

committee report and the bill at that time. They would not have to go down there and just look at it themselves. That was of concern to me, and I think that is available to them.

The other thing that I am very curious about:

This will be the second bill, appropriations bill, to be taken up. We are going to be taking up one tomorrow.

Mr. SOLOMON. That is correct.

Mr. VOLKMER. And that is under a rule; correct?

Mr. SOLOMON. Yes.

Mr. VOLKMER. Are we going to be doing rules on every appropriation bill?

Mr. SOLOMON. If they have to come to the Committee on Rules, as the gentleman knows—

Mr. VOLKMER. No appropriation bill has to go to the Committee on Rules.

Mr. SOLOMON. Well, it does if they contain unauthorized legislation.

Mr. VOLKMER. That is correct.

Mr. SOLOMON. And of course, if that has not been passed by both Houses, then it is going to require a rule. But we intend to make sure that all of it is going to be subject to the authorizing committees; that is important.

Mr. VOLKMER. In other words, if something has passed the House that has been authorized, then the gentleman wants to make sure that it is protected under the rule so it cannot be stricken on a point of order from the—

Mr. SOLOMON. That is right, such as the defense authorization bill that just passed the House a few moments ago. The military construction bill coming up tomorrow is going to be subject to that, and all of the succeeding bills will be the same thing.

Mr. VOLKMER. Does the gentleman plan to go further in that and protect other things, legislative language and things like that that have not been covered by authorization but that somebody wants to put an appropriation bill because they did not get it in the present law?

Mr. SOLOMON. I would certainly hope not. We want to try to protect the committee system in this Congress. It has worked well for many years, and we do not want to violate the rules of the House. That would be a violation which would be subject to waiver if this body saw fit, but I personally oppose it.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman very much.

Now the other thing, and last thing, I would like to ask the gentleman about:

In the rule for the MILCON, military construction, tomorrow the gentleman from Oklahoma [Mr. BREWSTER] had requested that his amendment be in order. Is that amendment going to be in order?

Mr. SOLOMON. No, we have a completely open rule on the military construction appropriation bill that will be on the floor, and that means that it will be subject to all the rules of the House.

Mr. VOLKMER. So it has to be germane.

Mr. SOLOMON. That require waivers. It also comes under the jurisdiction of the Government Operations Committee and the Committee on the Budget. Hopefully we can deal with those so we do not have to deal with each individual one. That would require waivers of the House, and we did not make any waivers in order for legislating in appropriations bills.

□ 1545

Mr. VOLKMER. Mr. Speaker, I want to thank the gentleman from New York for his explanations. I appreciate the comments.

TRIBUTE TO CARAMOOR

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, we pay tribute to one of the greatest cultural treasures of my district—the Caramoor Center for Music and the Arts—which is celebrating its 50th anniversary.

The vision for Caramoor began with the combined talents and determination of Walter and Lucie Rosen. Avid collectors of art as well as accomplished musicians, the Rosens often played host to many of New York's most prominent performers and cultural patrons in their Katonah summer home, which was called Caramoor.

After the death of their son in World War II, the Rosens bequeathed Caramoor "as a Center for Music and the Arts for the Town of Bedford and the State of New York."

Caramoor has become a focal point of both the national and international music scenes. Now it is home to an 8-week outdoor music festival.

Under the leadership of Howard Her-ring and the artistic direction of André Previn, Caramoor has attracted such stars as James Gallway, Barbara Cook, Sylvia McNair, and Yo-Yo Ma, and has served as a launching ground for scores of up and coming performers through its Rising Stars program.

The Caramoor experience is unique in that it allows audiences to convene with nature while enjoying music in its purest form. With the recent additions of the "Touch Tour" and the Marjorie Carr Adams "Sense Circle" for the visually impaired and the mentally and physically challenged, Caramoor remains committed to ensuring true accessibility for all of its visitors.

Whether strolling through the gardens, picnicking in the orchard, or listening to the harmonies under the stars, Caramoor allows people to lose themselves in the moment. It has often been said that music is food for the soul. In this spirit, Mr. Speaker, may Caramoor continue to provide us with nourishment for yet another 50 years, I would invite you and the rest of the country to join us at Caramoor for an evening of good music and good cheer.

ICWA APPLIED UNFAIRLY

(Ms. PRYCE asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous material.)

Ms. PRYCE. Mr. Speaker, when will it stop? Today we have another heart-wrenching front page story of an adoption gone awry.

Nineteen months ago Jim and Colette Rost of Columbus, OH, adopted twin baby girls and have cared for them every day of their young lives.

Yesterday, a judge in California took these girls away from the only family they have ever known and awarded custody to a perfect stranger, the birth grandmother.

The only reason for this is that the girls are $\frac{1}{32}$ Pomo Indian and the judge ruled that the Indian Child Welfare Act applies to these children and that tribal rights supercede all other interests.

Mr. Speaker, when are we going to come to our senses?

As an adoptive mother, I can tell you these rulings will have a chilling effect on couples wishing to provide good homes to children through adoption. Who will want to risk the potential heartache and the terrifying prospect that your child might have some far-removed native American heritage and be taken away?

Mr. Speaker, I have introduced legislation to amend the ICWA to prevent these injustices in the future.

I welcome input and advice of the native American community and I ask the support of my colleagues for H.R. 1448, so that future tragedies such as this can be avoided.

Mr. Speaker, I include the following materials:

FEBRUARY 7, 1995.

DEAR REPRESENTATIVE PRYCE: I'm writing to you as a mother looking for help. My family is being threatened by an "adoption gone bad." My husband and I took immediate custody of twin baby girls in California in November of 1993. We were involved in an open adoption where we met the birth mother and birth father. These unmarried birth parents were 20 years old and they already had 2 boys. They made a decision to allow the twins to be adopted because they couldn't give them the attention and care they deserved. Moreover, they felt it would be unfair to their 2 sons that they already had. The birth father at that time did not disclose his Native American background (which turns out to be only $\frac{1}{16}$ making the twins $\frac{1}{32}$ and had chosen not to tell his parents about the adoption. In February of 1994, when the twins were 3 months old, he broke up with the birth mother, went home to his parents and told them about the adoption. The birth father's mother contacted a tribe in California (that she was not registered with until April 1994) who then contacted the attorney who arranged the adoptions demanding the return of the twins.

This was the first time we knew of his Native American Heritage. Since that time we have been involved in a fight to keep our babies. The twins, Lucy and Bridget are now 15 months old and have been with us since their discharge from the hospital. We have brought them into our family where they have bonded with their big sister Hannah

(age 7½), grandparents, aunts, uncles and cousins on both sides.

They are so precious to us and we live in terror of losing them because of the Indian Child Welfare Act; an act that does not take into consideration the best interest of the child and more or less gives the tribe absolute power.

Please help us in any way you can. We can't become another adoption "fatality." These little girls would go back to a pathological family situation and they would be robbed of the love we would give them.

Sincerely,

COLETTE ROST.

ROST CASE ILLUSTRATES LAW'S RACISM

In a new book titled *Life on the Color Line*, Gregory Howard Williams, dean of the Ohio State University law school, describes the day—more than 30 years ago—that he learned he was "really" black, not white. Greg and his brother were traveling with their father to his family home in Muncie, Ind.—their mother had run off with two younger siblings—when their father explained that the relatives they were going to live with were black.

Greg's father, James, it seems, was the product of a black-white union. While living with his white wife, James had called himself white. Simple arithmetic should have suggested that Greg and his brother were three-quarters white.

But not in the United States of the 1950s. So brutal was the hostility of whites to blacks and so horrified were whites by the concept of racial mixing (miscegenation) that a person with even the smallest amount of Negro heritage was considered entirely black.

And so, at the age of 10, Greg Williams, with Caucasian features and fair skin, began a new life as a black person. As a teen-ager, dating was a trauma. "Dating for me was . . . like swimming in shark-infested waters," he wrote. Whites who "knew" that he was black didn't want him to date white girls, while those who didn't know disliked seeing him with black girls.

We've come a long way since the 1950s. Interracial couples are, for the most part, well-accepted among both blacks and whites. And yet, we still tend to think of people in racial terms. When someone's skin color or facial features do not yield an instant category, we want to know what race that person is. We want to know—even if there is no answer.

Must one choose? What if your mother is Asian and your father is half black and half white? Is someone's race so important?

A case now being considered in California suggests that we haven't come as far as we ought since the 1950s.

A couple in Columbus, Ohio, adopted a set of twin girls through an agency in California. Both birth parents, unmarried at the time of the birth, signed all of the relevant paperwork surrendering their rights to the twins. They also signed sworn affidavits, routine in California, to the effect that neither they nor their children (they have two older boys) were members of any Indian tribe. The girls were immediately placed for adoption with Jim and Colette Rost of Columbus.

Six months later, when the Rosts attempted to have the adoption finalized, the agency (which had legal custody) balked. The birth father and his mother (the birth grandmother) were contesting the adoption, claiming now that the children were Indian and thus covered by the Indian Child Welfare Act.

It seems that someone, perhaps the young (age 42) birth grandmother, had decided to

search the family records and had come up with something. The twins' parents are not Indian. Their four grandparents are not Indian. Their eight great-grandparents are not Indian. Their 16 great-great-grandparents were not Indian. But one of the twins' great-great-great-grandparents was an Indian. That makes the twins ½ Indian, and that, apparently, is enough to trigger the federal law. So ruled a judge in California. The federal law provides that if a child is Indian and the subject of a custody dispute, the birth parents have first claim, the extended family has second claim and the tribe has the final word.

The twins are now 18 months old, and while no final disposition has been made by the judge, they have been ordered to visit with their birth grandmother.

Clearly, this is a case of some unscrupulous white folks gaming the system. But the law permits it. And the law is racist. If one distant Indian ancestor is enough to make you fully Indian, isn't this uncomfortably close to the tainted-blood view of miscegenation from the Jim Crow era—to say nothing of the racial schemes of the old South Africa or Nazi Germany?

Very few of us are "pure" members of one race or another. Our ancestors got around. And racial categorization—though slavishly worshiped by the politically correct—is almost always pernicious.

[From the Columbus Dispatch, June 15, 1995]

TWIN GIRLS WILL GO TO BIRTH FAMILY

(By Randall Edwards)

Bridget and Lucy Ruiz, 19-month-old twins who have lived with a Columbus couple since their birth, will be placed in the custody of their biological grandparents in California and will not return to Ohio, a judge in Los Angeles ruled yesterday.

The time and place of the transfer, when Jim and Colette Rost must turn the twins over to grandparents Karen and Richard O. Adams, will be kept secret based on a strict order from Judge John Henning of the Los Angeles County Superior Court.

"I'm mad. I'm worried about Bridget and Lucy, and I don't know what else to say," a distraught Jim Rost said after the ruling. "I'm going to miss them," he added. "Lots of tears. It's like a death in the family."

The judge's decision represents a victory for members of the birth family, who are part Pomo Indian, in a bitter legal battle with the Rosts, who are white.

The litigation has drawn international media attention and has launched a national debate over a federal law that restricts the adoption of American Indian children.

The Rosts' lawyer immediately appealed, but she rated her chances of victory as "slim."

"The Rosts are completely out of it," said attorney Jane Gorman.

"If we could have kept custody of the girls, I think we might have won on appeal, because I think the judge's decision was wrong," she said. "But with the court having transferred custody, our chances are slim."

Henning does not want members of the news media, who have surrounded the courthouse in recent days, to be present when the children are given to their biological grandparents, Gorman said. The judge has barred reporters from the courtroom throughout the proceedings.

Henning had ordered the Rosts to bring the children to Los Angeles in late May for a series of visits with Karen Adams and the birth parents—Adams' son Richard E. Adams, and Cynthia Ruiz. Last week, Henning issued an order prohibiting the Rosts from taking the twins out of Los Angeles County.

Reached by telephone in his chambers yesterday, Henning would say only that he had

established a temporary guardianship and made Karen and Richard O. Adams custodians.

Richard E. Adams' lawyer Leslie Glick, said the birth parents hope to one day take custody of the twins "when they are stable."

"Rick and Cindy, but that they had no money, would have kept those children to begin with, Glick said. She denied that the couple, who married after the adoption dispute began, have had serious domestic violence problems. Richard E. Adams had been charged, but was not convicted, of battery stemming from a domestic violence complaint filed by Ruiz.

Glick called Henning's decision "very thoughtful" and said the guardianship plan is "in the best interests of the children."

"The birth family is so happy. They want their children back."

Adams and Ruiz voluntarily consented to the adoption, but Adams changed his mind about three months later, saying he wanted his mother to have custody and revealing that the children are part Pomo Indian.

The terms of the Indian Child Welfare Act, a 1978 law that gives Indian families and Indian tribes powerful influence over the adoption of Indian children were not followed in the adoption, lawyers said.

The Rosts say they never knew the children were part Indian until Adams tried to stop the adoption. And there was no evidence produced that showed they were aware.

Testimony that an adoption lawyer who represented Ruiz and Adams knew about the Pomo claims proved to be a turning point in the case, however, said Arnold Klein, a lawyer appointed to represent the twins. Adoption lawyer D. Durand Cook, who represented Ruiz and Adams, produced documents, that showed he knew Adams was claiming Pomo ancestry, said Klein.

Adams had testified that Cook told him his Pomo ancestry would complicate and slow the adoption process, so he concealed his Indian background.

Cook also said he never told the Rosts about the Pomo Ancestry, Klein and Gorman confirmed. The Rosts paid Cook's \$4,200 legal bill as part of the adoption agreement, Jim Rost confirmed.

According to the Indian Child Welfare Act, Cook should have contacted tribal authorities, who would have determined the placement of the children.

Mr. Rost said he was shocked by Cook's revelation.

"It was incredible to me that he had a conversation that involved the American Indian issue and that he chose not to disclose that to us," Mr. Rost said. But he added he thinks the focus on Cook's testimony misses the point.

"Nobody is saying anything about the fact that two adults made this decision to give up these children. They sought out Durand Cook, and now they are invoking this law to take the children away from us.

"It's incredible for us to see almost unanimous support from everyone we meet and have our legal system make a ruling that flies in the face of that," Mr. Rost said.

Mr. Rost said he is frustrated that neither he nor Mrs. Rost ever had a chance to testify in the case.

"We never had a chance to present any evidence. The judge said his hands were tied."

U.S. Rep. Deborah Pryce, who tried to amend the Indian Child Welfare Act in time to help the Rosts maintain custody of the twins, said yesterday that she is disappointed.

"These children have become the innocent victims of a badly written law," Pryce, R-Perry Township, said in a prepared release. Pryce said the use of the Indian Child Welfare Act in the case is "contrary not only to

the best interests of the children, but to the original intentions of the legislation."

The act was approved in 1978 after congressional investigators found that as many as 35 percent of Indian Children were being adopted away from their homes, usually by white adoptive parents.

Legislation introduced by Pryce and companion legislation introduced by U.S. Sen. John Glenn, D-Columbus, would have amended the law to prevent tribes, from bestowing retractive membership as it relates to adoption cases.

The amendments were stalled after a flurry of opposition from American Indian groups, who testified that the law challenges the sovereignty of American Indians.

FRENCH NUCLEAR TESTING

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

Mr. FALEOMAVAEGA. Mr. Speaker, how ironic that one of the world's most celebrated marine scientist, who over the years came to the shores of many of the South Pacific islands and other countries and preached to us the gospel of conservation and to preserve all forms of marine life. He is none other than the Frenchman oceanographer Jacques-Yves Cousteau. Jacques Cousteau told millions of people throughout the world to save the whales; Jacques Cousteau told the world to preserve the precious reefs and corals that surround most of the Pacific islands; Jacques Cousteau told the world how important plankton is which is the life source of all marine life.

But now, Mr. Speaker, we have another Frenchman named Jacques Chirac, who happens to be the President of France—and is now telling the world—the heck with you 27 million people and an additional 1.5 million American citizens who live in the Pacific Ocean—we're going to explore eight nuclear bombs starting this September. Mr. Speaker, these are not devices, they are nuclear bombs.

I ask the good people of France, have you no conscience toward the lives, the health, and safety of some 28 million men, women, and children who live in the Pacific region?

Mr. Speaker, I say to the good people of France—you have already exploded almost 200 nuclear bombs in the South Pacific—now you want to explode 8 more nuclear bombs. Isn't it logical, Mr. Speaker, that the Chinese should now be given an open invitation to explode 174 nuclear bombs to catch up with France; and that countries like India, Pakistan, Iraq, North Korea, and Iran should now be justified for each of these countries to also explode 208 nuclear bombs to catch up with France. And yes, let's let France explode 900 more nuclear bombs in order to catch up with the United States.

Mr. Speaker, what madness. Mother Earth is hurting and crying, and man is going to be held accountable for this madness.

I submit for the RECORD the following:

COUSTEAU REGRETS CHIRAC DECISION ON NUCLEAR TESTS

PARIS, June 14.—French oceanographer Jacques-Yves Cousteau voiced regret on Wednesday over President Jacques Chirac's decision to resume nuclear testing in the Pacific Ocean and said atomic weapons should be outlawed.

"It is regrettable that France has given in to out-dated arguments," Cousteau, 85, said in a statement.

"Great wars are of the past. The struggle for peace is carried out first and foremost through education and the restoration of morality," he said. "Today's wisdom makes it necessary to outlaw atomic arms."

Chirac announced in Paris on Tuesday that France would hold eight tests at its South Pacific site, ending them next May in time to sign a comprehensive test ban treaty.

Cousteau, who regularly tops opinion polls as France's most popular personality, has been a vigorous campaigner against the French nuclear industry and marine pollution. He once considered running for president on a radical ecology ticket.

[From the Washington Times, June 15, 1995]

CHIRAC'S NUCLEAR TESTS SEND MESSAGE OF DEFIANCE

PARIS—By timing his decision to resume French nuclear tests on the eve of his first presidential visit to Washington and a Group of Seven summit, President Jacques Chirac sent a clear message that France is a major power with a world role.

But his defiant decision to resume nuclear testing drew outrage from every corner of the world yesterday as Mr. Chirac's month-old government serenely insisted the nation's "vital interests" override diplomatic niceties.

South Pacific nations near the Polynesian atoll testing site accused France of "flagrant disregard." New Zealand and Australia said they would freeze military relations. Moscow and Washington were critical.

In the grand tradition of Gen. Charles de Gaulle, the leader of wartime Free France and father of the French atom bomb, Mr. Chirac was asserting himself as the leader of a pocket superpower with global interests and defying the United States.

Analysts said that Mr. Chirac had served notice that President Clinton would be dealing with a French leader determined to assert French and European interests in a "rebalanced" Atlantic partnership.

Le Monde diplomatic analyst Daniel Vernet called it "the desire to return to Gaullist gestures."

"The message to the world and to the Nation is the same: asserting his willpower, authority and ability to take decisions that are, naturally, 'irrevocable.' It is a way of notifying Mr. Clinton before he arrives in Washington that the president means to exercise his powers fully," political commentator Philippe Alexandre said.

The same determination was clear in Mr. Chirac's energetic role in Bosnia, spearheading the creation of a rapid-reaction force with Britain to protect U.N. peacekeepers and summoning Defense Security William Perry to Paris to approve it, while ignoring NATO.

A remark during Mr. Chirac's first television news conference Tuesday summed up his approach. "I think the Atlantic Alliance does not have a leader," he said.

Mr. Chirac flew to Washington for his first summit with Mr. Clinton, enjoying solid backing from his conservative government. Politicians and commentators said there was

no doubt he deliberately timed the announcement as a show of independence and fortitude on the eve of his meeting with Mr. Clinton and the forthcoming G-7 summit in Halifax, Nova Scotia.

"It's clear Chirac wanted to make a thunderous arrival on the international stage," said Jean-Michel Boucheron, a Socialist Party defense expert. "I would have preferred his first message to the world to be a message of peace, rather than a slap in the face to 178 countries that signed the Non-Proliferation Treaty."

Mr. Chirac's premier, Alain Juppe, went before the National Assembly to defend the test decision.

"France's vital interests prevail over all other considerations, even of diplomatic nature," Mr. Juppe said. "France will maintain a credible and sufficient deterrent force."

Mr. Chirac, at his first news conference since taking office May 17, said Tuesday that France would abandon its 1992 moratorium on nuclear testing and conduct eight more tests between September and May. He promised France would halt all tests by May 1996 and sign a treaty banning such testing.

Mr. Chirac's predecessor, Socialist Francois Mitterrand, suspended France's testing program in 1992, promoting Russia, the United States and Britain to follow. China had been the only nuclear power to continue experimental nuclear blasts.

Russia said that the move could jeopardize international disarmament agreements.

But Mr. Juppe brushed aside the criticism, saying France shouldn't heed complaints from powers that have conducted "10 times more tests" over the years.

Mr. Juppe said Mr. Mitterrand's suspension of testing three years ago was "premature," disrupting efforts to develop computer simulation technology that would permanently end the need for tests.

France has no plans to develop new nuclear weapons or change nuclear strategy and seeks only to verify the safety of existing weapons while advancing toward simulation technology, Mr. Juppe said.

Domestically, ecologists and leftist political groups assailed Mr. Chirac. "You are the shame of France," said an open letter to Mr. Chirac from Bernard Clael, a popular novelist whose works stress environmental themes.

THE BARBARIC METHODS OF ABORTION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SMITH of New Jersey. Mr. Speaker, the dirty secret of the pro-abortion movement is the method of abortions themselves. More than two decades after Roe the Nation remains woefully uninformed concerning the violent and abusive methods routinely used to kill unborn babies. The abortion industry has cleverly sanitized and marketed abortion with an endless stream of euphemisms. In abortion mills throughout the land abortionists dismember kids with razor blade tipped knives connected to suction machines or inject deadly poisons into the child.

Today hearings begin in the Committee on the Judiciary to outlaw what is known as partial birth abortions. Here is how the originator of this terrible method of abortion describes it: