

Nations received from its Force Commander in a country a warning of a possible, even probable, extermination?

In the cable, General Dallaire announced his intention to take action within 48 hours and requested protection for his informer. UN Headquarters answered that the action he had planned to take was not authorized because it did not fall within the UNAMIR mandate. Dallaire was instructed to contact the three ambassadors from Belgium, France and the United States, and ask them to intervene with President Habyarimana of Rwanda. He was also instructed to request from these countries protection and asylum for his informer.

The contents of the cable shared with the American, French and Belgian Ambassadors in Kigali. According to the special representative of Secretary General Boutros Ghali, "They expressed serious concern and indicated that they would consult with their capital and would act accordingly." On January 13, 1994, all three ambassadors met President Habyarimana and expressed their concern that the Arusha Peace Agreements (which were supposed to bring a peaceful transition in Rwanda) were being violated by his political party and his supporters. Apart from this, very little was done to stop the perpetrators of the genocide. I strongly believe that if General Dallaire's cable had been widely publicized at the time, the genocide could have been avoided.

We should remember that nearly one million people were killed in less than three months in Rwanda in 1994. We should also recall that the Rwandan killings were an attempt to eradicate an entire people, and as such constitute one of very few unequivocal genocides in the twentieth century. A crime of this nature and scale demands full investigation. The Rwandan genocide demonstrated that the lesson of the Holocaust still has not been learned. At the end of the day, everyone is accountable for their actions when genocide crimes against humanity are at stake.

Belgium, France, the United States and the United Nations also share a responsibility for not doing more—indeed, doing almost nothing—to prevent or stop the killings. The genocide of the Tutsi in Rwanda took place in a country where 2,500 UN blue helmets were deployed and supposed to maintain peace and protect human lives. They could have prevented the killings, both before and during the genocide.

The role of Belgium in this tragedy has been fully examined by the Belgian Senate Committee. That of France is currently being investigated in the French Parliament. The victims, but also humanity at large, deserve to know the full truth concerning the two others major international players—the United States and the United Nations.

To conclude, I would first like to note that I fully welcome the initiatives of the Clinton Administration to prevent further genocide and bring justice in the Great Lakes region, initiatives which were taken after the presidential trip to Africa.

However, more needs to be done. A full investigation on the part of the United States can help to improve the chances that such suffering will not be repeated. In attempting to move forward, the past must be taken in account. The 1994 genocide remains a central issue to understanding the situation in the Great Lakes region. It also highlighted the deep inadequacies in the way the international community responds to signs of impending crisis. We cannot prevent future tragedies if we do not come to terms with the past; in the United States as in Belgium,

that process must involve examining the role this government played in Rwanda in 1994.

Sincerely,

ALAIN DESTEXHE,

*Member of the Parliament of Belgium,
President, International Crisis Group*

Mr. GILMAN. Mr. Speaker, I would like to thank my colleague, the gentlelady from Georgia, Ms. MCKINNEY, for organizing this Special Order. Her dedication to Africa is exemplary.

Mr. Speaker, four years ago the people of Rwanda suffered unimaginable horror. Up to one million Rwandans were slaughtered by their countrymen in only three months. Radicals associated with the Government of Rwanda organized the killings of Tutsis and moderate Hutus. The killing only stopped when the Rwandan Patriotic Front, now the government of Rwanda, overthrew the genocidal regime.

The atrocious events of 1994 will scar Rwanda for generations. Indeed, the entire world has become a less humane place because of them. Earlier today, the Subcommittee on International Operations and Human Rights of the Committee on International Relations, chaired by our distinguished colleague, CHRIS SMITH, held a hearing on many aspects of the 1994 Rwandan genocide. The genocide remains relevant today, Mr. Speaker, because the conditions in Central Africa make another genocide possible.

Ethnic and cultural rivalries are still deadly in the Democratic Republic of Congo, Burundi and Rwanda. Innocent men, women and children—in all three countries—are being killed today because of the groups to which they belong.

The United States failed to intervene in the 1994 genocide, Mr. Speaker. I hope that by reflecting on the events of those horrible three months, we can do more to avert tragedy next time.

Again, let me thank the gentlelady from Georgia, Ms. MCKINNEY, for organizing this special order, and also the gentleman from New Jersey, Mr. SMITH, for holding his hearing earlier today.

FREEDOM OF RELIGION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes.

Mr. ISTOOK. Mr. Speaker, I appreciate the opportunity to speak to the House and other citizens about a major issue which we will have on the floor of this body in 1 month.

Mr. Speaker, we have a great reverence and respect in the United States of America, and properly so, for the Constitution that was assembled and ratified by the States some 200 years ago, and the very first liberty that was put in the Bill of Rights, added to the original Constitution, is religious freedom.

The first amendment begins, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, and with those plain simple words the Founding Fathers intended to establish two basic simple concepts. First, that this land would not have any official church so designated by an act of the Federal

Government; secondly, that we would have the maximum of religious liberty in the United States of America.

Why did so many people come to this country if not seeking a land where they could freely exercise their religious beliefs and where they could exercise it right next to someone who might have some differences of faith but who would have not only a tolerance but a respect for those differences; who would say to one another, you may have your belief and I may have mine, and we believe that all men have a God-given right to acknowledge God according to the dictates of their own conscience; worship who, where, or how they may, and we respect that right, and we are not offended by the fact that someone may have a differing religious belief.

But, Mr. Speaker, it started 36 years ago that the Supreme Court took that very plain and simple language, that very plain and simple meaning, and they started to twist it, they started to distort it, they started to make misdirected rulings and basically said that if you are on public property, like a school, if you are on public property and you engage in an act of prayer or other religious expression, that that is the same as if this Congress had said that we are going to select for the American people what their faith must be. They said basically that an individual or a group of people coming together when they are on public property is the same as telling people what their beliefs must be as establishing a national church, an official religion. They are not the same thing at all.

But in 1962 the U.S. Supreme Court ruled that even when, even when students voluntarily choose to recite a prayer together, even when there was no compulsion that was involved, that was unconstitutional. And so began the controversy that has continued for a generation over voluntary prayer in public schools.

It has gotten so bad, Mr. Speaker, that the add-on decisions from the U.S. Supreme Court just made it worse. For example, in 1985, and Mr. Speaker, this was a decision that came from your home State of Alabama; the State of Alabama had passed a law that said, well, the Supreme Court says we cannot have vocal prayers by groups of students in public school, but we will permit students to have a moment of silence. A moment of silence was permitted by the Alabama law, and in 1985 the United States Supreme Court, just across the street from the Capitol building over here, the United States Supreme Court said permitting a moment of silence was unconstitutional because it could be used by students for silent prayer.

Now I thought the Constitution at least guaranteed the right to remain silent, but not if you are using that silence in a school to offer a prayer. That was the U.S. Supreme Court. That is part of the warped rulings that have so

twisted the first amendment that people cannot recognize the results that are achieved under it.

In 1992 they said if it is at a public school graduation, if there is a prayer there, that was unconstitutional because, and this case was from Rhode Island and it was a rabbi that was asked to offer the prayer, but because students were expected to be respectful of the prayer, just as they were expected to be respectful of the other things that occurred during the graduation.

Because they were expected to be respectful, the Supreme Court said, oh, no, having a prayer at graduation of school; my goodness, that too is unconstitutional because some students might think that just by being silent, others may think that they are joining in the prayer. And therefore to protect them, no matter what the majority wants, no matter how it steps upon and stomps upon the beliefs and the wishes of other people engaging in free exercise of religion and free speech, the U.S. Supreme Court said the prayer at that graduation was unconstitutional.

And there have been other decisions. In 1980, out of Kentucky, the Supreme Court ruled that to permit the Ten Commandments to be posted in a public school was unconstitutional.

Now, Mr. Speaker, I know the Ten Commandments are the basis of our laws. They are the starting point for the laws not only in the U.S.A. but in so much of the entire world, and they are common to many different cultures and to different faiths. But the U.S. Supreme Court said they cannot be put on the wall of a public school.

And yet here in this House Chamber I see right before me, right before my eyes as I face the opposite wall, Mr. Speaker, is the large bas-relief, the image, of Moses, the great law giver, the one who brought the stone tablets down from Mt. Sinai with the Ten Commandments written with the finger of God.

The walls of the Supreme Court have the Ten Commandments depicted upon them.

We open sessions of this Congress, Mr. Speaker, with prayer.

The U.S. Supreme Court opens with "God save the United States and this honorable Court."

And we have right above your head, Mr. Speaker, the words that we find on currency in America, "In God We Trust." And do you know that is under attack? There are people who want to take that off currency.

And let us take the State of Ohio. Ohio has a State motto, and it is kind of akin to ours, of "In God We Trust." Theirs is, "With God All Things Are Possible." They are being sued right now, Mr. Speaker, to stop that from happening. They are being sued by those who say, oh, you cannot say with God all things are possible in a public setting that involves public property, such as the grounds of the State capital of Ohio or anyplace else where they may want to put their State motto.

And the ACLU is suing in West Virginia to stop prayers at high school football games, and we have communities all over the country that have different suits pending. For example, I was reading one today, a community near Kansas City, Missouri, and in that community one of the emblems on their city seal is a fish, and the ACLU is saying oh, my goodness, that is one of the emblems of the Christian faith, so let us have it taken off.

Where will this intolerance stop? When will it end? When will the faith of the American people be able to be expressed freely? When will the Supreme Court stop things such as this and their rulings against nativity scenes, menorahs? Just came down a number of years ago, came out of Pennsylvania, at the courthouse there, I believe it was Allegheny County in Pennsylvania, and they had, among different holiday displays they had a nativity scene, they had a Jewish menorah, they had other things, too. But the Supreme Court said it is possible to look at that nativity scene and see it by itself and not notice the other secular emblems that might be on display. And they said if you have a display such as that, you have to balance it with Santa Claus, plastic reindeer, Frosty the Snowman. It is what we call the plastic reindeer test, except now the courts, they had a Federal court ruling in New Jersey just this last December saying, well, even though you have balanced a nativity scene with other secular emblems, Santa, Frosty, and so forth, no, the nativity scene still must go because it is too powerful, and it is more powerful than the secular emblems.

I am tired of all that. I am tired of that and so many other cases that I can describe, whether it be from the Supreme Court, the Federal appellate courts or the Federal courts, or whether it be the intimidation that it creates where schools say, my goodness, we have got to really, really stay away from anything, even if it is legal, because we do not want to get sued and we do not want to have these huge legal bills.

And every year, and it is about this time that probably there are letters going out again that the ACLU and their fellow believers, I guess, send out letters to schools saying, "Don't you dare have a prayer at your graduation unless you want to be sued."

I remember the case in Texas, in Galveston, at I believe it was Santa Fe or Santa Fe Ball High School at Galveston where a Federal judge told them, "Well, because of another court ruling, I'll let you have a prayer at graduation if the students insist on it, but I will have a U.S. marshal there, and that U.S. marshal will arrest anyone if they mention the name of Jesus Christ as part of that prayer."

□ 2115

He said that on the record. There is a transcript of it that the Federal judge said that.

Mr. Speaker, I have to come back to the gentleman's home State of Alabama. Alabama is suffering under an order from a Federal judge right now that was issued last year from Judge Ira Dement, and Judge Dement's order has really taken things to a new height.

I want to share some of the words that Judge Dement has written in a ruling that was issued just a few months ago, as requested by people who wanted to stop prayer that they were still having in some schools in Alabama in different settings. And this is what Judge Dement's order says: He said, The schools there 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 or presenter is a student, school official, or nonschool person."

Regardless of the circumstances, at any time, whether it is during class time or not class time, whether it is on the school grounds or off the school grounds, whether one has to be there as a student or one does not have to be there as a student, if there is a prayer from anyone, the judge said, they are going to answer to him.

Mr. Speaker, he is not kidding. He has, at the expense of the school system, hired monitors to patrol the school and the hallways, and they have had student after student after student after student be expelled because they do not believe a Federal judge should have that much control over their freedom of speech and their freedom of religion. And if a group of students want to get together and they want to have a prayer, then why is it that only the opinion of the one that does not like it is the one that counts; and the opinions of those who want to have a prayer, their opinions are ignored?

Mr. Speaker, in addition to prayer, we start sessions of this House with the Pledge of Allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. And Mr. Speaker, the Supreme Court made a proper ruling in relation to the Pledge of Allegiance. The case came out of West Virginia.

The Supreme Court said, no student can be compelled to say the Pledge of Allegiance, but they did not give a student that did not like it the right to stop their classmates or censor their classmates who wanted to say it.

Mr. Speaker, that is the standard we ought to be applying to school prayer. Nobody should be forced to participate, of course not. But that does not give

them the right to show their intolerance by trying to censor their classmates that may want to say it.

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

Mr. ISTOOK. Mr. Speaker, I will fit the gentleman will let me make one point first, and that is simply the point to which I am building, that we have to do something about it.

We are going to be having a vote in this House in a month on doing something about it, and it is called the Religious Freedom Amendment, to make it possible for students to have prayer in public schools, to make it possible for the Ten Commandments to be displayed, to make it possible to have holiday displays, recognizing the religious traditions or heritage or beliefs of the people, and to correct the abuses of our first amendment, the beautiful language of the first amendment which has been corrupted by the Supreme Court.

I would be happy to yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman knows, I am a cosponsor and have plans to support the gentleman's amendment and congratulate the gentleman who, over the past now, 4 years now, correct?

Mr. ISTOOK. Mr. Speaker, I believe it is 3 years. Well, closer to 4 now, the gentleman is correct.

Mr. KINGSTON. Four years to get this done, and I do not think anyone would ever have anticipated how long it would take to get this to the floor, particularly when we have so many Members of Congress on both sides of the aisle who have sponsored, in some form or the other, school prayer, voluntary school prayer amendments.

I do have a question, though, that has been raised by some people in my district that have expressed some concerns, and I think I mentioned some of them to the gentleman.

In the case of a classroom, as I envision this, say first period in the morning, after rollcall, whatever, should a student lead a school prayer, he or she would have a right to, after the Religious Freedom Amendment is adopted by the requisite number of States, correct?

Mr. ISTOOK. Yes. This would not permit government to tell them that they must pray, it would not permit government to tell them what the content of the prayer would be; but absolutely correct, I say to the gentleman, it would permit students to initiate prayer as part of their school day when they start it. Or it might be the school assembly or it might be a football game or graduation or some other school activity. The point is, it would be a permitted activity, but never compulsory.

Mr. KINGSTON. Mr. Speaker, what would keep a teacher from salting the group for one particular religion over the other or encouraging the favoritism of one religion over the other?

Mr. ISTOOK. Certainly, Mr. Speaker, I think that it is interesting that, of course, people are concerned that we do not use the pressure or influence of government to try to tell them what their faith or what their religion should be. And, of course, government might act through Congress, it might act through a school board, it might act through a principal or a teacher. The key there is to make sure that we reinforce the prohibition on government acting to compel anyone to be engaged in any particular religious activity.

I think the best way that we can focus upon that is by looking at the text of the Religious Freedom Amendment, which is the proposed constitutional amendment. Let me share it. I think the text itself helps to answer your questions.

The text of the Religious Freedom Amendment, which is House Joint Resolution 78, reads as follows:

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.

So we have, several places in the amendment, placed language meant to safeguard. For example, we have the language, "according to the dictates of conscience," which parallels language that is found in a number of State constitutions, to make it clear that the rights of an individual conscience remain inviolate. We do not want to step upon anyone's. We have the requirement that we do not require any person to join in prayer or any other religious activity, and we do not have a government prescription that a prayer must occur, nor what the content should be.

So it really goes back to the principle that is followed in schools in so many other ways, and that is, they provide students an opportunity to take turns so that it is not just one type of prayer or one particular faith's way of saying a prayer that is heard, but different people will have their opportunities on different occasions.

Mr. KINGSTON. Mr. Speaker, let me ask the gentleman this question, which is less than friendly.

Mr. ISTOOK. Okay.

Mr. KINGSTON. Mr. Speaker, if we have a minority religion in a group, say the predominant members of a class predominantly are Christian, Jewish and Muslim, and we have another child out there who is 7 years old, and we are going around the circle with the Big 3, but he has some obscure religion. I do not know what would be an example; say he is a Zen. How do we keep that 7- or 8-year-old from being proselytized by the other religions because he is going to be a little bit em-

barrassed to stand up for his religion because of peer pressure? At that age, nobody has the fervency of their convictions, but children know what the majority is doing and in order to fit in, often they want to do what it takes to fit in with the majority.

Mr. ISTOOK. Certainly.

Mr. KINGSTON. So, Mr. Speaker, they do not have that spiritual maturity that would allow them to tolerate it and say, well, let us go ahead and have that person's prayer today.

How would this deal with that?

Mr. ISTOOK. Sure. Certainly we recognize that different children will have different levels of maturity; and it is not something, of course, when we talk about people that may feel sometimes like they are not necessarily part of a group, it may not be religion. It may be how people dress, it may be how people look, it may be how people talk, it may be the shoes they wear, it may be what type of music they choose for listening. It can be all sorts of things.

I think that we do a disservice if we say that we know that children are going to have differences among them in other respects and that part of learning and part of growing is understanding that there are differences and learning to cope with those, but if we set apart religion and say, but if it is a religious difference, that is somehow a threatening topic, and that we must protect children from knowing that there are some differences.

I think we need to look at the words of a Supreme Court Justice, Potter Stewart. I am going to paraphrase him; I have the exact quote, but not in front of me.

When he was talking about this discussion, when he dissented from what the Supreme Court did, from what his fellow justices did, and he said several interesting things. One of them was that we cannot expect children to learn about diversity, to learn that different people will have different beliefs and different faiths, if we try to isolate them and shield them from that knowledge until they are adults, as though it were some type of dangerous activity or something that is reserved for adults. If we do that, he says, we will foster in people the belief that this is something that is threatening, that it is something that needs to be pushed aside and pushed away or kept in a corner, rather than something that should be understood.

Basically, we are teaching intolerance at an early age if we tell people it has to be suppressed rather than respected when they have those differences, and that is where the schools should properly show the proper respect, whether they say, well, different people have had a chance and this person does it a little differently and we ought to respect that and learn from it. That is how we learn tolerance and diversity.

Mr. KINGSTON. Mr. Speaker, on that subject, let us say we have somebody who is a goat worshiper.

Mr. ISTOOK. I am sorry?

Mr. KINGSTON. Mr. Speaker, a goat worshiper, a devil worshiper or a bizarre type of religion. Now, they want to have equal time. Do we want our child in the room when that prayer is taking place? That would probably, it might in a Christian parent cause a little concern, the same way it would cause the goat worshiper's parent to have concern when the Christian prayer is going on.

Now, I only say that to the degree that, as our society gets more and more diverse, it is reasonable to expect in a country of 260 million people some folks who are in a very minority, extreme minority-type religion who pray perhaps in a bizarre way; and by that I mean, maybe they do not bow their heads when they pray, maybe they scream or something. And I am only phrasing this question in a hypothetical right now, but it is still very possible for some fringe religions to get under the Religious Freedom Amendment equal time in the classroom, so to speak, and it is fair, the way the gentleman has bent over backwards to draw this thing so fair that it will happen.

How does the gentleman answer those concerns?

□ 2130

Mr. ISTOOK. Mr. Speaker, I think the first thing of course that we all need is perspective on it, because frequently I find that some people want to construct what they think is a trap. They will first say, oh, the Religious Freedom Amendment is only meant to enthrone the rights and the beliefs of a majority of Americans, and therefore to suppress those who may not be among the majority in their beliefs. They are wrong in what they assert because obviously we are trying to be evenhanded.

Then they take the other side of the argument and they say, oh, well, if that is the case then it is also bad because there may be some people, such as the gentleman described, whose practices are distasteful to others. And, therefore, they say no matter which way we go, they are against it.

The real agenda of course of such persons is they just are not tolerant toward other people's faith in prayer, whether in the minority or majority. But in a situation such as the gentleman described, the perspective to understand is that there may be some very rare and isolated occasions when someone may wish to offer a prayer that others will find distasteful. But should we say that because there will be very, very rare occasions of that, therefore we must suppress and stifle and censor the millions and millions of positive, uplifting prayers of hope, of vision, of seeking for faith and seeking for guidance in the day?

It is sort of like having free speech in our society. In fact, it is a parallel to free speech in our society. We all recognize that part of the price of free

speech is there will be occasions when someone does not go into the bounds of pornography, which is illegal, but does get into the bounds of tastelessness and offensive speech that nevertheless we recognize is protected.

The same is true of religious expression. And I would submit that actually the cases such as the gentleman has described of someone who has something that is distasteful to others, and of course they can choose if they wish, if something is that distasteful to them, if they want to leave the room or something that is fine. Like I say, it would be a very, very, very rare occasion.

But those cases usually have already been protected by Supreme Court decisions. There is one, for example, protecting the Santeria religion that involves animal sacrifice. I believe the case involved the City of Hialeah, which said a community could not outlaw the way they were killing animals as part of their sacrificial rituals because that was protected by freedom of religion. That is under the First Amendment as it is now.

But the same Supreme Court does not wish to protect majority faiths. They have ruled against a cross, for example, in a city park in San Francisco that has been there for 65 years. They say that has to come down, a cross being included among numerous symbols on the seal of the City of Edmond, Oklahoma, in my district, similar rulings in Oregon and Hawaii, in Stowe, Ohio, against the inclusion of a Christian emblem among multiple other emblems and they say that is unconstitutional, yet that same Supreme Court has said that a Nazi swastika is constitutionally protected. That was in a case in Skokie, Illinois, where the American Nazis were walking through the street with the swastika and the Court ruled that the symbol of hate is constitutional, but the symbol of hope is unconstitutional.

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

Mr. ISTOOK. Let us hope that there are some special places above for many of us as well.

Mr. KINGSTON. Probably plenty of room for judges and congressmen and many others.

Who will decide if the school puts up the Ten Commandments or the Articles of Goat Worship? The reason I ask that, yesterday I was at the dedication of the Coastal Middle School in Savannah, Georgia. I was at the dedication of the Freedom Shrine, which the Chatham County Exchange Club has given to many, many schools, and it is a great thing and it has the Constitution, the Declaration of Independence, George Washington Inaugural Address and all sorts of good documents of American history. And as I was looking at the Freedom Shrine I was wondering how do they decide which documents go? Do you put the Gettysburg Address

in there or Lincoln's second inaugural speech?

Mr. ISTOOK. A beautiful, moving document.

Mr. KINGSTON. Yes, so those judgments have to be made, and the Chatham County Exchange Club does that. I do not know how they do that, but they do it. But who decides if the Ten Commandments gets put on the wall or the Articles of Goat Worship?

Mr. ISTOOK. I think this is an interesting question, and I think that the issue is really freedom. Frankly, that it is not our job to make those decisions from Washington, D.C. Those decisions for a local community can be made in a local community, so long as they are not trying to establish or endorse a particular or official religion. So I do not think that the Congress of the United States should even attempt, and I do not think it is our place to try to say court houses in Georgia, in Colorado, in Alabama, in Oklahoma, in California, or any place else for the United States Congress to establish the standards of what can be put on the walls of county court houses or city halls all around the country, nor do I think it is the role of the U.S. Supreme Court.

In other words, we have bodies that make those decisions right now. People made the decision what art work is going to hang in the Chamber of this Congress. That decision included the visage of Moses and there are also the images of a couple of popes, as I am sure the gentleman is probably well aware, among people with legislative or legal significance.

So when we are asked the question who decides, I think that is going to be basically an issue of who is involved in that community or in that State, if it may be a decision that involves the State facility, and of course then when it becomes a national facility, we have the Ten Commandments depicted in the U.S. Supreme Court Chambers, and that is a decision for the U.S. Supreme Court. What is in the Chambers of Congress is a decision for Congress. We have different Federal agencies, State agencies and local ones.

I think what we have to do is get away from this "big brother" notion that says that the Supreme Court is the fount of all wisdom and it should describe standards and everyone else has to follow those standards before they can hang something on the wall. The test should not be whether we have hung something on the wall which everyone likes or some people like and others do not like. The test should be did we actually take some action that truly tries to make people follow a faith selected for them as opposed to choosing to put up something that was significant to the religious traditions, heritage or beliefs of that particular community, which obviously will differ in some places around the country. That is called diversity.

What we have to do is to get away from this terribly false politically correct notion that we cannot do anything

unless everybody agrees. If we are told that if we say or do something which may give offense to another, and the problem may be in their thin skin, not in what we set out to do or to express, but if we are told that only if everybody agrees with something that is the only circumstance when we can utter it, that is a totally false standard. That flies in the face of the concept of freedom. It flies in the face of free religion, it flies in the face of free speech, and yet that is increasingly what we are being told that everyone, everyone must stifle and suppress their religious expression and their religious beliefs and accept muzzling and censorship of it just to make sure that there is not one person sitting there that chooses to take offense.

It is about time that we understand that the intolerance frequently is not on the part of someone that is voicing a religious opinion. The intolerance is on the part of the one who wants to shut them up.

Mr. KINGSTON. Well, let me ask the gentleman this question. This is endorsed by a number of Christian groups.

Mr. ISTOOK. And those of many other faiths as well.

Mr. KINGSTON. The gentleman has worked hard with such groups. Can the gentleman tell me the non-Christian groups who are supporting this?

Mr. ISTOOK. I do not have the full list with me, but for example we have an organization of Jewish rabbis which is called Toward Tradition.

Mr. KINGSTON. Is the Jewish rabbi group, is this a large group or an outsider group?

Mr. ISTOOK. I do not know the actual number of how many hundreds or thousands of rabbis are in this particular organization. It is a national organization of rabbis. The American Conference of Jews and Blacks, the American Muslim Network, those are some of the non-Christian groups. And of course there are many that are Christian groups, and we would expect that of course because that is the faith of most Americans.

Mr. KINGSTON. Does this religious freedom amendment have a web page, a freestanding web page?

Mr. ISTOOK. It certainly does.

Mr. KINGSTON. Because I think if people want to have some of these questions answered, and I know the gauntlet the gentleman has gone through in the last four years, having answered just about every question that has ever been raised on this, but not everybody has heard the questions or the answers.

How do they find this out? How do they find out some non-Christian groups that are endorsing it?

Mr. ISTOOK. Mr. Speaker, I very much appreciate the reference there. The web page that we have established for reference is religiousfreedom.house.gov, and I should caution people, do not put a www in front of it, or they will get a

totally different web page. But it is religiousfreedom.house.gov.

There, as the gentleman is aware and I appreciate him pointing it out, we have a wealth of information. Detailed legal analysis and going through different Supreme Court decisions and other decisions and citing this. Copies of many of the endorsement letters that we have received. Papers discussing how does this fit in with the notion of separation of church and State. How does it fit in with the claims different people make about well are we a captive audience to this? All of these different questions that are sometimes posed are discussed and answered at that web site. So it is a great resource that people can utilize to get more information. We even have made it easy for people to download and if they want to copy and distribute documents as handouts to other people, it is a very useful place.

Mr. KINGSTON. If they have a particular question, they should first search the web page and then if they cannot find their question and answer they need to contact the office of the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Correct. And we have an e-mail set up on the web page for that.

Mr. KINGSTON. Mr. Speaker, could the gentleman give his address for people who do not have computers.

Mr. ISTOOK. Mailing address? Certainly. They can reach me, and the last name is spelled I-S-T-O-O-K, Congressman Istook at 119 Cannon House Office Building, Washington, D.C. 20515.

I would like to take a moment to mention a couple of other aspects about the religious freedom amendment because as the gentleman from Georgia knows, this has not been a lightly pursued undertaking. It is only because it has been 36 years now since the Supreme Court rendered its original decision suppressing prayer in so many circumstances in public schools and all the other approaches have basically been tried and exhausted and the route of the constitutional amendment is the only one left to be workable.

But we have tried to make sure as we mentioned before, frankly. There is more language here to safeguard against any effort at government control of religion, there is more text in the amendment devoted to those safeguards than there are to express that students should have the right to pray in public schools and that the religious traditions or heritage or beliefs should be something that could be freely expressed.

I, like so many other parents with children in public school, have gotten sick of looking at all the times when we go to school, we think it is going to be a special occasion, maybe it is a special school activity or pageant in December. They have the school choir and we say, well, they are going to sing some different holiday songs. We hear

“Here Comes Santa Claus” and “Walking in a Winter Wonderland” and “Rudolph and “Frosty the Snowman,” but we do not hear “Silent Night” or “O Come All Ye Faithful” or Jewish Chanukkah songs, and it is because of the fear of lawsuits and in some cases actual court decisions that have gone that far.

The U.S. Post Office a couple of years ago took down the banners that said Happy Chanukkah or Merry Christmas in the Post Office.

□ 2145

They will not let those be displayed anymore. They had to fight with some people to keep issuing the Christmas holiday stamps.

Take the Internal Revenue Service. One of its big offices in California issued an edict to all of their workers saying, on your own desk and in your personal work space, you cannot have any type of religious item or symbol. It might have been a Bible. It could have been a Star of David. It could have been a little nativity scene, a picture of Christ. Whatever it was, they said those were taboo. They cannot be there on your own desk.

I wrote the IRS, and I have said, why have you done this? They sent back a letter to me. They said items which are considered intrusive, such as religious items or sexually suggestive cartoons or calendars must be prohibited. That was their full description of the restricted items, a religious item or something that is sexually suggestive.

Mr. KINGSTON. This was the IRS?

Mr. ISTOOK. This was the Internal Revenue Service.

Mr. KINGSTON. They are doing such a good job on tax simplification and tax clarity that they have enough time to worry about something that is offensive.

Mr. ISTOOK. Yes. The ones that they categorize as offensive, if it is a religious symbol or if it is sexually suggestive or pornographic. But do you see the connection? Why do they lump a religious item or symbol in the category of things that are offensive to people? That is exactly what they have done. They treat it as something that is suspect or something that is dangerous, which is wrong to do.

Mr. KINGSTON. If the IRS is cracking down on people posting things that are offensive to most people, then obviously, you cannot put up an IRS sign, because that is far more offensive than most of the other items that they are talking about.

Mr. ISTOOK. Maybe they should have banned an emblem of the IRS itself since that is, as you point out, offensive to many people.

But that is such a dangerous trend. But you see, it is not only the IRS. If you read the Supreme Court decision in the case of *Lee v. Weisman*, that is the graduation prayer case, in it, Justice Kennedy, writing on behalf of the Supreme Court, says, Assuming as we must that the prayer which the rabbi

offered at the graduation was offensive, so the Supreme Court said we must assume that a prayer at a public school graduation is an offensive act. Four of the justices disagreed. It was a 5 to 4 decision.

Mr. KINGSTON. What year was this?

Mr. ISTOOK. This was 1992. In this particular case, and I would like to read something from the words of the justices who disagreed with what their brethren on the court had done. The four justices who dissented from this were Scalia, Thomas, Rehnquist, and White. Let me read what they said. This goes back to something that the gentleman from Georgia asked before about what happens when we are able to recognize, yes, we have got some differences of opinion among religion, and it is not a threat to anyone.

This is what those four justices, Scalia, Rehnquist, White and Thomas wrote in their dissent in *Lee v. Weisman*, and I quote now their words: "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 on this occasion 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 as senseless in policy as it is unsupportable in law."

So they were talking about what we were discussing before, that the act of people of different faiths sharing a common respectful experience creates, as they said, not just a toleration, but an affection for one another and an appreciation of what we have in common, because it emphasizes the things which we share, rather than emphasizing the ways in which we differ.

Mr. KINGSTON. Now, I want to ask another question, though. You say in some of your frequently asked questions that the Religious Freedom Amendment does not permit teachers or any other agent of the government to proselytize or to dictate that any person must join in prayer or to prescribe what prayer should be said. Where is that wording in here?

Then what would keep the teacher from praying?

Mr. ISTOOK. What we have here is a clear requirement, because a teacher, of course, as any person who is part of local government, is considered an agent of State government. That is a binding rule of law. Local government is a subset of State government. So

when we say, "Neither the United States nor any State shall require any person to join in prayer or other religious activity," you are saying that no agent of government can dictate to people you have got to pray or we are going to pressure you to participate in some sort of religious activity. That is to avoid just trying to get people to join in the prayer if they may not want to do so, but trying to make sure that you are also not trying to push them into any other type of religious activity. So we have tried to make sure that we cover that as well as other concerns of people with that language.

Mr. KINGSTON. But that would mean you could have prayer which is not student led. You could have teacher-led prayer.

Mr. ISTOOK. You can have the initiative for prayer that must come, not from government, but from the students, because following that, we have the requirement that it says, "Government shall not prescribe school prayers." That means two things. You do not prescribe or dictate that they must occur. Secondly, you do not prescribe or select the content of those prayers.

Is it possible, for example, let us take a case such as the graduation case in Rhode Island, the *Lee v. Weisman* case, Rabbi Leslie Gutterman was invited to offer the prayer. Should students, on some occasion, invite someone else to join the prayer? Yes. That could be permitted. But the initiative must come from the students, not from government.

Let me tell you a personal story that relates to that, because I recall, in 1963, when I was a student in junior high school in Fort Worth, Texas. That day, our whole school had let out briefly to walk down to the highway to see the motorcade where the President of the United States was passing by as he was going to downtown Fort Worth to Carswell Air Force Base and passing our community to do so to get on to Airforce One and make a quick hop over to Dallas where he was shot and killed. That was November 22nd, 1963. I recall, of course, we had just seen the President that morning, the shock as the first, the rumors and then the confirmation spread through the school.

You can imagine, of course, as from your own experiences, because we are of the generation where everybody knows where they were the day that John F. Kennedy was assassinated, and I recall on that occasion, despite what the Supreme Court had ruled just the year before, and I cannot tell you to this day who offered it, but the whole school shared in the prayer over the school intercom.

If you took the case today and the order that Judge Dement has issued in the State of Alabama, whoever offered that prayer could be put in prison under the judge's order. So we need to recognize that there are extraordinary circumstances, and there are extraordinary deeds, and there are times that we need to reinforce the common

bonds, just as these four justices said in their dissent, that we need to reinforce those common bonds.

□ 2200

So that, I think, is the best answer we can give to the question that the gentleman posed when someone says, well, gee, if I cannot do what I want to do and to do it right now, that my constitutional rights are being infringed upon. I do not think we want to teach our kids that and certainly the Religious Freedom Amendment would not do that.

Mr. KINGSTON. Let me ask the gentleman this. Some of the critics feel that right wing Christian extremists are pushing this. And I have seen literature that labels groups who advocate this amendment.

Mr. ISTOOK. And they probably labeled the gentleman, who is one of the cosponsors, as a right wing religious extremist. Of course, they are wrong on that.

Mr. KINGSTON. That would not be the first time. The question, though, this is a constitutional amendment. Therefore, it has to pass this House by 290 votes.

Mr. ISTOOK. Yes, by 290 votes. By two-thirds of those who vote. If everybody votes, it would be 290.

Mr. KINGSTON. Now, the gentleman has 152 co-sponsors.

Mr. ISTOOK. Approximately that number; correct.

Mr. KINGSTON. And there are people who will support this but will not co-sponsor it.

Mr. ISTOOK. Correct.

Mr. KINGSTON. But it would appear to me the gap between 152 and 290 is still a large one.

Mr. ISTOOK. That is typical, of course, because most pieces of legislation have far fewer co-sponsors than they do have people who actually vote for them.

Mr. KINGSTON. And if people want to find out if their Representative is a co-sponsor, they can go to that Web page.

Mr. ISTOOK. They can go to the Web page and we have that information for them there.

Mr. KINGSTON. Now, should this pass the House, it has to get 60 votes in the Senate.

Mr. ISTOOK. Here is the requirement, for this or any other constitutional amendment. The requirement that is set forth, in I think either article 5 or 6 of the Constitution, sets up the way that the Constitution is amended.

Now, the way the Supreme Court does it, they issue a ruling which bends or twists or distorts or breaks the Constitution, and then we have to go through this process to correct it. So the way the Founding Fathers intended is, we have to have a vote on a constitutional amendment that is approved by two-thirds of the House and by two-thirds of the Senate and then is ratified by three fourths of the State legislatures.

Now, it is important to note that in the process of ratifying it, we do not need a two-thirds vote within a State legislature. We only need a simple majority. But we have to have the simple majority from three-fourths.

It is also important to note the President of the United States and the governors of the several States do not have any formal or official role in any constitutional amendment. It is something that is done through the legislative bodies, both in the Congress and in the State legislatures. And the Religious Freedom Amendment specifies a period of 7 years for the States to consider ratification of this.

Mr. KINGSTON. Does the gentleman have a similar piece of legislation being introduced and worked in the Senate?

Mr. ISTOOK. Our intent is first to have the House vote, which will create the incentive for the Senate vote. And there are multiple Members of the Senate who are potential principal sponsors in the other body.

Mr. KINGSTON. But the reality is this has a long, long way to go. As far as the gentleman from Oklahoma has gone with it, he is only at the starting gate still.

Mr. ISTOOK. But we are at a key position, because this amendment has been approved by the Subcommittee on the Constitution of the Committee on the Judiciary, and approved by the House Committee on the Judiciary. That is the first time a committee of this House has ever approved an amendment on voluntary school prayer. Only one other time, in 1971, did we have a vote in this body on such a proposal, and that was done with a mechanism that bypassed the committee process.

So even though, as the gentleman correctly notes, the Constitution establishes a deliberately difficult process for any constitutional amendment, we have come through the necessary stages to bring it to a vote in this House. And it will be the first vote in this body since 1971.

And that is something that, frankly, ought to embarrass the many Congresses that have met year after year since then. Because if we look at public opinion polls since 1962, consistently three-fourths of the American people say we want a constitutional amendment to make it possible to have voluntary prayer in public schools again. Not compulsory, but not with the kind of restrictions they put on efforts to have prayer in public schools today. So it is long overdue for this body to act.

And I want to make note, too, that this is what has happened before, when the U.S. Supreme Court went in one direction and the Congress and the American people said it is the wrong direction. The most prominent of the constitutional amendments that have been adopted to correct the Supreme Court was the 13th amendment to abolish slavery, because the Supreme Court in the Dred Scott decision had said

Congress and the States do not have the power and do not have the right to abolish slavery. That took a constitutional amendment.

Mr. Speaker, I appreciate the time and the opportunity this evening to address this important issue to restore the full range of religious freedom that the Founding Fathers intended; that the first amendment in its simple terms was meant to represent before it was twisted, unfortunately, by the court decisions. And I certainly look forward to the vote that we will be having in this House in a month, and I hope that the citizens who are represented by the Members of this Congress will talk to the Members of this Congress and tell them that they need to be supporting the religious freedom amendment.

FEDERAL LANDS AND WATER ISSUES IN THE WEST

The SPEAKER pro tempore (Mr. RILEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, my district is the Third Congressional District of the State of Colorado. This is a very unique district. First of all, geographically, this district is actually larger than the State of Florida. There is the State of Florida. My district, here, is the State of Colorado. The district that I represent goes from north to south, about like that. This land mass here, or the Third Congressional District, this is geographically larger than the State of Florida.

This evening I want to visit a little while on government lands; the mass of government lands in the West, what the difference is between land in the East and land in the West, what the historical perspective is of how that land was settled under the Manifest Destiny; and then I want to move on to the subject and discuss water in the West, because water in the West is clearly much more complicated than water issues in the East, and an entirely different type of system has been devised to address the uniqueness of water in the West.

So let us start first of all with some statistics. The Federal Government owns about 688 million acres of land. Now, a lot of homeowners out there may have a home on a quarter of an acre of land. Imagine 688 million acres. That is what the Federal Government owns. And 95 percent, 95 percent, of that 688 million acres is in the West.

This map that I have up here is titled "Government Lands." Take a look at the difference between the western half of the United States and the eastern half of the United States. Take a look.

And we should not include Alaska, which on this map, by the way, is shown on half the scale as the other States. So Alaska really would be twice that size.

Now, the key to this land ownership out here is what we would call multiple

use. Now, Colorado is not unlike that. In Colorado, as you can see from my district, there are about 20 million acres, 20 million acres in the Congressional District that I represent, that is owned by the Federal Government.

Now, the historical perspective of how this land mass came about was really driven through the Manifest Destiny. We began the acquisition of our lands under that idea to stretch the scope of the Nation. We wanted to go from the Atlantic out to the Pacific. And the district that I represent actually came through several different things. One was the Louisiana Purchase, and that occurred in 1803; the secession from Mexico, which occurred in 1848; and the purchase from Texas in 1850. So there is a good portion of the district that I represent that actually used to belong to the country of Mexico. So the Louisiana Purchase, secession from Mexico, and the purchase from Texas is how a lot of this land was acquired by the United States.

Now, let me step back for a moment. What the agenda was of the government in Washington, D.C. was to go west, young man, go west. They wanted to get into this new land that was acquired through the Louisiana Purchase. They wanted civilization to go out into the West and make it one large unified country. Well, what they did is they did several things. They had the Homestead Act. In the areas like Nebraska, Kansas, and Missouri, there was lots of very, very fertile farmland. And the government decided the best way to persuade people to go out to these States was to give them land grants, or let them homestead; i.e. if people would go out there, if they would work the land for a certain period of time, the government would actually deed the land to them. Maybe 160 acres. Maybe 320 acres.

And that actually, in these States which are very, very fertile, was enough to make a living off of. A family could have a farm off 160 acres. They could farm 320 acres and support a family back then. But what they discovered, first of all, was not a lot of settlers wanted to go up in the mountain terrain of the West. The snows were very, very difficult. The winters were very, very harsh.

And furthermore, the government discovered that when people went to the West, they could not do it on 160 acres. In fact, 160 acres in some areas of the district that I represent, one can hardly run one cow on it. The government believed that they really could not politically give away the thousands of acres that would be necessary for a rancher or a farm family or the settlers to make a living. So what they decided, since there was such a large mass of Federal land, was to go ahead and retain the ownership of this Federal land, keep the ownership in the government's hands but under the doctrine of multiple use.

What is multiple use? Multiple use is simply best defined by a sign that was