be used seldom in prayer or speech. Hence the preference in Hebraic prayers for alternative expressions that praise the majesty and other attributes of God without specifically mentioning the sacred name of Yahweh. For Jews there are right and wrong ways to conduct a conversation with God, and it is unlikely a public school board is a competent institutional forum for developing modes of prayer inoffensive to Jewish students.

At the same time, because prayer is the most intimate expression of the human mind and heart, anything prepared with the specific intent of being inoffensive to all would be form without substance, not prayer in any genuinely spiritual sense.

Such an empty effort would be demeaning to sincerely religious individuals and run the risk of leading children to view religion as just another expression of the hypocrisy they already see in so much of the adult world.

On a more mundane level, the amendment before us would permit—or by some readings even require—the government to fund religious activities on the same basis it does secular activities. This would violate the constitutional principle that taxpayers not be forced to support religious institutions. It would also open the door to an unseemly and contentious competition between religious groups for public funds.

More importantly, government funding inexorably leads to government regulation, which would precipitate a most pernicious unintended consequence. Government regulation would undermine the autonomy of religious organizations and in the process rob churches, synagogues, mosques and temples of the vital prophetic role they play in America's national life.

In the United States there is no state "Church." But by recent count there are thousands of organized religious groups which provide solace and inspiration to the individual believers who belong to them. Without intending to do so the amendment before us could undermine the ability of these institutions to serve as independent, vibrant witnesses to our nation on behalf of the values on which they are founded.

Our founding fathers established a Nation "under God," one in which revolution against British authority was premised upon "self-evident" individual rights and an appeal to a higher law of conscience which precedes the more mundane civil laws of society. But in appealing to conscience to justify a revolutionary government, America's first citizens labored carefully to construct, in Jefferson's terms, a wall between church and state.

When erecting this Constitutional barrier between church and state, the crafters of the Bill of Rights looked inward to well as outward and turned a wary eye to the American as well as European experience. They fully understood that it was religious authoritarianism in Europe that drew many of the early settlers to our shores, but that upon arriving in the New World, some like the Puritans invoked a rather exclusionary discipline of their own, with witchcraft trials and stocks and pillories used to coerce alleged nonbelievers. "Who does not

see," Madison warned, "the same authority which can establish Christianity in exclusion of all other religions may establish, with the same care, any particular sect of Christians in exclusion of all other sects?" The strength of the haven we have provided for oppressed people the world over comes from a tolerance for diversity rather than an enforced conformity.

It is sometimes suggested by politicians that God has been excluded from the public schools and that we must amend the Constitution to put God back into our schools. Is this not blasphemy? Just as the Supreme Court cannot keep God out of our schools, Congress cannot put Him back in. God is not an object like a bicycle or candy bar. He is the Creator of Heaven and Earth, and anyone—adult or child—may speak to Him from the heart whenever and wherever they are moved to do so. As long as human tribulations exist—whether caused by a math test or unreturned glance—prayer will not be locked out of schools.

Twenty years ago, in the seminal decision of the Supreme Court banning group prayer in public school, Justice Hugo Black wrote that the Establishment Clause "stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate," Justice Black went on to say of the faith in the power of prayer which animated so many of the authors of the Constitution:

These men knew that the First Amendment, which tried to put an end to government control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.

Rather than stifling prayer or religious worship, the principal purpose of the First Amendment is to preserve religion in the United States from the inevitably corrupting influence of secular authorities.

Finally, that individual to whom Christians look first for religious guidance, Jesus of Nazareth, warns in the Sermon on the Mount to "beware of practicing your piety before men in order to be seen by them." He goes on to say in Matthew 6:6, "When you pray, go into your room and shut the door and pray to your Father who is in secret; and your Father who sees in secret will reward you."

Prayer is an expression of the individual soul's longing for God as the source of all that is true, good, and beautiful. As such, it is far too central a part of life to be tampered with by any government body, be it a local school board or the Congress of the United States.

While the arguments of those who would tamper with our Bill of Rights are not persuasive to this Member, the premise of their arguments cannot be lightly dismissed. America is indeed in need of a spiritual awakening. Evidence mounts every day of the breaking down of family bonds and governmental ethics. But

to transfer to the state responsibilities that historically have been the province of the church and family is the ultimate in welfare statism. Americans must come to understand that there are no easy panaceas to moral challenges and no public substitutes for the inculcation of personal values at home.

As for public life, the best reflection of faith is that of example. There is no substitute.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for the time. I rise in enthusiastic support of this legislation today.

The Religious Freedom Amendment would not change the First Amendment to the Constitution, nor has the First Amendment failed this Nation, as some of my colleagues have said today. It is a narrow majority of the United States Supreme Court that has inaccurately interpreted the First Amendment. That is why we are here today.

The fact is that we do have emblazoned on the wall behind me the words "In God We Trust". We do have a picture of Moses, one of the great religious leaders of all times. We do begin each session of this Congress with prayer. Oftentimes I might not agree with that prayer, and oftentimes I might not agree with the religion represented, but even so, that in itself is enlightening to me and I am glad for it.

But in auditoriums, gymnasiums and other public buildings around this Nation, people are deprived of that same freedom of religious expression, and that is not what the Founding Fathers intended.

Let me point out, Mr. Speaker, that this debate is not about government-imposed prayer. It is about voluntary prayer. One of my colleagues said he did not want the government writing a prayer for his children. Go back and read this legislation. Nothing in this amendment would allow a school to require prayer or to write a certain prayer for a child. There is no coercion here.

But here is what our children need to know, Mr. Speaker, and this message ought to be sent out from this Congress today: that faith and religious beliefs have always been at the center of this Nation's conscience; that faith-based convictions are an integral part of our Nation today; and that there is no place in America for court-imposed, government-sanctioned hostility to religious expression.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition. Religious freedom flourishes in America. Individuals already have the right to pray, talk about their beliefs, express their spirituality, and read scriptures, whether they are in a school, in a courthouse, or on the street.

The most precious thing about that freedom is that it protects individuality. It forces no leaders and demands no followers.

The so-called Religious Freedom Amendment would rob Americans of their individuality. It would break down the barriers between church and State and permit individuals to force their beliefs on others.

Mr. Speaker, this amendment allows the government to endorse a particular religion by displaying certain symbols. It allows the government to fund sectarian groups and creates the likelihood that some groups will be excluded.

Recently conducted polls show that Americans are pleased about their current religious freedom. More than 60 groups representing dozens of faiths are speaking out against this bill. We cannot let one voice take away our freedoms. We must not let the political right take away our religious right. Vote against this.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on both sides.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Florida (Mr. CANADY) has 9½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 7¼ minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from Florida for yielding to me. Mr. Speaker, much has been said in this very interesting debate, and I would just like to put and enter into the record part of what Justice Douglas opined in 1952 in a case entitled *Zorach v. Clauson*.

Justice Douglas opined that the First Amendment does not say that in every respect there should be a separation of church and state. He wrote that "it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other." That is what the Istook amendment continues to clearly define.

Douglas wrote "That is the common sense of the matter. Otherwise, the State and religion would be aliens to each other, hostile, suspicious, and even unfriendly." I do not think anyone in this body would want to see us reach that result.

Douglas went on to write that "We are a religious people and our institutions presuppose a Supreme Being. When the State encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events" or even prayer "to sectarian needs, it follows the best of our traditions."

The Justice found that there was no constitutional requirement making it necessary for government to be hostile to religion. In fact, he found quite the opposite. "The government", he said, "must remain neutral when it comes to competition between sects."

Justice Douglas said, "We cannot read into the Bill of Rights such a philosophy of hostility to religion."

The government remaining neutral is exactly what Mr. Istook has drafted into this amendment. It allows for all people of religious convictions to be able to pray.

Mr. CANADY of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Under existing law, if a student group wants to invite a political figure to address their graduation, they may do so. I remember my brother's graduation. Ramsey Clark was invited, and he gave a political speech. If that same group of students invites a religious person, however, that religious person may not give a prayer. That is the Supreme Court ruling in 1992.

A second example: Right now, if a political group wants to hold a meeting and express themselves at a public park, they may do so, and there is no obligation that anybody else must be there to water down what they say.

□ 1445

Democrat, Republican, Libertarian, Communist, Independent, all their speech is permitted, with no obligation for anybody else to have to be there to water down what they say. Yet, if a religious group wants to put up a menorah at Chanukka time or a manger scene at Christmastime, the Supreme Court has held it may not do so unless there are also items of non-religious significance so surrounding the manger, so surrounding the menorah, as to deprive it of its religious content.

This is what is known, rather sadly, as the infamous "plastic reindeer rule" of the Supreme Court, that you can only put up a crib at Christmastime if you have enough Frosty the Snowmen, candy canes, snowflakes, and reindeer so as to deprive the religious component of the message.

So I come to the conclusion that given the way the Supreme Court has interpreted the first amendment, religious speech has less protection under our Constitution than does political speech. I do not believe it should have more, but it should not have less.

I quoted two recent Supreme Court opinions that apply in this area of the law. There are others that recently were decided on a 5 to 4 decision going the other way, in fact, going the way that I think it should be, but still, only by 5 to 4. One case dealt with a grant of special education privileges to students who were in particular need of physical rehabilitation, and whether that could be provided on the premises of a parochial school.

The Supreme Court originally said no, I am sorry, you have to take the children down to the fire station, with expense to the school district or to the parents. That was in 1985. Just recently, the Supreme Court eventually got around to reversing itself.

The other recent case is where the Supreme Court said, after a number of years of contrary interpretation, that if a school pays money for some stu-

dent publications, then it ought also to have to pay money for a school publication by students who have formed a group that is religious in nature.

But look what I have just gone through—two Supreme Court opinions that bind us today that are, in my judgment, quite wrong (that you may only put up a Christmas scene if you have reindeer and that students may not invite a religious speaker who chooses to pray at the commencement address), and two other cases that could have been wrong, but for one Justice.

What we do today is to protect the expression of religion, that it be as fairly allowed in our country as the expression of a political point of view, and we do it the constitutional way.

To those of my colleagues of very good intent who say we must never amend the first amendment, I put to them, please, walk out of our Chamber and look across the street, and they will see the Supreme Court of the United States, where they amend the first amendment regularly. What is wrong with us following the constitutional method, the constitutional route, for doing so?

Let me conclude by saying what is tremendously right about this amendment. If we do not vote for this amendment today, the only way for the States to propose amendments to the Constitution is through a constitutional convention, and then the entire Constitution is open, whereas if we take the narrowly drawn restrictions of the amendment before us today, that is all we put to the States.

We stand in the way of the States' consideration of this amendment. I believe we should vote in favor, to allow the States to amend our federal constitution to guarantee that religion will be on the same level as political speech in our country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes and 15 seconds to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, in 1994 we got a new majority in this body. They came saying that they were part of a conservative revolution. They were going to be conservative. Who would have ever guessed that that conservative group would have introduced 118 amendments to the United States Constitution? Who would have ever guessed that that conservative group would have voted on 10 amendments in one session, 10 amendments to the Constitution in one session of Congress more than the whole 10 sessions of Congress leading up to it? And they called themselves conservatives, protecting conservative philosophy. They must believe that they are smarter than the Founding Fathers.

So here we are today. We can either have George Washington or we can have Istook. We can have Alexander Hamilton or we can have Istook. That is the choice we have. They say they can draft it better, when our Founding

Fathers said it in 10 words: "Congress shall make no law respecting an establishment of religion." They take 86 words to say that they are doing the same thing, using the same word, "establish."

If the Supreme Court is having trouble understanding what "establish" means in the existing Constitution, how are they going to understand it any better in this Constitution? If the Supreme Court is having trouble deciding what it means to discriminate under the existing Constitution, how are they going to have less trouble understanding it under this Constitution?

If the Supreme Court is going to have trouble understanding what it means to deny equal access under the existing Constitution, how are they going to find out, all of a sudden, because the gentleman from Oklahoma (Mr. ISTOOK) drafted 86 words, and the words of our Founding Fathers were not sufficient? It is a cavalier notion to think that we somehow have a better insight into how to deal with this, with the same words, I might say, than the Founding Fathers.

This is not a conservative proposition we are about, here. Amending the Constitution of the United States is a revolutionary principle. Amending the Constitution is a revolutionary proposition, so they can be true to part of what they said. They said they were going to be a revolution, and they can have a revolution, but if they are true to their word that they are going to be part of some conservative revolution, the principle there is to uphold the most conservative document of our country, the United States Constitution.

Mr. SCOTT. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. EDWARDS), who has done such a lot of good work on this amendment, and has taken a very courageous stand.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Texas (Mr. EDWARDS) is recognized for 4 minutes.

Mr. EDWARDS. Mr. Speaker, America already has a religious freedom amendment. It was not written by the gentleman from Oklahoma (Mr. ISTOOK), and passed through this House after less than 1 day of committee hearings and 2 hours of floor debate. Rather, it was written by Mr. Madison of Virginia, after debating with Mr. Jefferson for well over a decade, 200 years ago. Those 16 words that begin the first amendment of our Bill of Rights have served this Nation extraordinarily well. We should not change it for the first time today.

Mr. Speaker, I would like to respond to some of the things I have heard on the other side of this debate today. First, I have heard that prayer and God have been taken out of our schools. In fact, the gentleman from Oklahoma (Mr. ISTOOK) this morning in a debate with me said the gentleman from Texas (Mr. EDWARDS) wants to take God out

of our schools. Nothing could be further from the truth.

I would say, Mr. Speaker, to the gentleman from Oklahoma (Mr. ISTOOK) and others that the God I deeply worship and pray to cannot be taken out of any classroom, anyplace, anywhere in America, any time, not by the Supreme Court, not by any Member of this Congress.

I have heard it said that we are talking about, as we change the Bill of Rights, student-initiated prayer. I must wonder, that begs the question, are we going to have committees of 8-, 9-, and 10-year-old schoolchildren in the first, second, and third grade with the responsibility to defend the constitutional rights of the other children in that classroom? Children who have a hard time picking up their toys at home are going to be laid with the burden of protecting the constitutional rights of other children in their schoolhouses?

We heard this will be voluntary prayer. There is nothing voluntary, Mr. Speaker, about an 8-year-old Jewish child who, because of his faith, must leave a classroom every morning, since 99 percent of the other children in that classroom and 99 percent of the prayers in that classroom are Christian.

There is nothing voluntary about a Christian child having to leave because his parents do not want him to be forced to listen in a classroom that the law says he must attend, in most States, must listen to an Islamic prayer, or some other prayer.

We have heard a lot about tolerance from the other side, Mr. Speaker. Let me tell the Members about the kind of tolerance that has been engendered by the supporters of the Istook amendment.

The Christian Coalition sent out this letter in my district: "The Edwards bigotry", and they were saying my bigotry because I simply opposed the Istook amendment, "The Edwards bigotry directed at Christians and other people of faith is outrageous and must be stopped. His attitudes have no place in Texas or anywhere in America."

Mr. Speaker, I never thought I would be accused of being un-American because I stand with Jefferson and Madison in defense of that wonderful Bill of Rights. That is not the kind of tolerance we should have. If this is the kind of tolerance and respect we are going to have for diverse religious and political views in every classroom across America, that is the kind of divisiveness our schoolchildren do not deserve.

I have heard that the modern day Supreme Court, the liberal Supreme Court, has somehow prostituted the original intent of our Founding Fathers. Let me first point out that seven of the nine Justices of the modern day Supreme Court were appointed by Republican Presidents, including that well known liberal, President Ronald Reagan.

Let me point out that the gentleman from Oklahoma (Mr. ISTOOK) and I do

not have the right to change the Bill of Rights every time we disagree with a court decision. Had we maintained that belief, there would not be a Bill of Rights.

If we pass this today, what is next? Do we amend the freedom of speech, the freedom of association? I ask Members to vote against the Istook amendment. The Bill of Rights have served this Nation well for 207 years.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. ISTOOK).

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 3½ minutes.

Mr. ISTOOK. Mr. Speaker, we are closing the debate on general debate, but we will have a further discussion about a proposed amendment in just a moment. I think it is very important that we keep in mind, Mr. Speaker, that I have heard many people say, we do not want majority rule. That raises a lot of questions in people's minds, because most of the Supreme Court decisions which will be corrected by the Religious Freedom Amendment were decided by the narrowest of all possible margins, 5 to 4 on the Supreme Court. But they refused to correct it. They have refused to fix it.

So I guess they do not want the majority of Americans to rule, they only want the slimmest possible majority on the Supreme Court to dictate and say that, in today's era of political correctness, there is not much worse than having somebody offer a prayer if there is someone else in the room that does not want to hear it.

What a false standard. It is not just about freedom of religion, it is about free speech. If we cannot say something to a group unless everybody there agrees with us, we do not have free speech.

□ 1500

And if we are told that we cannot offer a prayer when we are on government property, and that is everywhere today, then we do not have the right to pray and we do not have religious freedom, if we only have it when we are in a confined area, selected for us by the U.S. Supreme Court. We are not advocating government interfere with religion. We are advocating that government stop interfering with religion and stop dumping on the constitutional rights.

Now, I heard the gentleman from North Carolina (Mr. WATT) say, how will the Court understand this any better than the first amendment? Because we have taken the same structure and said, do not have an official religion, but this is what the people's rights are. And we have spelled out what is permitted.

And I noticed, maybe it was a Freudian slip, the gentleman read the first part of the first amendment, "Congress will make no law respecting the establishment of a religion," and he entirely

left out the next phrase, "or prohibiting the free exercise thereof." Because that is what the Supreme Court has done. They have left out the second part of the first amendment.

They have only focused on there cannot be an establishment of religion; and having a prayer in school is the same thing, the same thing as having an officially chosen church for people in the country; and they leave out the next part of the first amendment that says we cannot not prohibit the free exercise of religion. They are so scared that somebody will be offended that they forget that they have offended almost everybody in the process.

How about the people that want to be able to pray in a group? The Lord taught us not only to pray in private and singly but also to pray together. And if my colleagues do not believe that, read the Sermon on the Mount and see where He prayed with multitudes, not just singly or in private.

Mr. Speaker, we believe in traditions of prayer that are both private and public. They are both good. They are both positive. They are both what should be protected by the Constitution of the United States of America.

The Supreme Court has wrongly said we are only going to protect it when it is private or in secret and nobody else knows about it. We want to be able to come together. Come let us reason together. Come let us pray together.

As four Justices in many of those 5-4 decisions wrote, nothing, absolutely nothing is so inclined to foster among religious believers of various faiths a toleration, no, an affection for one another, than voluntarily joining in prayer together. Justices Rehnquist, Scalia, Thomas and White. That is the standard we seek to apply.

Mr. DINGELL. Mr. Speaker, I rise in opposition to the Istook Amendment. The First Amendment already guarantees the Nation religious freedom. Do we really need another guarantee? The Istook amendment is both unnecessary and dangerous. This Amendment is an attack on the balance struck by two centuries of jurisprudence on the separation of church and state. Indeed, this amendment would put American religious liberty at risk.

It seems to me that the Founding Fathers thought a thing or two about religion. And they felt so strongly about it being a good thing that government should leave it alone—that it is a personal matter. Indeed, they told us that "Congress shall make no law respecting an establishment of religion." But today, proponents of this amendment want to make some law on the subject by changing the Constitution. I can only assume that many of the supporters of this language desire to further the Founding Fathers' notion that religion is good. However, that is where they part company.

The Founding Fathers realized that an important, if not the most important aspect of any faith, is to have the freedom to pursue it as one desires. Indeed, it is curious to me that advocates of the virtues of this amendment would go about advancing religion in a fashion that would effectively force religion on Americans in many settings, including our students

in their classrooms. Compulsion controverts freedom. Freedom is vital to our democracy. And that freedom is what has allowed religion to prosper here for all these years. Moreover, what seems to be most religiously constructive is for an individual, if at all, to come to a belief on one's own accord. This amendment would permit an opposite result.

The result of this amendment would be that teachers, judges, generals, and wardens could hold prayer sessions with their respective audiences and limit such prayers to their own or the majority faith of the surrounding community. And it doesn't take much to see that, under this amendment, some actions would be permitted which heretofore have been limited by other powers under the Constitution. For example, could a group of high school students engage in sexual activity on school grounds because their particular faith has taken a literal interpretation of the Biblical passage in Genesis instructing humanity to go forth and reproduce? The answer under current law is clear: No. With the amendment, litigation could result because the students' acts might be protected from "infringement" or "discrimination" by this legislation.

On the matter of prayer in the classroom, government-supported school prayer would make strangers of children who do not share the same beliefs as are being prayed in their own schools. Religious minorities, especially, would suffer. As a practical matter, it is nearly impossible for students who wish not to participate to feel comfortable leaving the classroom. Students will be whip-sawed: excuse yourself and feel ostracized or stay and feel uncomfortable. The prayers could be lead by government officials. Whose prayers could be required for your children? Bahai, Baptist, Catholic, Jewish, liberal, conservative, or Orthodox, Greek or Russian, Muslim, or Mormon.

Already, current law allows for prayer and other religious expression in public schools. This amendment is unnecessary. Students' religious rights are already protected. They can pray individually or in groups and discuss religion in groups. In addition, under the Equal Access Act Congress passed more than a decade ago, schools must give extra-curricular student religious organizations "equal access" to space, time, and resources that is provided to non-religious groups.

Regarding religious institutions, this amendment would permit, if not require, government funding. This is not a proper role of government. Government should not be meddling in the affairs of institutions of faith or religion. It would violate the conscience of the American taxpayer who would not choose to support the religions that are aided in such fashion. Already, organizations that are religiously affiliated, like Catholic Charities, but which are not pervasively sectarian, can and do receive government grants for social programs as long as they do not advance religion or discriminate on the basis of religion. The amendment would allow taxpayer resources to go to pervasively religious institutions that would be able to use the funds for their own purposes.

Mr. Speaker, the Constitution should only be amended in rare circumstances and only where necessary. My Republican colleagues view matters differently and propose amendments like this one for political purposes, after only one day of hearings. The reasoned and better approach is not to dismantle our Found-

ing Fathers' wisdom in the Bill of Rights with this amendment. Ours is a proud experiment that has permitted religious freedom to flourish in this country, and we should not change that with a politically-motivated attack on that very freedom.

Mr. STARK. Mr. Speaker, I rise today to oppose House Joint Resolution 78, the so-called "Religious Freedom Amendment." This proposed constitutional amendment would obliterate the separation of church and state and would result in government-sanctioned worship, taxation to benefit religion, and majoritarian oppression.

In order to serve its own interests, the radical right is overlooking what is already current law. Religious expression is protected by the First Amendment, and private religious expression is legal everywhere, including public schools. Under the First Amendment, students can pray silently at any time and even aloud in groups so long as they are not disruptive. Student-led religious clubs can meet on school property to pray and study Scripture. Religious speech in the public square already abounds.

We learned at the beginning of this Republican-led Congress that the government does not hand out money without strings attached. This proposed Amendment to our Constitution goes much further by permitting a wide array of government-sponsored religious expression. It would allow state endorsement and financial support for religious activity not only in schools, but on all public property, including government offices, court houses, and military bases.

It is coercive and vain to impose religion, to require our government to recognize or single-out one faith from another when it is one of thousands of beliefs, faiths, doctrines, and creeds. Allowing government to endorse religion in this way turns religion into a political tool and sends the message that those who do not hold a certain faith are outsiders—and not full members of the political community.

Nearly every mainstream religious group, including the Baptists, the Presbyterians, the Muslims, the Unitarians, the Episcopalians, the Lutherans, and the entire Jewish community oppose this amendment. It is clearly supported by a radical religious minority who seek public endorsement of what should be a private affair.

Rather than promoting religious liberty, the "religious freedom" amendment presents a grave peril to the crucial principles protecting religious liberty that are part of the framework of American law. What is not broken needs no repair.

Mr. LEWIS of California. Mr. Speaker, I rise today in reluctant opposition to this proposed constitutional amendment. I have always and will always support voluntary school prayer. I believe the right of all people to worship according to the dictates of conscience is fundamental. Reviewing this amendment, however, I am not convinced amending the Constitution is the right answer to bring prayer back to our schools.

As some constituents in my congressional district have pointed out to me, a Constitutional amendment could do more harm than good. It is quite possible that, if enacted, this amendment could even be used to force children to be subjected to religious briefs well out of the mainstream. At the very worst, this amendment could be used to shoehorn cult-beliefs into our schools. One thing is for certain, enacting this amendment would result in

even more litigation on religious questions going before the same liberal-leaning judiciary.

I have long supported refining the law to allow maximum room for religious expression. You may remember the House of Representatives passed the Religious Freedom Restoration Act in 1993 with my positive vote. But I have been repeatedly dismayed by judicial decisions on religious questions, most recently by the Supreme Court decision in *Boerne vs. Flores* which overturned the Religious Freedom Restoration Act. I am pleased, however, with the results of the Equal Access Act of 1984 and at least one 1990 Supreme Court decision which got it right. As a result, we now have thousands of voluntary student prayer groups flourishing around the country in public schools as a result.

This is a subject which is very important to me, and I have given it a great deal of thought. It is with reluctance I can not support House Joint Resolution 78, an amendment to the Constitution. Nevertheless, I will continue to work with my colleagues in Congress to find statutory remedies for mistaken decisions of the courts regarding religion.

Mr. POMEROY. Mr. Speaker, I rise in opposition to House Joint Resolution 78, the Religious Freedom Constitutional Amendment. This amendment, which proposes to dramatically alter the First Amendment to the Constitution, is simply unnecessary.

Mr. Chairman, I feel very strongly about preserving the complete freedom of religious expression that is part of what makes this nation great. I also believe that the First Amendment of our Constitution has safeguarded this freedom for over 200 years, and continues to do so today. The First Amendment maintains the delicate balance between the church and state established by the Founding Fathers, and House Joint Resolution 78 threatens this hard-won balance by unnecessarily amending the Bill of Rights of the first time in our nation's history.

However, I do recognize the concerns of several of my colleagues about the impact of certain court decisions on religious expression. Unfortunately, no court can be completely free of human error when interpreting the Constitution. I believe, as do most of my colleagues, that religious expression does have a place in public life. Prayer should not be prohibited in graduation ceremonies. Valedictorians should not be prevented from mentioning God in their speeches. Children should be allowed to engage in voluntary prayer in schools, or anywhere else. By passing House Joint Resolution 78 would not protect religious liberty any more effectively than the First Amendment already does.

Ironically, House Joint Resolution 78 does more to restrict religious freedom than it does to preserve it. By forbidding federal and state governments from denying "access to a benefit on account of religion", House Joint Resolution 78 encourages religious organizations to compete for government funding. Because all groups cannot be funded equally, the awarding of government funds represents unofficial government sponsorship of religious organizations. This is the very situation the First Amendment was enacted to prevent. Government funding of religious groups allows government hands into the workings of these groups, makes them financial dependent on government funds, and is just as bad idea.

Mr. Chairman, I believe that House Joint Resolution 78 needlessly tampers with out na-

tion's strong tradition of the protection of religious liberty. We do not need to amend the Bill of Rights for the first time in our nation's history to protect religious freedom in this country, and I would urge my colleagues to oppose this amendment.

Mr. CLAY, Mr. Speaker, I rise in opposition to this measure because its clear intent is not to ensure the freedom to engage in religious activity on public property, but rather to open the door to the diversion of hundreds of millions of dollars from public schools to private religious schools.

I find it ironic that after three failed attempts to get school voucher legislation enacted during this Congress, the Republican majority is now pushing a constitutional amendment that would make public funding of religious schools lawful. We repeatedly told the majority it was unlawful during the floor debates on the various voucher bills, but they rejected our claim and the court decisions that supported it. I am pleased the majority now admits that their voucher scheme was legally flawed, but I continue to oppose direct Federal funding of religious institutions.

The amendment before us states that neither the Federal Government nor any State could deny equal access to a benefit on account of religion. This would mean that whenever public funds are being dispensed to a non-sectarian organization for a program or activity, a religious organization would be entitled to make a claim to the same funding. The religious organization would be free, however, to integrate their philosophy and practices with its service delivery—something that many taxpayers seeking services might find objectionable. But, as a result of this amendment, these organizations would have a constitutionally protected right to do so, no matter whether the focus of the program or activity is education, health care, housing, or criminal justice.

Mr. Speaker, our Founding Fathers did not believe it appropriate for the Government to subsidize religious activity. I believe that, today, this remains a wise policy. The first amendment to the Constitution has served the Nation well for over 200 years by protecting religious expression while also prohibiting Government entanglement in religious practices. This delicate balance should not be disturbed.

Mr. KLECZKA. Mr. Speaker, I rise today in opposition to House Joint Resolution 78 which would amend the constitution to allow prayer in public buildings, including prayer in public schools.

Of the thousands of issues I have debated and cast votes on as a Congressman, none has been more volatile and contentious, nor has any decision been more agonizing than this, because it touches on religious beliefs and practices which are at the very core of our lives. And it is precisely because of the great importance of this issues, to me and to my constituents, that I must oppose this constitutional amendment. There are three reasons for my opposition.

First, the language of H.J. Res. 78 is seriously flawed, will not accomplish what its authors intend, and may in fact invite the very result—government intrusion into private religious beliefs and practices—which its supporters hope to outlaw. Two distinguished constitutional scholars, whose legal and conservative credential are unquestioned, submitted

testimony at House Judiciary Committee hearings held on this resolution last summer, and each drew the same conclusion: H.J. Res. 78 is fundamentally and, in their view, fatally flawed.

Consider the observations of Professor Michael W. McConnell of the University of Utah College of Law, he said: ". . . the supporters of this amendment are to be commended for continuing to focus public attention on the importance of religious freedom . . . [but] the multiple ambiguities in the current proposal make it an unacceptable vehicle for accomplishing its intended purpose." And the statement of Michael P. Farris, a constitutional lawyer and President of the Home School Legal Defense Association, who said: "I am in full accord with the principle goals of [the resolution's] supporters. I want to fully invigorate the right of the free exercise of religion. I simply point out that I do not believe this language achieves the goals of its well-intentioned supporters in either the free exercise or establishment arena."

Second, three recent Supreme Court decisions have substantially strengthened the freedoms at issue in this debate: The Court held that private religious speech is a right entitled to as much constitutional protection as private secular speech (*Capitol Square Review & Advisory Board v. Pinette* (1995)); that it is unconstitutional for a public institution to deny benefits to an otherwise eligible student organization on account of the religious viewpoint of that organization's publications (*Rosenberger v. Rector & Visitors of the University of Virginia* (1997)); and that its earlier decision forbidding certain types of educational assistance to children attending religiously affiliated schools should be reversed (*Agostini v. Felton* (1997)). According to Prof. McConnell, with similar rulings in the U.S. Court of Appeals, "represent a major step forward, and in fact solve a majority of the problems with [this] constitutional doctrine . . ." In short, the resolution's broad and ambiguous language would, if adopted, threaten the reasonable gains which these recent Court decisions embody.

Finally, and perhaps most importantly, though, I believe that any constitutional amendment—but especially one such as this which is so central to who we are as a nation and as individuals—should endure debate, examination and scrutiny of the most rigorous standard before it is ratified by lawmakers and the people we represent.

It is no accident that, despite hundreds of attempts, the Constitution of this beloved nation has been amended a mere 27 times since its ratification in 1789, and 10 of those were ratified at once as the Bill of Rights. The original authors understood the importance of this document, and possessed the wisdom to write it as a timeless testament to freedom from oppression and tyranny, political and religious. As I reflect on this blessed history, I harbor no doubt whatsoever that each and every one of those men beseeched his God—the same God to whom we turn every day for guidance—to bestow on him the wisdom to understand the profound historic moment they were creating with His helping hand. That guidance served them well then, serves us well now, and requires no constitutional amendment upon which to draw its strength and purpose.

Mr. POSHARD. Mr. Speaker, after much reflection and careful consideration, I must rise

in opposition to this resolution, a constitutional amendment intended to preserve the freedom of religious expression. This is not a decision I make lightly, and because of the complexity of this issue, I feel compelled to share with my colleagues my thoughts and concerns.

Like most Americans, and I am sure like all of my colleagues, I believe very deeply in our Constitution and its Bill of Rights. Amending this document and altering in any way its fundamental principles, which have guided this nation through centuries of growth and change, is something to be done only in the rarest of circumstances. I have been extremely reluctant to tamper with the delicate balance of political and moral tenets embodied in the Constitution, and I am not prepared to do so today.

For 200 years, the First Amendment has guaranteed the protection of all Americans from government intrusion on religious freedom. Under this amendment, students currently enjoy significant opportunities for religious expression within the school environment. School children are free to say grace before lunch, pray privately, read the Bible during a study period, distribute religious materials to their friends and join voluntary religious clubs. I strongly support a moment of silence in schools, during which students could pray, reflect or meditate according to their own beliefs and desires. However, Representative ISTOOK's amendment would go much further by permitting organized prayer and other sectarian activities in public schools, as well as in other public arenas such as courtrooms and government offices. We cross a dangerous line when we move from respecting a student's right to pray in private to imposing a particular kind of prayer or expression of faith on a group of students regardless of personal choice.

Under the First Amendment, government is not permitted to entangle itself in the affairs of religious institutions. This is a fundamental safeguard which has allowed many religions to flourish in this nation and has provided religion with a large measure of autonomy from government influence. Rather than preserve this separation, the Istook amendment would permit, or even require, the government to fund religious activities on the same terms as secular activities. It would, in essence, allow the use of tax money to advance particular religions, without regard for the personal, spiritual beliefs of individual taxpayers. Furthermore, once religious organizations begin to receive government assistance, they become subject to government restrictions, further infringing upon the fundamental guarantees of the First Amendment.

Mr. Speaker, my faith and religious convictions are deeply held. I unequivocally support the right of all Americans to practice and express their personal religious beliefs and the right of all students to worship privately in a school setting. However, I believe that we already have a Constitution and Bill of Rights which guarantee these freedoms. We must remain vigilant and ensure that government continues to respect and protect the freedom of religious expression that has been enjoyed in America for over 200 years. But we must not allow government to become entangled with religion in such a way that the delicate balance constructed by our Founding Fathers is upset. I will therefore vote against this amendment, secure in the conviction that the deeply

personal choices inherent in religious faith should remain not with government, but with the individual where they belong.

Mrs. EMERSON. Mr. Speaker, I rise in strong support of H.J. Res. 78, the Religious Freedom Constitutional Amendment. I am proud to be an original cosponsor of this bill and would like to thank the author, Congressman ISTOOK, and Judiciary Chairman HYDE for their hard work on this critically important issue.

President Reagan once remarked, "The First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny." President Reagan recognized that the Founding Fathers did not intend for the First Amendment to limit or prohibit all religious expression in public life, which has been the unfortunate interpretation of liberal courts and high-minded bureaucrats. The courts and bureaucracies have systematically eroded our First Amendment right, which is why the legislation before us today is so necessary.

One of the most glaring injustices resulting from liberal court rulings is the restriction of voluntary school prayer. It is a disgrace that the law actually discourages children from religious expression. I have authored a Constitutional Amendment, H.J. Res. 12, to reaffirm the right to voluntary school prayer, and H.J. Res. 78 would also achieve this important goal.

I urge a strong yes vote on the Religious Freedom Constitutional Amendment.

Mr. WELDON of Florida. Mr. Speaker, I rise in support of H.J. Res. 78, a Constitutional Amendment restoring religious freedom, of which I am a cosponsor, because I believe strongly that it is necessary to restore the rights of individuals to freely express their religious convictions wherever they may be: the workplace, a school, or on government property.

It is essential that we ensure the religious liberties guaranteed in the Constitution to all Americans. I believe that in many instances, the pendulum has swung in the opposite direction and, in response to fears of lawsuits, government and school officials have been overly restrictive and, in many cases, have denied individuals their Constitutional rights to express their religious views in the public sphere. Also, in the workplace some employers have silenced religious expression because of fear of lawsuits by employees who are intolerant of religious expression.

It is wrong for a teacher to give a child a failing grade because the child chose to write their school assignment on Jesus Christ. It is also wrong to stop a child from saying a blessing over their meal at the school cafeteria. Also, it was wrong for the courts to rule that a moment of silence at public school is unconstitutional because it could be used by students for silent prayer. These acts have silenced religious expression and run counter to the First Amendment.

This Constitutional Amendment declares that people have a right to pray and to recognize their religious beliefs, traditions, and heritage on governmental property and in schools. In addition, it states that the government cannot require people to participate in religious activities, discriminate against religion, initiate or designate school prayers, or deny equal access to a benefit because of a religious affili-

ation. I rise in full support of this amendment which will remedy the damage done by past court decisions that have silenced religious expression.

Mr. PORTER. Mr. Speaker, I rise in opposition to the resolution offered by my good friend from Oklahoma, Mr. ISTOOK. Our first Congress carefully drafted the First Amendment of the Constitution to include special protections for religious freedom. The government may not impose or establish religion, nor may the government restrict individuals from practicing their religion.

I believe that the First Amendment and the Equal Access Act adequately protect religious liberty in public schools and other public places. The Supreme Court already permits voluntary, individual prayer in public schools. Given the degree to which American school children and their teachers enjoy the right to freedom of religion, the proposed constitutional amendment seems entirely unnecessary.

My opposition to this proposed constitutional amendment does not reflect hostility toward religion. To the contrary, I am sure that all citizens treasure the religious freedom we enjoy in our country. For well over 2000 years, the First Amendment has guaranteed our right to worship as we choose, while at the same time guaranteeing our right to be free from religious coercion. We already have a "Religious Freedom" amendment, it is the First Amendment, and it has served our nation well.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to the Istook Amendment. I believe prayer, reflection and spiritual observation are important individual liberties—liberties that are already protected by the First Amendment. Our First Amendment freedoms are the basis of our democratic institution. It is precisely because of these constitutionally protected freedoms that our country has flourished.

At a time when most Americans want the government to leave them alone, the Istook Amendment injects the federal government into an argument where it is not needed—to regulate prayer in our nation's classrooms. The Religious Freedom Amendment would authorize government-sponsored prayer; I think this sets a very dangerous precedent. The government should not be in the business of approving or disapproving specific prayers in public places—including schools. The government instead should be working to keep our constitutionally-protected right to freedom of religion. Today, America's school children can and do pray in their own schools, during recess, at breaks and before and after they go to school. The lesson to pray is one taught by their parents at home, not by their public school teacher.

The Istook Amendment is a threat to preserving our freedom to worship as we see fit and without government interference. Will schools and the government begin to decide which prayers and which religions are "good" for our children? In my opinion, this opens the flood gates for community division based on religious beliefs. If a school has a class of Catholic, Muslim, Baptist and Jewish students, what time do each of them pray? Are some students excused so that an organized section of school time can be set aside for a specific religion's prayer? These children now pray as they are allowed under the First Amendment. Nothing more is necessary.

I can think of few issues other than school prayer which create such a debate on this

House floor and across the Nation. I would like to point out again we already have voluntary prayer in schools. Quiet moments or periods of reflection, before school meetings and after-school religious clubs have been protected by our courts and by Congress. Thousands of students across the country are exercising their right to express and debate their religious views at school.

I am also concerned that this amendment could mandate the use of public funds to support private schools. We have many problems in our education system. We will have many more if we allow limited tax dollars to be diverted to nonpublic education. Rather than siphoning money away from public education, we should focus on fixing the problems so that all school children will benefit. It is bad public policy to abandon our federal commitment to public education. What will happen to students left behind in public schools when their resources are given away?

Mr. Speaker, America's children have all of the protection they need without further government oversight of school prayer. I urge my colleagues to vote no on the Istook Amendment.

Mr. HOSTETTLER. Mr. Speaker, I rise in reluctant opposition to this amendment because I understand the motivation behind the Religious Freedom Amendment, or RFA, and share its supporter's frustration with the Supreme Court's misguided applications of the First Amendment.

But the RFA is the wrong means to instruct the Court. In fact, I fear that should the RFA be ratified, supporters of religious freedom will—for a short-term gain—jettison the very heritage they seek to protect.

My colleagues, the RFA is not a clarification of the First Amendment, it is a new amendment.

This becomes clear when we consider the establishment clause of the First Amendment, which we are today seeking to amend.

The establishment clause states, as it has since 1791, that "Congress shall make no law respecting an establishment of religion."

This clause is not without meaning.

Let us first take the term "Congress".

This term clearly limits the application of the clause to the federal legislature, not to the states. In fact many states had established religion at our nation's founding. Massachusetts, for example, paid the salaries of the Congregational ministers in that state until 1833—42 years after the ratification of the First Amendment.

Indeed, it was even proposed but then rejected by Congress to directly apply the religious clauses of the First Amendment to the States.

In 1876, eight years after ratification of the Fourteenth Amendment, Congress considered a constitutional amendment introduced by Senator James Blaine of Maine.

The Blaine amendment read: "No state shall make any law respecting an establishment of religion or prohibiting the free exercise thereof. * * *" This amendment was debated at length and defeated in the Senate.

With this clear legislative precedent, one must wonder how the establishment clause came to be applied to the States.

Well, the fact is that it did not occur until 1947.

In that year, the Supreme Court—for the first time—decided that the establishment clause should apply to the states.

The Court found—despite a complete lack of historical evidence—that the phrase "liberty" in the Fourteenth Amendment included, or in their words "incorporated" the establishment clause. Keep in mind, the Fourteenth Amendment was ratified eight years prior to the Blaine amendment's failed attempt to apply establishment principles to the states.

Since 1947, the Court—with its newfound power over the states—has prohibited all 50 states from allowing prayer, Bible reading, and the posting of the Ten Commandments.

What has the Supreme Court's application brought us? A severe curtailing of the public expression of religion.

As Mr. ISTOOK has pointed out, in nearly every state of the nation our local and state officials have come under the control of the Supreme Court not only out of touch with the Constitution, but also a Supreme Court with its own policy agenda.

And herein lies my first objection to the RFA.

Rather than keep the control over the public expression of religion with state and local government—as did the First Amendment until 1947—the RFA legitimizes the Supreme Court's control.

If this amendment is ratified, our states will forever lose their ability to define the appropriate level of public expression of religion.

The RFA is not a clarification, it is a new amendment.

So what did the establishment clause prohibit Congress from doing? It says "Congress shall make no law respecting an establishment of religion."

What is an establishment?

Clearly, it refers to the appropriate level of expression of religion either on public property, by public officials, or through public funds.

What level of public expression of religion constitutes an establishment has been the subject of much debate.

Opinions currently range from those, on the one hand, like Justice Joseph Story in 1833 and the House and Senate Judiciary Committees in 1853 and 1854, who believed that establishment means a national church or denomination, to, on the other hand, the current Supreme Court which believes that any government action that might advance religion constitutes establishment.

Whatever the historical meaning of the term "establishment," I have reservations about the RFA's apparent re-interpretation of that term.

The language of the RFA suggests that any action beyond "acknowledgment" or "recognition" of God is in violation of establishment.

Indeed the entire amendment is prefaced on the mere right to "acknowledge."

Does this mean that thirty years from now we will be told by the Supreme Court that mentioning the Bible, or wearing a cross, or crossing yourself, is prohibited by the RFA because it goes beyond acknowledgment and into the particular?

Does this mean that school prayers which go beyond simple recognition will be forbidden?

What about worship?

Time will tell.

Or maybe I should say, a future Supreme Court will tell.

The First Amendment is not the problem. The Constitution is not broken.

The problem we face is with judicial misinterpretation, or misapplication, which Congress could address, if it had the will.

What we are really doing here, my friends, is redefining the meaning of religious freedom which was cherished and flourished until 1947—when a Supreme Court on its own agenda—ventured into the policy arena.

We are limiting religious freedom under the RFA to the right to merely acknowledge or recognize.

I do not believe that the RFA will restore true religious freedom in America.

Mr. PACKARD. Mr. Speaker, I rise today in support of H.J. Resolution 78, the Religious Freedom Amendment. This bill will guarantee that individuals may recognize and express their religious beliefs, heritage or traditions anywhere in America, including public schools.

Let me point out that H.J. Res. 78 does not mandate religious worship in public schools, allow the government to promote religion, or force people to pay taxes to support religion. In fact, it specifically states that "the government shall not require any person to join in prayer or other religious activity."

The Bill of Rights guarantees the freedom of religion, not freedom from religion. I find it very disturbing that while the courts support the rights of everyone from flag burners to Klansmen, activist judges continue to restrict religious expression anywhere and everywhere in America.

The Amendment we are debating today is very simple. We are not just protecting any particular religion or set of beliefs. This amendment protects the very foundation this nation was built on and it should be supported by every Member of this body. Mr. Speaker, this is a subject of deep personal conviction for me. Again, I rise to support the Religious Freedom Amendment.

The SPEAKER pro tempore (Mr. DICKEY). All time for general debate has expired.

AMENDMENT OFFERED BY MR. BISHOP

Mr. BISHOP. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP:
Page 3, line 18, strike "acknowledge God" and insert "freedom of religion".

Page 4, beginning in line 1, strike "discriminate against religion, or deny equal access to a benefit on account of religion" and insert "or otherwise compel or discriminate against religion".

The SPEAKER pro tempore. Pursuant to House Resolution 453, the gentleman from Georgia (Mr. BISHOP) and the gentleman from Florida (Mr. CANADY) each will control 30 minutes.

PARLIAMENTARY INQUIRIES

Mr. ISTOOK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ISTOOK. Mr. Speaker, I want to make sure that everyone understands, the amendment that is offered by the gentleman from Georgia (Mr. BISHOP), which is very worthy of consideration, actually has two different topics that are addressed in it. I believe under the Rules of the House that it is proper to request a division when it comes time to vote so we will have separate vote on the first issue and then a separate vote on the second one.

I want to make a parliamentary inquiry if that is correct and if it is at this time or a later time that I need to make the request for the division.

The SPEAKER pro tempore. The gentleman may make that request now.

Mr. ISTOOK. Mr. Speaker, I request that when the vote is called upon the amendment now before the House, that the question be divided so that we may vote separately on the first part relating to the mention of God, and the second part separately relating to benefits.

Mr. SCOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCOTT. Mr. Speaker, I would ask if this is permissible under the rule that was adopted for the consideration of the bill.

The SPEAKER pro tempore. The rule does not prohibit a division of the question for the purposes of voting on the amendment.

Mr. ISTOOK. Mr. Speaker, I request that division.

The SPEAKER pro tempore. The question on adopting the amendment will be divided between the first instruction to strike and insert on page 3 and the second instruction to strike and insert on page 4.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BISHOP).

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

Mr. Speaker, this is a very, very serious and profound amendment. And as all of the speakers thus far indicated, this is not to be taken lightly.

I offer an amendment to the Istook amendment. While I am a cosponsor of Istook, I do believe that Istook can be improved upon to meet some of the objections raised by the critics. But before I get into the details of my amendment, I would like to make some general comments.

Many years ago in England, Charles Dickens wrote in his book, *A Tale of Two Cities*, that it was the best of times and it was the worst of times. Today, here in America, I am reminded of those words, for we, too, have the best yet the worst of times.

On the one hand, times are good. The economy is booming; the stock market is soaring; employment is up; wages are up; inflation down; interest rates down; corporate profits up. The deficit is coming down. The budget is on the way to being balanced. The major crime rate is down. More people are healthier and have access to health care than ever before. Things appear to be going well.

But, on the other hand, there are strong indicators that our morals have decayed and that too many of our children are not learning and living the high moral values and do not have the respect for human life and human property.

Youth crime and violence is up. Children are breaking and entering and

stealing guns and ammunition and opening fire on their teachers and their students, and youngsters angry at parents set fire to the beds that they are sleeping in, killing them without remorse.

Drive-by shootings in urban and rural areas killing rap stars and innocent babies persist. Drugs, dropouts, hopelessness, 12- and 13-year-olds fully believing that they will not live to see their 21st birthday. Yes, it may be the best of times, but it is also the worst of times.

When I was a boy growing up in Mobile, Alabama, each and every day for 12 years I started school with The Lord's Prayer, the Twenty-third Psalm, the Pledge to the Flag, and My Country Tis of Thee. The stated moral values that are repeated day in and day out in those passages of the respect for the flag, the patriotism learned from the pledge and the song gave generations of students, including me, a foundation of character, patriotism and love for our country.

That is not so today. For over 30 years with the series of Supreme Court decisions, the pendulum has swung away from the freedom of religion that was envisioned and embraced by the Founding Fathers, to a wall of separation, of hostility and of contempt for the expression of religious faith in public places, including our schools.

There is now more protection for nude art and pornographic literature than there is for religious expressions in public places. That, Mr. Speaker, is simply not right.

So I congratulate the gentleman from Oklahoma (Mr. ISTOOK) for leading the effort to restore religious freedom to our public life. I am a cosponsor of the Istook amendment, and I intend to vote for it. But I believe that it can be perfected and it can be made just a little bit better.

The first portion of my amendment, which has been asked to be divisible, would establish as the amendment's purpose to secure the people's right to freedom of religion, as opposed to the committee's version, which would secure the people's right to acknowledge God.

Because God is a term that is used in western religions to refer to a deity, but other religious faiths use other terms rather than God, such as Allah or Vishnu or Shiva or Brahma, in the case of Hinduism, or Kami, in the case of Shintoism. And some such as Taoism do not center themselves about a deity.

I believe, Mr. Speaker, that in order to make the Istook amendment more ecumenical so that it will not be targeted to those of us who share the Judeo-Christian faith but rather open to reflect the diversity of all of America's religions, I believe that it would be appropriate for us to amend that language.

The second part of my amendment would simply remove some of the language that has been criticized by

speaker after speaker today, and that is the language that is called the equal advice language that would remove the denied equal advice to a benefit language and prohibit the United States or any State from requiring any person to join in prayer or other religious activity, prescribe school prayer or otherwise compel or discriminate against religion.

This would eliminate a lightning rod for litigation or what would constitute equal access. Here we are dealing with something that is obviously going to cause reasonable minds to disagree. Rather than fret over that, if we can protect religious expression and carefully crafting the language so as not to invite disagreement, I believe we can accomplish the purpose.

Mr. Speaker, I do not have all of the answers to what is happening in our society today. But I believe that the values that I learned day in and day out for 12 years reciting those passages of scripture, the prayer, pledging to the flag and singing My Country Tis of Thee helped give me a grounding in values and respect that seems to be devoid with today's generation.

It is my hope that by the adoption of the language in the Bishop amendment that we would be able to accomplish the purpose of restoring the right of people to stress their religious heritage and faith in public places, including schools, without discrimination and without the ethnocentric or Judeo-Christian emphasis on an anthropomorphic God.

I would ask the Members of this House to consider if they do not feel comfortable voting for the Istook amendment as drafted, here is something that they can vote for. It answers the problems that many of the critics have raised, and it still accomplishes the purpose.

If this amendment is adopted, our Constitution would simply have these additional words: to secure the people's right to freedom of religion 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 or otherwise compel or discriminate against religion.

Here we have it. Fully balancing the right to participate and to express religious traditions and faith or not to do so. Not tipping the balance one way or the other.

I would like to ask that Members consider this is not coercive, this is not a religious test for benefit of government. In fact, we remove the benefits language altogether. It is clear that there will be no establishment of a religion. It is clear that people will be allowed to recognize their beliefs and heritage on public property, including

schools and that that will not be infringed.

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How will that happen? People say we do not want to embarrass a child. This will foster diversity. One of the beautiful things about America is that we have a diverse population. And as early in life as school children can learn that there are differences that need be respected, the better we will be and the better they will be as adults. So if they can learn to hear dissenting or differing views in the proper context on an equal basis, that would, I believe, stimulate the democratic principle of diversity and would help us to have a much more congenial society, helping us to be able to disagree agreeably.

I believe that if we adopt this language, this will take place.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in opposition to this amendment. I want to acknowledge that the gentleman who is proposing this amendment has been a supporter of the underlying proposal and I appreciate his support for this proposal. I respect his motivation in offering these amendments. I understand that he believes that this is a way to improve and perhaps make the amendment somewhat less controversial, but I must strongly oppose the amendment offered by the gentleman from Georgia, notwithstanding my respect for his intentions.

I would just ask that the Members focus on exactly what the proposal of the gentleman from Georgia would do. It essentially has two provisions, as he has explained. I think if we look at these two provisions, we should conclude that this amendment is not worthy of adoption by the House.

The first provision in this amendment would simply remove the reference to God in the phrase "to secure the people's right to acknowledge God according to the dictates of conscience." It would take that reference to God out of this proposed amendment to the United States Constitution.

The other provision that the gentleman has proposed would eliminate the prohibition on the denial of equal access to benefits on account of religion that is contained in the amendment.

I believe that both of these proposals would move the amendment in exactly the wrong direction. I would simply ask Members of the House to consider, what is the problem with recognizing the people's right to acknowledge God according to the dictates of conscience? I am afraid that this amendment that the gentleman is proposing fits in with the prevailing politically correct view that it is somehow inappropriate or offensive to mention God in our public life. That is one of the things that we are attempting to combat with this particular amendment.

Again, I am struck by the irony that we would be considering a proposal to remove God from the underlying amendment as we stand here in this Chamber debating, when on the wall inscribed above the Speaker's chair are the words "in God we trust."

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

Mr. CANADY of Florida. I yield to the gentleman from Georgia.

Mr. BISHOP. Mr. Speaker, the gentleman is aware that nowhere in our existing Constitution now does the word "God" appear, not even in the First Amendment. And while we recognize that on our money and in the Constitutions of most States the word "God" does appear, not in the supreme law of the land, our United States Constitution.

Mr. CANADY of Florida. Reclaiming my time, Mr. Speaker, I understand the gentleman's point, but I think that the fact is that I believe in all 50 State Constitutions reference to God is made. In our Declaration of Independence reference is made to the Creator. Throughout our life as a Nation references have been made to God in public documents and public events. So to attempt to cleanse the underlying amendment of the word "God" I think is simply moving in the wrong direction and is inconsistent with the fundamental purpose of this amendment.

I would just suggest to the Members that they look at what this amendment would do and judge it in light of the history of our Nation and in light of the 50 State Constitutions.

Turning to the second part of the amendment, which would remove the prohibition on the denial of benefits on account of religion, I would simply ask, why should anyone, any individual or any institution, be denied a benefit on account of religion? Why should we allow that to take place?

Why should any person or any institution be subjected to a disadvantage because of that person or institution's religious nature or religious activity? It seems to me to allow such a policy of disadvantaging people and institutions simply because they are religious is the antithesis of our goal of protecting the free exercise of religion. Indeed, to deny a benefit on account of religion is to punish the free exercise of religion.

I am not suggesting that the gentleman from Georgia intends to punish the free exercise of religion. I do not believe that is his intention. But I would have to submit to the gentleman and to the Members of the House that I believe that that would be the result, the unintended result of the adoption of the proposal that he is advancing.

It makes no sense to deny someone or some institution a benefit on account of religion. That is not what the First Amendment was intended to do. It is a perversion of the First Amendment that we see court decisions and other governmental decisions that have had that impact, and I believe that the underlying amendment, in its

provision prohibiting the denial of equal access to benefits on account of religion, is very much on target in correcting a very real problem that exists. I would suggest that we would be stepping very much in the wrong direction to adopt the gentleman's proposal on this point.

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

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

The gentleman spoke to the striking of the portion that refers to God. It is clear that we have more religions in this country, we have a very diverse country, and that there are a number of religions where the deity is referred to by a name other than God.

The gentleman and I share a common religious heritage and of course God is certainly appropriate in our faith. However, there are other religions which we are duty bound as upholders of the Constitution, in providing equal protection of all of our laws, to support. For example, the term Allah in the religion of Islam, which they believe means the one and only God; or Vishnu, Shiva, Brahma in the case of the religion of Hinduism; Kami in the religion of Shintoism. Then there is the religion of Taoism which is not centered around a deity at all.

And with the complete diversity that our country now shares, it would seem totally inappropriate for us to introduce for the first time into the supreme law of the land, our Constitution, the word "God" to the point that it would discriminate against all of these other religious heritages and traditions. For that reason, for that reason only, we want to make it sectarian, neutral and ecumenical, so that rather than saying to secure the people's right to acknowledge God, that we say to secure the people's right to freedom of religion and that protects whatever that person's religious heritage might be.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACC).

Mr. BALDACC. Mr. Speaker, the gentleman's amendment is going to make some technical changes that are going to make an objectionable bill a little bit better. It is going to delete provisions saying that governments cannot deny equal access to benefits on the basis of religion. But still, in the underlying bill, as it was in 1960 for President Kennedy, as it is for us today and for the Founding Fathers when this country was established, there has been a belief in a separation of the church and State which is absolute.

This amendment is in search of a problem. It is based on the false premise that the Constitution merely prohibits the establishment of a national religion. In fact, the first Congress considered and rejected earlier drafts of the First Amendment that would have simply prohibited a national religion. So this amendment would effectively permit the government to sponsor religious expression.

The Bishop amendment is going to go to make these technical changes, but the underlying amendment to the Constitution that is being proposed is an amendment that would effectively permit the government to sponsor religious expression. Whose prayer will be used? If prayers are read over the intercom, where do students go who object to prayer going on during that time? Would the government be required to financially support religions, and which ones?

The fact remains that religion has not been shut out of the public square or public school. Court decisions have reaffirmed the right of private citizens to erect religious symbols in public areas and to have access to public facilities for religious activities. Under the Constitution as it stood for the last 200 years, individuals in public schools and other public places clearly have the right to voluntarily pray privately and individually, say grace at lunchtime, hold meetings of religious groups on school grounds, use school facilities like any other school club, and read the Bible or any religious text during study hall, other free class time or breaks.

This amendment, the underlying amendment to amend the Constitution, in fact would significantly harm, not help, religious liberty in America, and is contrary to our heritage of religious freedom that has ensured our Nation's current separation of church and state. It seems very ironic, Mr. Speaker, that in 1960 when President Kennedy was going around trying to make sure that people understood that there was a separation, that we seem to be trying to embrace it today.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman for bringing this bill to the floor. I rise in opposition to the amendment.

More than 100 years ago our young Nation faced the first great test in its dedication to the principle that all men are free. In that Civil War more than 600,000 soldiers gave up their lives, more casualties than any other war in our country's history, for the moral cause of ending slavery and securing freedom.

During that war, the abolitionist Julia Ward Howe visited a Union camp near Washington, and amidst the carnage of war, the valor and courage she saw there inspired her to write one of our Nation's favorite songs, the Battle Hymn of the Republic. The final stanza of this hymn is particularly moving to me:

"In the beauty of the lilies Christ was born across the sea, with a glory in his bosom that transfigures you and me. As he died to make men holy, let us die to make men free, while God is marching on. Glory, glory, hallelujah."

Today in this Congress we fight a new moral battle. Through this battle we will determine whether or not our

sons and daughters will be free to practice their faith in accordance with their conscience and whether the constitutional guarantees that our Founding Fathers wrote into that document of religious freedom will live on or will perish.

Over the last 30 years, the Supreme Court has failed to apply the true meaning of the First Amendment. In case after case the court has chosen to support not freedom of religion but freedom from religion. It rulings seek to systematically wipe out any manifestation of faith from every part of the public sphere.

For example, one of the most endearing memories that I have in my first term of Congress was when I spoke to a graduating class in Triton High School at Shelby County, Indiana. Every graduating senior said a prayer for his or her classmates that day, yet the Supreme Court would not let them have a minister come and say an invocation.

□ 1545

That is freedom from religion, not freedom of religion.

In another part of my district, in Parker City, Indiana, the Indiana Civil Liberties Union sued the local school district to stop a 30-year-old tradition of staging a live nativity scene during the Christmas holidays. The court in that case forbade the children from participating in the nativity scene during school hours and banned the nativity scene from the school grounds. Again, this is not freedom of religion, it is freedom from religion.

These battles continue today. In Elkhart, Indiana, the Indiana Civil Liberties Union is suing once again, this time to remove the 10 Commandments from a pillar that was erected as a monument to World War II 40 years ago. Again, freedom from religion, not freedom of religion.

The monument in question was donated to the city by the Fraternal Order of Eagles in a Memorial Day ceremony in 1958. In that ceremony, local protestant, Catholic and Jewish clergy all spoke and endorsed the monument. It happens to include two Stars of David, a Pyramid with an Eye, a Christian Kairos symbol, an eagle and a flag.

What do the opponents have against the 10 Commandments? Is it the first commandment, "You shall have no other gods before me"? Or the second commandment, "You shall make for yourself no graven image"? Or the third commandment, "You shall not take the name of the Lord your God in vain"? Or is it the fourth commandment, "Remember the sabbath day and keep it holy"? Or the fifth commandment, "Honor your father and your mother"? Or the sixth, "Thou shalt not kill"? Or maybe the seventh commandment, "You shall not commit adultery." Is it the eighth commandment, "You shall not steal"? Or the ninth, "You shall not bear false witness against your neighbor"? Or maybe the

10th commandment, "You shall not covet your neighbor's property." What is it that they oppose from having that posted on that pillar?

America was founded so that all men and women would be free to worship God. The future of that freedom is at stake in today's vote.

My colleagues, I ask you for a moment, let us put politics aside. Above us are the words "in God we trust." I ask you to search your heart and decide whether you will be on the side of freedom or the side of repression. Will you make the same commitment today that the Union soldiers of the Civil War made 140 years ago to the freedom of all human beings?

Let us all, Republicans and Democrats, put aside politics and vote for the freedom of religion amendment. Let us restore freedom of religion and not freedom from religion in the Constitution. Let us vote yes so that when we look back on this day, it will one day be said, "As He died to make men holy, we lived to make men free."

God bless you all.

Mr. BISHOP. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the Bishop amendment. I do so because I have basically been taught that the true mark of statesmanship is to seek common ground and find it, and then proliferate it and show it so that others can see it.

I believe that that is exactly what the Bishop amendment attempts to do. It attempts to put in broad perspective the freedoms that we have in this country to worship as each individual determines. I listened to the last speaker talk about the idea of freedom to make men holy, to make men free, to allow each and every individual to do in a way his own kind of worshipping. The only thing that I have heard today that actually would do that would be the Bishop amendment.

I would urge my colleagues, those who are in favor, those who are against the main idea, to look at the Bishop amendment as a way of providing something for everybody in America relative to religious freedom. I thank the gentleman for his amendment.

Mr. BISHOP. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I am a little bit confused. The Istook amendment I would like if only the Baptists were protected and we can set the prayer and whatever. But that is not what we are talking about.

But the way I understand it, and I hope the gentleman from Florida is listening, he objects to taking out the word "God" in this amendment. If you do that, do you exclude the Muslims, do you exclude the Buddhists or what have you, which is not something that is high on my agenda, I do not understand those religions, but if the amendment is to have a freedom of religion,

and these are classified as religions, they can only have a prayer that says "God."

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Speaker, no one is excluded from this protection of the amendment any more than people or ideas are excluded by the words "in God we trust" here on the wall of this Chamber.

Mr. HEFNER. The point I am trying to get at, we spend lots of money to get elected to come here. We do not have to come for the Pledge of Allegiance or whatever. But in these other areas where you are talking about, these children come and some of their parents are Muslim, all different kinds. In that context, if the word "God" is in there, then you are excluding some people. It seems to me that you would say that you will not infringe on the religious beliefs.

Mr. CANADY of Florida. If the gentleman will yield, I simply think the gentleman is mistaken about the impact of the language. No one would be excluded from the protections of this amendment. All religions would be protected, all people of faith, and, quite frankly, people not of faith are protected.

The problem we are trying to get at in this amendment is there has been a desire to kind of exclude people of faith from the public arena and any reference to God or faith in the public arena. That is what we are trying to address. I understand the gentleman's concerns. I simply do not think they are well founded.

Mr. HEFNER. What I am getting at, a Muslim child or their parents are Buddhist, they could not say the prayer, could they?

Mr. CANADY of Florida. Again, if the gentleman will yield, that is simply not accurate.

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

I have to point out in response to the gentleman from Florida that it is clear from the wording of the first sentence of this amendment that everything that follows is prefaced as its purpose upon securing the people's right to acknowledge God. This is a technical amendment. I am trying to help the committee's amendment and the Istook amendment by at least making sure that no one is discriminated against, that any religious tradition or belief is protected, not just those people who want to acknowledge God, whom I would want to acknowledge, but there are Muslims, there are Taoists, there are Shintos, there are Hindus, there are Buddhists, there are Zoroasters. All of these religions deserve the same protections if they are practiced by people who have the protections of our Constitution.

Unless this language is changed, I believe that this amendment will be fatally flawed, because it is targeted

solely at those people who believe in God. All I want to do through my amendment is to broaden it to the point where it protects the freedom of religion, whatever that religious tradition might be, whether it is the practice of worshipping God, as I do, or Allah or any of the other of the world's recognized religions.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to start off by saying I have great respect and sincerity for my friend from Georgia, but I disagree with him on this particular issue in terms of using the word "God." I think removing the word "God" is not just a casual suggestion or a technical correction. It is a very meaty change to the gist of this.

In fact, what many people want to do is acknowledge God, not to the exclusion of other religions but to say that God is the head, regardless of what you call him. We think God is great. We think God is good. We want to have the word God in there. Guilty as charged.

The words up here that I look at, in God we trust, should we say in blank we trust? Or maybe instead of saying God Bless America in the great song, maybe we should say fill-in-the-blank bless America. Or in the Pledge of Allegiance, one Nation under fill-in-the-blank with liberty and justice for all.

At some point, you have to say, enough is enough.

Today, Mr. Speaker, we have lots of constitutional scholars. People are coming out of the woodwork as constitutional experts today. I am glad. I did not know we had 435 of them in this Chamber. It is going to be something good for all issues from here on out.

But whenever you bring out something simple, like allowing children in a school to have a student-led prayer for somebody who has a sick mother or before a football game or before a graduation, you get all these experts in there. You know, are these things really to be feared? A prayer before graduation? A prayer before a football game? Somebody's mother gets sick and you say, let us all pray for Susie's mother who was in a horrible car wreck. Are these things to be feared?

These prayers will not be headed by the teachers. The school cannot endorse a religion. The school will not be funding religions. But the rhetorical terrorists who are against this and generally against school prayer would have you believe that we are trying to publicly finance religion. It is not the case.

Vote down this amendment. Vote for the legislation. Let us give our school kids the right to enjoy prayer before football games.

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

Mr. Speaker, I appreciate the comment of my colleague from Georgia. However, I must respectfully disagree with him. This is a very fundamental question of tolerance and fairness.

I think that the intent of this amendment is good. The intent of the Istook amendment is good. I certainly intend to vote for the amendment, because I think it is high time that we protect religious freedom. However, the only way that we can protect religious freedom is to protect everyone's right to worship in his or her tradition. This use of the word capital G-o-d, God, is a term that is used in the Judeo-Christian tradition. It is not used in the Muslim tradition or the Hindu tradition or the Buddhist tradition or the Taoist tradition or the Shinto tradition.

For that reason, if we are going to be the land of the free, the home of the brave, if we are going to allow equal opportunity for all to enjoy the protections of this amendment and not just those people who believe in God, then we ought to say, "In order to secure the people's right to freedom of religion," whatever that religion may be.

Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Georgia (Mr. BISHOP) has 7½ minutes, and the gentleman from South Carolina (Mr. INGLIS) has 17 minutes.

Mr. BISHOP. Do I have the right to close, Mr. Speaker?

The SPEAKER pro tempore. No, the gentleman from South Carolina has the right to close.

Mr. BISHOP. On my amendment, sir?

The SPEAKER pro tempore. The gentleman is correct.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

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

Mr. HOUGHTON. Mr. Speaker, I respect the gentleman from Georgia (Mr. BISHOP). He has talked eloquently about a very, very sensitive subject. There is no question that this amendment improves the bill. However, it does not change the basic premise of it, that is, a bill which I basically oppose.

It is hard to sort out the issues here, because both sides claim they are on the side of the righteous. Since 1995, we have had a religious equality amendment and a religious liberty amendment, and now we have got a religious freedom amendment. What are we trying to do? Who are we trying to help? What are the facts?

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Well, the facts are, as I see them, these:

This is a constitutional amendment. It will alter the First Amendment's religious clause for as long as we can see; and, thirdly, it expands government's involvement in religious activities, and

is this really what we want? When I was elected here in 1986, one of the premises on which I came down here was to try to get government out of peoples' lives.

I received a letter 2 days ago from an 83-year-old lady in my district, and let me just read you part of it:

I remember when there was mandatory prayer in my public school. Before the prayer, which was recited by the teacher, those who were non-Christians had to leave the room and stand in the hall until the prayer was over. I am a Christian, but I decried this practice then and I do now 60 years later. The Supreme Court did not take God out of our schools. Parents have taken God out of their children's lives by not praying with them. People are screaming to get the government off our backs, but they turn around now and want the government to tell our children how to pray, a function which is only between them and God.

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

Mr. Speaker, I would hasten to point out that there is nothing in the Istook amendment nor the Bishop amendment that would require that any school child have to stand outside because they disagreed with a prayer that was being said. Nothing in this amendment would require such nonsense, and if it were ever implemented in such a way that require such nonsense, then I would be the first to urge the ACLU and every opponent to take the necessary steps to see that those school boards discontinue such practice.

Mr. Speaker, that would be nonsense to do that, and neither this amendment, the Bishop amendment, nor the Istook amendment would countenance such conduct.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, we are taking an extraordinary and an unprecedented step even though we are not actually confronted with any problem. Every study demonstrates that Americans are by far the most religious people in the industrial world. Students can voluntarily pray and study scripture in school and other public facilities. Religious education at church and parochial schools and home is thriving. The United States remains a beacon and a sanctuary for those seeking religious freedom.

It simply is untrue to say that students are prohibited from praying in school. Indeed, Time Magazine just recently devoted an article to the explosive spread of voluntary student prayer clubs.

Now I understand the sentiments that motivate people in support of this amendment. Many of us have the feeling that families have weakened, that morality is not what it once was, that society has become more violent. But

these problems cannot be addressed by eliminating basic constitutional protections.

Let us not allow legitimate concerns about morality to curdle into an effort to restrain religious freedom. Americans are already God-fearing people. There is no reason to make them fear their Constitution.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman will state his parliamentary inquiry.

Mr. EDWARDS. Mr. Speaker, I would like to inquire, as we debate this fundamental issue dealing with whether the word "God" should be in our Constitution and the issue of whether there should be funding of religious organizations with taxpayer dollars, that fundamental issue, do I understand that under the rules of this bill, that Democrats who would respect the point of the gentleman from Georgia (Mr. BISHOP) but who would oppose his amendment were not given any block of time? Is that correct?

The SPEAKER pro tempore. The time was divided under the rule.

Mr. EDWARDS. So under the rule on this fundamental issue dealing with the Constitution and the First Amendment, Democrats were not given a block of time to even debate this issue which, regardless of one's point of view, is an extremely important debate.

The SPEAKER pro tempore. It was not directed to any one side. It was divided between the proponent of the amendment and a Member opposed.

Mr. EDWARDS. I understand. Mr. Speaker, I think that makes my point.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I think this is an important amendment because really it goes right to the heart of what we are talking about here. What the gentleman from Georgia (Mr. BISHOP) would like to do is strike out the words "to acknowledge God" and to replace them with a more generic sounding series of words, and really that is sort of the nub of the issue about this amendment. I think that this is why the underlying language is the better language rather than the proposed amendment.

The reason for that is this: I think the Founding Fathers fully anticipated that there would be a public expression of a private faith. They did not want a public expression of a public faith. They had experience with that, with the king, and they did not like that. It turned out to be a corrupt system, really more corrupting the church than the state.

But they did not want that. They did not want a public expression of a public faith, but they surely expected a public expression of a private faith, and that is what we are here debating, is the ability of Americans to express their private faith publicly, to go to the public square and to have the rights that everyone else has in the public square.

Now I think if the Founding Fathers were here present they would think, now this is rather strange that they are taking time on the floor to discuss this because surely this is what we intended, a public expression of a private faith. Why do they need to reiterate this? Well, the reason is unfortunately a series of decisions and a whole milieu that is created out of those decisions makes it so that we have to reiterate this.

The last speaker at this podium said something about the explosive growth of prayer groups in schools and the ability of students to pray. Well I think it is interesting. Yesterday I met with a recent graduate of Riverside High School in Greenville, South Carolina, a young man named Allan Barton. Allan formed a Bible club at school, and as my colleagues know, in what some would consider the shiny buckle on the Bible Belt, that is, my hometown, they were not allowed to meet.

In fact, the principal of the school said, "Oh, my goodness, horrors. No, we couldn't do that." The school board said they could not do that, and it took this high school student, Allan Barton, courageously and not in a militant way, but rather in an appropriate and a respectful way going before the school board repeatedly to say, "Please, let us get together as a group of students and study our Bibles just like the chess club can get together."

As my colleagues know, it is interesting that again in what some people would consider the shining buckle in the Bible Belt, it was a split decision at the school board. It was a close vote as to whether this student would be allowed to have a Bible club at Riverside High School. Well, thankfully we won, and yesterday I presented him with a certificate thanking him for his work on establishing the principle of religious freedom in Greenville, South Carolina, at Riverside High School.

Now what I think this indicates is we have come a long way. This started out saying the Founding Fathers thought we had a public expression of a private faith. The gentleman from Georgia (Mr. BISHOP) wants to take out those words and make it more generic so that basically we are not acknowledging God, we are sort of acknowledging something generic.

Well, I think that is a mistake because what we are trying to do here is say clearly to Allan Barton at Riverside High School, "Allan, you're right. You obviously have a right to meet equal to the right of the chess club."

Now thankfully the school board in Greenville decided to go along with him, but that was after the Rutherford Institute threatened to sue, and it should not be that it takes a threat of a lawsuit in order to enforce our constitutional rights. In fact, we should be able to exercise those rights without seeking redress to the courts. These are rights under the Constitution.

So I would ask my colleagues to vote against the Bishop amendment and

vote for the underlying language because we need to reestablish this principle.

Mr. BISHOP. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the previous speaker apparently is a little bit confused in suggesting that we would in our amendment take out the word "God" and acknowledge something generic. All we are trying to acknowledge in the language that would be substituted is the title of the very amendment that we are voting on, the Religious Freedom Amendment, and we are saying that the purpose is to secure freedom of religion. It is titled the Religious Freedom Amendment, RFA.

Why that would be ironic or contrary to the desires of people who want to have the Religious Freedom Amendment passed, I do not know. It seems to me to make good sense. It is ecumenical. It will support and protect the religious traditions of all people, not just those people who believe in the God, capital G-O-D. It would reflect those who believe in any other deity or no deity.

I personally am Christian. I believe in God, in Jesus. However there are others who do not, and I respect their right under this Constitution of the United States to that belief.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to focus on the words behind you, and I sure do not want to change it to "In Religious Freedom We Trust." It has the word "God" in it. And Lewis Farrakhan, time after time I have heard him refer to God. When I was in Egypt President Sadat said, "Intrahlah," which means, "In God we trust," and that was out of his own words "in God." Mostafa Arab on my staff at National University came to me and asked me, said, "Duke, can I pray to my God?" which was Allah, and I think that is correct. I think by using the word God, if the gentleman were saying Jesus Christ, then maybe he would have a point, but we use God for all different religions, and from what I have heard all different religions use God.

Mr. BISHOP. Mr. Speaker, will the gentleman yield? I will yield him back the same amount of time I consume.

Mr. CUNNINGHAM. I yield to the gentleman from Georgia.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

Mr. BISHOP. Mr. Speaker, I yield myself 30 seconds.

In the context of this amendment it is spelled capital G-O-D, which is specific, as opposed to the context in which the conversation the gentleman had where it was used, it was a small g-o-d; to my god, it would be a small g-o-d. In that context it is not universal.

In the context that we want to put it in the Constitution it should be univer-

sal, and that is why we are asking to substitute that language of the Religious Freedom Amendment, to protect, to secure freedom of religion.

The SPEAKER pro tempore. The time of the gentleman from Georgia (Mr. BISHOP) has expired.

Mr. BISHOP. Mr. Speaker, I yield 10 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. In Vietnam even Buddhists dispense with the "God", and I do not know of any religion that uses "God" with a little G. To all of us it is a big G just like it is up here, and let us not change this to religious freedom. Let us keep it "In God We Trust."

□ 1600

Mr. BISHOP. Mr. Speaker, in Islam, the god is Allah, which means the one and only god, with a small "g."

Mr. CANADY of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to thank all of the participants for this debate today. I think this is a very important debate.

Just the other night, all of us were invited to a presentation by the local public television station. They are doing a three-part series on the Face of Russia. It was interesting, because the public television group has gone over there. They spent 5 years making this film. And on the cover of this invitation, there is a picture, a replication, of the Holy Icon of Vladimir.

Now, they also asked us to watch an 18-minute video which talked about Russian culture. In that video, fully two-thirds of the time was taken talking about the influence of religion on the Russian culture. Perhaps I was the only one in that audience, knowing that we were going to have this debate later on this week, who saw the irony, that you cannot talk about the culture of Russia without a serious discussion of the effects of religion on that culture. Yet here in the United States we are almost barred today from having an honest discussion of the influences religion has had in our culture.

That is why I think this is an important debate.

We can debate, and I think the gentleman from Georgia (Mr. BISHOP) is, in effect, saying, yes, it is time that we have this debate; the courts have gone too far. And we can argue about the language, and perhaps this amendment will not pass today, but this is not the end, this is the beginning of a very important debate to return some form of balance to our public discourse and the influence that religion has on our culture.

Let me also suggest it was about a year ago that his All Holiness, Bartholomew, the head of the Greek Orthodox Church, came to this Capitol and received the Congressional Gold Medal. When he gave his remarks after receiving that medal, he said some

very important things. He talked about religion in the Eastern European continent, particularly in Russia, and what an influence religion had had.

When his All Holiness closed his remarks that day, he closed with a very powerful statement, because he said that he had been following the religion and the effects of communism on religion in the Eastern Bloc, and he said this, and we ought to all be reminded. He said, "Faith can survive without freedom, but freedom cannot long survive without faith."

I think that is important for us to discuss as we discuss this important amendment. This is a very important discussion. It is time for us to restore balance in the public square and the influence that religion has had upon our culture.

I thank the gentleman for bringing this amendment forward, and I thank the gentlemen for the debate.

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

Mr. Speaker, I would like to, first of all, thank the committee for giving us this opportunity to debate this very, very important issue. I would like to thank the gentleman from Oklahoma (Mr. ISTOOK) for his courage in bringing the matter forward. I would like to thank the ranking member, the gentleman from Michigan (Mr. CONYERS) and his staff, and the gentleman from Florida (Mr. CANADY) and his staff for the courtesies they have offered to me in helping us get to the floor with this, as well as the chair of the Committee on Rules and the Committee on Rules for their kindness and courtesy in helping us fashion this debate so that we could have a full and thorough discussion.

Mr. Speaker, I return back to my opening remarks, that it is the best of times, yet it is the worst of times. We have a great economy, things are going well, but we also have a society that has deteriorating moral values. Our youth seem not to have the values of generations past, and unless we try to recapture those values, our society will be lost.

I believe the 30 years of Supreme Court rulings that have erected this artificial wall between our religious faith and traditions and our public life and our schoolchildren has led us down a primrose path to destruction, and I regret that very much. I hope that through the passage of this amendment, perfected by the Bishop amendment, that we will be able to stem that tide and we can move America into the next millennium with a glorious and bright future.

As I prepare to take my seat and close, I do not know whether this amendment will pass or not, but I leave you with the words that come from one of the Hebrew writers in the Book of Chronicles: "If My people which are called by My name shall humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from heaven, will forgive their sins, and will heal their land."

Let us pass a religious freedom amendment. Let us pass the best possible religious freedom amendment, and hopefully it, in part, along with our other efforts, will help to heal our land.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. ISTOOK).

The SPEAKER pro tempore (Mr. WICKER). The gentleman from Oklahoma is recognized for 6½ minutes.

Mr. ISTOOK. Mr. Speaker, let me begin with the highest words of praise for the chief Democratic cosponsor of this legislation, the gentleman from Georgia (Mr. BISHOP). I have the highest, highest opinion of his courage, his commitment, his dedication, his efforts.

I know it has been a difficult experience, some of the experiences which the gentleman has gone through on this, and I appreciate his efforts to try to make sure that this legislation is in the best possible form.

As we all know, we are part of the process that includes consideration of the constitutional amendment not only by the House but by the Senate, and we go through a perfecting process, trying to listen at every stage, trying to learn from that.

When I began efforts on this amendment about 4 years ago, we frequently had meetings with 40 or 50 people at a time to try to get a multitude of opinions, and some did not necessarily support the effort. I met with them privately. I met with people who were adamantly in favor of the status quo and did not want anything done. I still met with them.

I even went to the national convention of the group which has financed and pushed so many of these lawsuits. It is a kind of an offshoot of the ACLU called Americans United for Separation of Church and State. I accepted an invitation they were gracious enough to extend to speak to them at their national convention. It was not exactly a friendly reception. But we have all sought to listen and learn, and the lesson ought to be that we ought to understand to be tolerant.

As the Supreme Court justices who dissented from these decisions said, if we will listen to one another, we will develop not just a tolerance but an affection for each other's faith, rather than trying to conceal the fact that there are some differences.

Justice Potter Stewart dissented from the original school prayer cases, saying you cannot conceal the fact that there are differences, and if you try to conceal it and keep it out of the schools, all you will do is make the problem worse. And the problem has become worse, with people saying, I have a right to shut you up because I do not like the way you may pray or maybe I do not like prayer at all.

Now, the amendments of the gentleman from Georgia (Mr. BISHOP), I do

not favor them, but I told the Committee on Rules and everyone for years, I support his right to offer those and make sure important issues are addressed.

I believe that we should do what every State in the Union does, which is have an expressed reference to God in the Constitution. In 42 of the 50 States, they do not say "creator," they do not say "supreme ruler of the universe," they say either "God" or "Almighty God," and I think that it is proper and in tune with the best traditions of this country to say the same thing.

There is no functional difference between this and the language of the gentleman from Georgia (Mr. BISHOP), but I do think there is an important thing that resonates with the American people. Regarding the language should government benefits be denied to someone on account of religion, should they? We already have Supreme Court decisions that permit it. But the Supreme Court has been going back and forth on it.

We have hundreds of millions of dollars each year that go into social service programs run by churches, including over \$1 billion a year to Catholic Charities, USA. We have Pell grants, student loans and GI benefits that go not only to public universities and colleges but also to church ones, whether it be the university where I attended, Baylor University, or Georgetown or Notre Dame or Southern Methodist or whatever it might be.

This is nothing new or different. We are not talking about funding religious activity. But there have been a series of court attacks, and the court's rulings have been one of these precarious 5-4, and this time 5-4 in favor of it, and we wanted to preserve that, lest the court go off and say, we are going to start saying if your group is connected with a religion you are disqualified from any sort of Federal benefit program.

So I know that it invites people to try to claim that we are financing churches, which is not the case whatsoever. We are not requiring any money to go to any group. We are just saying if the government funds some activity for some public purpose, then you do not disqualify somebody from participating just because they may be related to church.

It might be useful to look at the cover story of Newsweek Magazine this week, which is about this very thing, how groups fighting crime, fighting drugs, fighting teenage pregnancy have such higher success rates if they are based in churches and they are faith-based.

We want those programs to be able to continue, because they are good and because they work, and they work so much better because they appeal to values. That is why some people, perhaps, are afraid of prayer in school, because they say, my goodness, the idea of talking about values is threatening.

Sure, parents ought to be talking about it. But do we say that parents,

you do your job at home and, by the way, we are going to take your child away for most of the day and put him in school, where they do not have the possibility of the same influences and the same values that you taught at home?

That is the captive audience; not the "captive audience" so-called of someone who says, "I do not want to hear a prayer; therefore, these court decisions give me the right to make you stop it."

What has happened to our society as that has happened? Look at the guns, the knives, the drugs, the teenage pregnancies in public schools, and you tell me we do not need to make sure that values are repeated every time we can?

And you cannot separate them. You cannot separate them from the moral basis, and you cannot separate a moral basis from a religious basis. Government should never insist, never, never, never, never, that people have a particular faith or they be compelled to pray, and this amendment makes sure they never will. But it stops the practice of government interfering and silencing people.

Mr. Speaker, I am thankful for the opportunity to present this. I urge Members, with or without the Bishop amendments, to vote for the Religious Freedom Amendment.

The SPEAKER pro tempore. All time for the debate on the amendment has expired.

Pursuant to House Resolution 453, the previous question is ordered on the amendment offered by the gentleman from Georgia (Mr. BISHOP).

The question on adopting the amendment has been divided between the first instruction to strike and insert, on page 3 of the joint resolution, and the second instruction to strike and insert, on page 4 of the joint resolution.

The question is on the first divided portion of the amendment offered by the gentleman from Georgia (Mr. BISHOP).

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

Mr. ISTOOK. 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.

Without objection, after this 15-minute vote on the first divided portion of the Bishop amendment, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the second divided portion of the amendment.

There was no objection.

The vote was taken by electronic device, and there were—yeas 6, nays 419, not voting 8, as follows:

[Roll No. 198]

YEAS—6

Bishop	Fawell	Jefferson
Davis (IL)	Hoyer	Lantos

NAYS—419

Abercrombie Dingell
Ackerman Dixon
Aderholt Doggett
Allen Dooley
Andrews Doolittle
Archer Doyle
Armev Dreier
Bachus Duncan
Baesler Dunn
Baker Edwards
Baldacci Ehlers
Ballenger Ehrlich
Barcia Emerson
Barr Engel
Barrett (NE) English
Barrett (WI) Ensign
Bartlett Eshoo
Barton Etheridge
Bass Evans
Bateman Everett
Becerra Ewing
Bentsen Farr
Bereuter Fattah
Berman Fazio
Berry Filner
Bilbray Foley
Bilirakis Forbes
Blagojevich Ford
Bliley Fossella
Blumenauer Fowler
Blunt Fox
Boehlert Frank (MA)
Boehner Franks (NJ)
Bonilla Frelinghuysen
Bonior Frost
Bono Gallegly
Borski Ganske
Boswell Gejdenson
Boucher Gekas
Boyd Gephardt
Brady (PA) Gibbons
Brady (TX) Gilchrist
Brown (CA) Gillmor
Brown (FL) Gilman
Brown (OH) Goode
Bryant Goodlatte
Bunning Goodling
Burr Gordon
Burton Goss
Buyer Graham
Callahan Granger
Calvert Green
Camp Greenwood
Campbell Gutierrez
Canady Gutknecht
Cannon Hall (OH)
Capps Hall (TX)
Cardin Hamilton
Carson Hansen
Castle Harman
Chabot Hastert
Chambliss Hastings (FL)
Chenoweth Hastings (WA)
Christensen Hayworth
Clay Hefley
Clayton Hefner
Clement Herger
Clyburn Hill
Coble Hilleary
Coburn Hilliard
Collins Hinchey
Combest Hinojosa
Condit Hobson
Conyers Hoekstra
Cook Holden
Cooksey Hooley
Costello Horn
Cox Hostettler
Coyne Houghton
Cramer Hulshof
Crane Hunter
Crapo Hutchinson
Cubin Hyde
Cummings Inglis
Cunningham Istook
Danner Jackson (IL)
Davis (FL) Jackson-Lee
Davis (VA) (TX)
Deal Jenkins
DeFazio John
DeGette Johnson (CT)
Delahunt Johnson (WI)
DeLauro Johnson, E. B.
DeLay Johnson, Sam
Deutsch Jones
Diaz-Balart Kanjorski
Dickey Kaptur
Dicks Kasich

Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourrette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Marky
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne

Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer

Furse
Gonzalez
Lewis (GA)

Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner

NOT VOTING—8

McDade
McKinney
Mollohan

Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

Reyes
Ros-Lehtinen

□ 1633

Ms. EDDIE BERNICE JOHNSON of Texas and Messrs. OXLEY, ANDREWS, BILBRAY and SOUDER changed their vote from "yea" to "nay."

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

So the first divided portion of the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WICKER). The question is on the second divided portion of the amendment offered by the gentleman from Georgia (Mr. BISHOP).

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

RECORDED VOTE

Mr. ISTOOK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 23, noes 399, not voting 11, as follows:

[Roll No. 199]

AYES—23

Berry
Bishop
Boucher
Clayton
Clyburn
Danner
Ehrlich
Fawell

Fowler
Green
Jefferson
Johnson, E. B.
Klink
Lazio
Martinez
Ortiz

Paul
Payne
Scott
Spratt
Tanner
Watt (NC)
Wynn

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armev
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks

Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrist
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hobson
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kasich
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston

NOES—399

Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourrette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)

Quinn	Shadegg	Thomas
Radanovich	Shaw	Thompson
Rahall	Shays	Thornberry
Ramstad	Sherman	Thune
Rangel	Shimkus	Thurman
Redmond	Shuster	Tiahrt
Regula	Sisisky	Tierney
Riggs	Skaggs	Torres
Riley	Skeen	Towns
Rivers	Skelton	Traficant
Rodriguez	Slaughter	Turner
Roemer	Smith (MI)	Upton
Rogan	Smith (NJ)	Velazquez
Rogers	Smith (OR)	Vento
Rohrabacher	Smith (TX)	Visclosky
Rothman	Smith, Adam	Walsh
Roukema	Smith, Linda	Wamp
Roybal-Allard	Snowbarger	Waters
Royce	Snyder	Watkins
Rush	Solomon	Watts (OK)
Ryun	Souder	Waxman
Sabo	Spence	Weldon (FL)
Salmon	Stabenow	Weldon (PA)
Sanchez	Stark	Weller
Sanders	Stearns	Wexler
Sandlin	Stenholm	Weygand
Sanford	Stokes	White
Sawyer	Strickland	Whitfield
Saxton	Stump	Wicker
Scarborough	Stupak	Wise
Schaefer, Dan	Sununu	Wolf
Schaffer, Bob	Talent	Woolsey
Schumer	Tauscher	Yates
Sensenbrenner	Tauzin	Young (AK)
Serrano	Taylor (MS)	Young (FL)
Sessions	Taylor (NC)	

NOT VOTING—11

Brown (OH)	Hunter	Mollohan
Dreier	Lewis (GA)	Reyes
Furse	Markey	Ros-Lehtinen
Gonzalez	McDade	

□ 1643

Mrs. ROUKEMA changed her vote from "aye" to "no."

So the second divided portion of the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1645

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the joint resolution, as amended.

The question is on engrossment and third reading of the joint resolution.

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

MOTION TO RECOMMIT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. SCOTT. Mr. Speaker, I am opposed to the joint resolution.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCOTT moves to recommit the joint resolution H.J. Res. 78 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. CANADY) will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, this motion to recommit simply restates the first amendment to the Constitution which, as we know, says: Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof. Any further amendments to our Constitution in the guise of protecting religious liberty are unnecessary.

Mr. Speaker, under current law, students can pray and read the Bible privately; they can say grace at lunch and distribute religious materials to their friends and join voluntary religious clubs. The United States Department of Education has issued guidelines on religious expression that have been mailed to 15,000 public school districts in the Nation making it clear that schools are not religious-free zones.

In those few instance where a student's religious speech has been unfairly denied, the law already has sufficient remedy. Education is the key to correcting the mistakes of teachers and educators, not an attack on the Bill of Rights.

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

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

Mr. EDWARDS. Mr. Speaker, Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof. For 207 years those eloquent words embedded in our Bill of Rights have protected America's religious freedom. Perhaps the single greatest contribution of our experiment as a Nation and democracy is the contribution of the freedom, the religious freedom that we have ensured to all of our citizens from all backgrounds as a result of these very words.

Today, Mr. Speaker, we have heard Members say they admire the Bill of Rights. We have heard Members say they cherish the Bill of Rights. We have heard Members say they respect the Bill of Rights. Well, now all the Members of this House today will have the right to vote for the Bill of Rights; and not only the Bill of Rights, but the first 16 words of the first amendment dealing with religious liberty.

Mr. Speaker, this is a very clear vote. It is very simple. If Members vote for this motion to recommit, they are voting to endorse the first 16 words of the first amendment. If they vote no and then vote for the Istook amendment, they are voting to change the Bill of Rights for the first time in our Nation's history.

But what I would suggest at this moment that the Bill of Rights needs is

not just respect or just those who cherish it or admire it, but the Bill of Rights deserves Members of this House voting for it. I urge a vote for the motion to recommit.

Mr. SCOTT. Mr. Speaker, reclaiming my time, the first amendment to the Constitution and the first 16 words of the Bill of Rights have never been amended. They have served us well for over 200 years. This first amendment offers us all the protection we need against religious discrimination and to avoid the strife which has saddled other areas of the world with religious strife, killings, murders for many years.

I urge my colleagues to support the motion to recommit and to reaffirm our belief in the first amendment to the Constitution.

Mr. CANADY of Florida. Mr. Speaker, as the gentleman has indicated, the motion to recommit would simply result in the reenactment of language that is already in the Constitution in the first amendment to the Constitution.

As we have discussed repeatedly throughout this debate, those of us who are in support of the underlying proposal find no fault with the first amendment to the United States Constitution. We believe that the framers of the first amendment were wise in the words they chose. The problem we have is with the interpretation that the courts and various other government officials have placed on those words of the first amendment.

Now, the truth of the matter is, if the motion to recommit were to be adopted, it would simply endorse the status quo. It would simply endorse all of the decisions that have trampled on the free exercise of religion in this country. It would endorse a situation which we are faced with in this country today where students giving commencement addresses are faced with the prospect of being fined by a Federal court if they mention the name of God. That is what is going on. That is what courts in this land are doing, and it is not right.

It is not what the Founders intended. It is not what the framers of the first amendment intended. It is wrong, it is an injustice, and we have a responsibility to correct it.

The Subcommittee on the Constitution of the Committee on the Judiciary held hearings all over this country. We heard from more than 70 witnesses. Many of those people who came to testify before the subcommittee told us of the ways in which their religious freedom had been trampled on under the status quo, and we need to do something about it.

Mr. Speaker, we are the people's House. We have a responsibility to ensure that the rights of the people, the free exercise of religion are respected in this country. And people who want to reinforce protection for religious freedom will reject the status quo. They will reject this motion to recommit and will support the bill.

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

Mr. CANADY of Florida. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, a vote for the motion to recommit is a vote for the status quo. It is a vote for all the court decisions that have restricted religious liberty. It is a vote for the Stone v. Graham case whereby, 5 to 4, the Supreme Court said the Ten Commandments cannot be on the wall of a public school. Four justices said they could stay; 5 said they have to come down. If Members vote yes, they are voting they have to stay down.

A vote for this is a vote for the Lee v. Weisman decision, where they said that a Jewish rabbi's prayer at a school graduation was unconstitutional, a 5-4 decision. If Members vote for the motion to recommit, they are voting for the five Justices that said the rabbi could not pray with these kids at that graduation. If they vote against it, they are voting for the four Justices that said it was wrong.

We have had a lot of court decisions. If Members vote for this motion to recommit, they are endorsing each and every one of them.

They are endorsing the decision where Judge DeMint in Alabama ruled in Federal court that the schools are permanently enjoined, Members would be endorsing the court interpretation under which he issued an order which reads that the schools are permanently enjoined from permitting prayers, biblical and scriptural readings and other presentations or activities of a religious nature at all school-sponsored or school-initiated assemblies and events including, but not limited to, sporting events, regardless of whether the activity takes place during instructional time, regardless of whether attendance is compulsory or noncompulsory and regardless of whether the speaker is a student, school official, or nonschool person.

That is what they are doing under the misinterpretations of the first amendment. That is why we need the Religious Freedom Amendment.

If Members want to keep with the current court decisions, tell that to this first grader, Zachariah Hood, who was told he could not read a story from the Beginner's Bible that did not even mention God but was told by a Federal judge he cannot read that story at school. Not because there is really anything religious about the particular story he chose but simply because it came from the Beginner's Bible.

That is what the courts are doing and twisting and distorting the first amendment and what is meant to be a guarantee of religious freedom in the United States. That is why Members should vote no on the motion to recommit and yes for the Religious Freedom Amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the joint resolution.

The vote was taken by electronic device, and there were—ayes 203, noes 223, not voting 7, as follows:

[Roll No. 200]

AYES—203

Abercrombie	Green	Morella
Ackerman	Greenwood	Murtha
Allen	Gutierrez	Nadler
Andrews	Hall (OH)	Neal
Baldacci	Hamilton	Northup
Barrett (WI)	Harman	Oberstar
Becerra	Hastings (FL)	Obey
Bentsen	Hefner	Olver
Berman	Hilliard	Ortiz
Bilbray	Hinchey	Owens
Blagojevich	Hinojosa	Pallone
Blumenauer	Holden	Pascarell
Boehlert	Hookey	Pastor
Bonior	Horn	Payne
Borski	Hoyer	Pelosi
Boswell	Jackson (IL)	Pickett
Boucher	Jackson-Lee	Pomeroy
Boyd	(TX)	Porter
Brady (PA)	Jefferson	Poshard
Brown (CA)	Johnson (CT)	Price (NC)
Brown (FL)	Johnson (WI)	Rangel
Brown (OH)	Johnson, E. B.	Rivers
Capps	Kanjorski	Rodriguez
Cardin	Kaptur	Rothman
Carson	Kelly	Roybal-Allard
Castle	Kennedy (MA)	Rush
Clay	Kennedy (RI)	Sabo
Clayton	Kennelly	Sanchez
Clyburn	Kildee	Sanders
Conyers	Kilpatrick	Sawyer
Costello	Kind (WI)	Saxton
Coyne	Klecza	Schumer
Cummings	Klink	Scott
Danner	Kucinich	Serrano
Davis (FL)	LaFalce	Shays
Davis (IL)	Lampson	Sherman
DeFazio	Lantos	Sisisky
DeGette	Leach	Skaggs
Delahunt	Lee	Slaughter
DeLauro	Levin	Smith, Adam
Deutsch	Lewis (CA)	Snyder
Dicks	Lofgren	Spratt
Dingell	Lowe	Stabenow
Dixon	Luther	Stark
Doggett	Maloney (CT)	Stokes
Dooley	Maloney (NY)	Strickland
Doyle	Manton	Stump
Edwards	Markey	Stupak
Engel	Martinez	Tanner
Ensign	Mascara	Tauscher
Eshoo	Matsui	Thompson
Etheridge	McCarthy (MO)	Thurman
Evans	McCarthy (NY)	Tierney
Farr	McDermott	Torres
Fattah	McGovern	Towns
Fawell	McHale	Velazquez
Fazio	McKinney	Vento
Filner	McNulty	Visclosky
Forbes	Meehan	Waters
Ford	Meek (FL)	Watt (NC)
Fox	Meeke (NY)	Waxman
Frank (MA)	Menendez	Wexler
Franks (NJ)	Millender	Weygand
Frelinghuysen	McDonald	Wise
Frost	Miller (CA)	Woolsey
Gejdenson	Minge	Wynn
Gephardt	Mink	Yates
Gilchrest	Moakley	
Gilman	Moran (VA)	

Aderholt	Gillmor	Peterson (MN)
Archer	Goode	Peterson (PA)
Armey	Goodlatte	Petri
Bachus	Goodling	Pickering
Baesler	Gordon	Pitts
Baker	Goss	Pombo
Ballenger	Graham	Portman
Barcia	Granger	Pryce (OH)
Barr	Gutknecht	Quinn
Barrett (NE)	Hall (TX)	Radanovich
Bartlett	Hansen	Rahall
Barton	Hastert	Ramstad
Bass	Hastings (WA)	Redmond
Bateman	Hayworth	Regula
Bereuter	Hefley	Riggs
Berry	Herger	Riley
Bilirakis	Hill	Roemer
Bishop	Hilleary	Rogan
Bliley	Hobson	Rogers
Blunt	Hoekstra	Rohrabacher
Boehner	Hostettler	Roukema
Bonilla	Houghton	Royce
Bono	Hulshof	Ryun
Brady (TX)	Hunter	Salmon
Bryant	Hutchinson	Sandlin
Bunning	Hyde	Sanford
Burr	Inglis	Scarborough
Burton	Istook	Schaefer, Dan
Buyer	Jenkins	Schaffer, Bob
Callahan	John	Sensenbrenner
Calvert	Johnson, Sam	Sessions
Camp	Jones	Shadegg
Campbell	Kasich	Shaw
Canady	Kim	Shimkus
Cannon	King (NY)	Shuster
Chabot	Kingston	Skeen
Chambliss	Klug	Skelton
Chenoweth	Knollenberg	Smith (MI)
Christensen	Kolbe	Smith (NJ)
Clement	LaHood	Smith (OR)
Coble	Largent	Smith (TX)
Coburn	Latham	Smith, Linda
Collins	LaTourette	Snowbarger
Combest	Lazio	Solomon
Condit	Lewis (KY)	Souder
Cook	Linder	Spence
Cooksey	Lipinski	Stearns
Cox	Livingston	Stenholm
Cramer	LoBiondo	Sununu
Crane	Lucas	Talent
Crapo	Manzullo	Tauzin
Cubin	McCollum	Taylor (MS)
Cunningham	McCrery	Taylor (NC)
Davis (VA)	McHugh	Thomas
Deal	McInnis	Thornberry
DeLay	McIntosh	Thune
Diaz-Balart	McIntyre	Tiahrt
Dickey	McKeon	Trafficant
Doolittle	Metcalf	Turner
Dreier	Mica	Upton
Duncan	Miller (FL)	Walsh
Dunn	Moran (KS)	Wamp
Ehlers	Myrick	Watkins
Ehrlich	Nethercutt	Watts (OK)
Emerson	Neumann	Weldon (FL)
English	Ney	Weldon (PA)
Everett	Norwood	Weller
Ewing	Nussle	White
Foley	Oxley	Whitfield
Fossella	Packard	Wicker
Fowler	Pappas	Wolf
Galleghy	Parker	Young (AK)
Ganske	Paul	Young (FL)
Gekas	Paxon	
Gibbons	Pease	

NOT VOTING—7

Furse	McDade	Ros-Lehtinen
Gonzalez	Mollohan	
Lewis (GA)	Reyes	

□ 1714

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WICKER). The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 203, not voting 7, as follows:

[Roll No. 201]

AYES—224

Aderholt	Gallegly	Pease
Archer	Ganske	Peterson (MN)
Army	Gekas	Peterson (PA)
Bachus	Gibbons	Petri
Baesler	Gillmor	Pickering
Baker	Gingrich	Pitts
Ballenger	Goode	Pombo
Barcia	Goodlatte	Portman
Barr	Goodling	Pryce (OH)
Barrett (NE)	Gordon	Quinn
Bartlett	Goss	Radanovich
Barton	Graham	Rahall
Bass	Granger	Ramstad
Bateman	Gutknecht	Redmond
Bereuter	Hall (TX)	Regula
Berry	Hansen	Riggs
Bilbray	Hastert	Riley
Bilirakis	Hastings (WA)	Roemer
Bishop	Hayworth	Rogan
Bliley	Hefley	Rogers
Blunt	Herger	Rohrabacher
Boehner	Hill	Roukema
Bonilla	Hilleary	Royce
Bono	Hobson	Ryun
Brady (TX)	Hoekstra	Salmon
Bryant	Hulshof	Sandlin
Bunning	Hunter	Sanford
Burr	Hutchinson	Scarborough
Burton	Hyde	Schaefer, Dan
Buyer	Inglis	Schaffer, Bob
Callahan	Istook	Sensenbrenner
Calvert	Jenkins	Sessions
Camp	John	Shadegg
Campbell	Johnson, Sam	Shimkus
Canady	Jones	Shuster
Cannon	Kasich	Skeen
Chabot	Kim	Skelton
Chambliss	King (NY)	Smith (MI)
Chenoweth	Kingston	Smith (NJ)
Christensen	Klug	Smith (OR)
Clement	Knollenberg	Smith (TX)
Coble	Kolbe	Smith, Linda
Coburn	LaHood	Snowbarger
Collins	Largent	Solomon
Combest	Latham	Souder
Condit	Lazio	Spence
Cook	Lewis (KY)	Stearns
Cooksey	Linder	Stenholm
Cox	Lipinski	Sununu
Cramer	Livingston	Talent
Crane	LoBiondo	Tanner
Crapo	Lucas	Tauzin
Cubin	Manzullo	Taylor (MS)
Cunningham	McCollum	Taylor (NC)
Danner	McCrery	Thomas
Davis (VA)	McHugh	Thompson
Deal	McInnis	Thornberry
DeLay	McIntosh	Thune
Diaz-Balart	McIntyre	Tiahrt
Dickey	McKeon	Traficant
Doolittle	Metcalf	Turner
Dreier	Mica	Upton
Duncan	Moran (KS)	Walsh
Dunn	Myrick	Wamp
Ehlers	Nethercutt	Watkins
Emerson	Neumann	Watts (OK)
English	Ney	Weldon (FL)
Ensign	Norwood	Weldon (PA)
Everett	Nussle	Weller
Ewing	Ortiz	Whitfield
Foley	Oxley	Wicker
Forbes	Packard	Wolf
Ford	Pappas	Young (AK)
Fossella	Parker	Young (FL)
Fowler	Paxon	

NOES—203

Abercrombie	Bentsen	Boswell
Ackerman	Berman	Boucher
Allen	Blagojevich	Boyd
Andrews	Blumenauer	Brady (PA)
Baldacci	Boehert	Brown (CA)
Barrett (WI)	Bonior	Brown (FL)
Becerra	Borski	Brown (OH)

Capps	Jackson-Lee	Olver
Cardin	(TX)	Owens
Carson	Jefferson	Pallone
Castle	Johnson (CT)	Pascrell
Clay	Johnson (WI)	Pastor
Clayton	Johnson, E. B.	Paul
Clyburn	Kanjorski	Payne
Conyers	Kaptur	Pelosi
Costello	Kelly	Pickett
Coyne	Kennedy (MA)	Pomeroy
Cummings	Kennedy (RI)	Porter
Davis (FL)	Kennelly	Poshard
Davis (IL)	Kildee	Price (NC)
DeFazio	Kilpatrick	Rangel
DeGette	Kind (WI)	Rivers
Delahunt	Klecza	Rodriguez
DeLauro	Klink	Rothman
Deutsch	Kucinich	Roybal-Allard
Dicks	LaFalce	Rush
Dingell	Lampson	Sabo
Dixon	Lantos	Sanchez
Doggett	LaTourrette	Sanders
Dooley	Leach	Sawyer
Doyle	Lee	Saxton
Edwards	Levin	Schumer
Engel	Lewis (CA)	Scott
Ehrlich	Lofgren	Serrano
Ehrl	Lowe	Shaw
Eshoo	Luther	Shays
Etheridge	Maloney (CT)	Sherman
Evans	Maloney (NY)	Sisisky
Farr	Manton	Skaggs
Fattah	Markey	Slaughter
Fawell	Fazio	Smith, Adam
Fazio	Martinez	Snyder
Filner	Mascara	Spratt
Fox	Matsui	Stabenow
Frank (MA)	McCarthy (MO)	Stark
Franks (NJ)	McCarthy (NY)	Stokes
Frelinghuysen	McDermott	Strickland
Frost	McGovern	Stump
Gejdenson	McHale	Stupak
Gephardt	McKinney	Tauscher
Gilchrist	McNulty	Thurman
Gilman	Meehan	Tierney
Green	Meek (FL)	Torres
Greenwood	Meeks (NY)	Towns
Gutierrez	Menendez	Velazquez
Hall (OH)	Millender	Vento
Hamilton	McDonald	Visclosky
Harman	Miller (CA)	Waters
Hastings (FL)	Miller (FL)	Watt (NC)
Hefner	Minge	Waxman
Hilliard	Mink	Wexler
Hinchoy	Moakley	Weyand
Hinojosa	Moran (VA)	White
Holden	Morella	Wise
Hoolley	Murtha	Woolsey
Horn	Nadler	Wynn
Hostettler	Neal	Yates
Houghton	Northup	
Hoyer	Oberstar	
Jackson (IL)	Obey	

NOT VOTING—7

Furse	McDade	Ros-Lehtinen
Gonzalez	Mollohan	
Lewis (GA)	Reyes	

□ 1724

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen and Mr. Mollohan for, with Ms. Furse against.

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT THE PRESIDENT SHOULD RECONSIDER DECISION TO BE FORMALLY RECEIVED IN TIANANMEN SQUARE BY PEOPLE'S REPUBLIC OF CHINA

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 454

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Con. Res. 285) expressing the sense of the Congress that the President of the United States should reconsider his decision to be formally received in Tiananmen Square by the Government of the People's Republic of China. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate on the resolution equally divided and controlled by the Majority Leader or his designee and a Member opposed to the resolution; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

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

Mr. SOLOMON. Mr. Speaker, I rise in very strong support of the legislation and the rule.

Mr. Speaker, nine years ago the world witnessed the massacre of at least a thousand people by the Communist Chinese regime in a place called Tiananmen Square.

It was one of the most brazen and contemptible acts of terror by a government in recent history, violating all internationally recognized human rights, and cutting to the core against one of the most cherished American values, that of freedom of political expression.

Yet in a few weeks, the President of the United States will condone that terrorist act by the Communist Chinese regime, place those internationally recognized human rights on the back burner, and throw those cherished American values into the trash can by being formally received by the Butchers of Beijing right in that very place where the massacres occurred!

For years, Mr. Speaker, I have been appalled and aghast at the depths of shamelessness to which this administration has sunk in its cowardly but relentless effort to appease the government of Communist China, but this decision by President Clinton is the topper.

At least one can make a plausible-sounding, even if incorrect, case for granting Most-Favored-Nation trade status to China. But how in the world can this totally indecent decision be defended?

What reason could possibly be good enough? Are there jobs at stake if the President doesn't go to Tiananmen Square?

Would China perhaps do something irrational in its foreign policy if President Clinton doesn't go to Tiananmen? Of course not.

The only reason for President Clinton to engage in this full-blown publicity stunt for the Butchers of Beijing is the same reason that explains all of the rest of his appeasement policies toward China.

This administration has long since lost any sense of a moral compass when it comes to foreign policy, period.

The administration that said in 1992 that it would be the most ethical in history has categorically subordinated American values and