

HOUSE OF REPRESENTATIVES—Tuesday, March 8, 2005

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

IN DEFENSE OF THE POSTING OF THE TEN COMMANDMENTS

Mr. STEARNS. Mr. Speaker, last week a few of us had the opportunity to attend the opening arguments at the United States Supreme Court for two cases about the public display of the Ten Commandments.

These cases are very interesting because not only are they specifically about the Ten Commandments, but in a larger sense, they are about the long-running dispute over the so-called separation of church and state. I say so-called, because there is not one word in the Constitution that mentions this alleged separation of church and state.

And for over 150 years, the Supreme Court barely referenced this infamous phrase at all. The establishment clause of the first amendment provides that "Congress shall make no law respecting an establishment of religion." For over 150 years, this was commonly understood to mean that the Federal Government cannot establish a national religion as the English did with the Anglican Church.

But ever since cases like *Everson* in 1947; *Engel*, 1961; *Lemon*, 1971; and *Wiseman* in 1992, a handful of judges have interpreted the first amendment's establishment clause, misinterpreted, I might add in my view, to exclude more and more expressions of religion from the public square.

Now we are at the point where children are not allowed to pray in public schools. The mildest nonsectarian invocations are forbidden at public events, the Boy Scouts are ostracized for mentioning God in their oath, and even the words "under God" in the Pledge of Allegiance are under fire.

Perhaps these Ten Commandments cases will be the turning point in the

legal war against religion. We need to have a commonsense approach towards the relationship between religion and the State. That is why I was particularly interested to hear Justice Scalia's take on this case.

He was his usual straightforward and honest self in his questions. He asked the ACLU lawyer, "If a legislature can open its session with the public present with a prayer, why can it not, in the same building, post the Ten Commandments?" He also called the Ten Commandments "a symbol of the fact that Government derives its authority from God, which seems to me an appropriate symbol to put on Government grounds."

Justice Scalia also logically noted that those who oppose the Ten Commandments on public grounds would "also think that Thanksgiving proclamations are also unconstitutional, which were recommended by the very first Congress, the same Congress that proposed the first amendments."

Mr. Speaker, this is an issue that the American people care about deeply. In fact, according to a recent AP poll, 76 percent of Americans support these religious displays, which Justice Scalia alluded to when he said the Ten Commandments send "a profoundly religious message, but it is a profoundly religious message believed in by a vast majority of the American people."

The irony of the Supreme Court hearing on these cases last week and of the outright hostility that the Court has displayed against religion in recent years is that above the head of the Chief Justice of the Supreme Court is a concrete display of the Ten Commandments.

And close to these commandments is a marble sculptured relief of Moses himself, the great lawgiver. And let us not forget that at the beginning of each session at the Court, the crier opens with the proclamation: "God save the United States and this Honorable Court."

I agree with Justice Scalia and with the vast majority of the American people. In fact, to quote former Supreme Court Justice William O. Douglas: "We are a religious people whose institutions presuppose a supreme being." That is why I have introduced legislation to display the Ten Commandments in the Capitol.

Mr. Speaker, the fact of the matter is that the Ten Commandments are a historical document that contains moral, ethical, and legal truisms that any person of any religion or even an atheist

can recognize and appreciate. They present a concise set of values that represent the moral background of this Nation and our common view on right and wrong.

I believe that they promote a commitment to decency, which is why I have them hanging in my office. We start off every day with prayer and the Pledge of Allegiance. Over the Speaker's rostrum it is posted, "In God we Trust."

There are statues and representations of religious figures scattered throughout the Capitol and House buildings. Posting the Ten Commandments would fit right in and would merely serve to remind Members that we have the responsibility as lawmakers to be as fair and just as possible. Certainly a reminder of God's law would be appropriate as we consider the Nation's laws.

SUPPORT FOR FREEDOM AND HUMAN RIGHTS

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, we come to the floor to speak to the American public. Sometimes we come to speak to one another.

It is in that spirit of speaking to my fellow Members of Congress that I rise today. Like you, I was horrified when the pictures at the Abu Ghraib prison first came forward, and then the additional admission of abuse, mistreatment, indeed, torture at the hands of people that we were responsible for.

And it seems, Mr. Speaker, that this is not an isolated set of circumstances. Indeed, there are more stories coming out of torture and death of detainees, and of extraordinary rendition, where people the United States is concerned with, we allow them to be transported to other dictatorships where we know that they will be abused.

I have been horrified as the stories start to come out, broadly reported in the press; and from Amnesty International, and the Red Cross. I, like you, my fellow Members of Congress, am horrified that the United States would be lumped into the same categories as countries that we are trying to encourage to honor human rights. Syria, Egypt, Morocco, Saudi Arabia look to be countries where we have allowed people or sent them to be tortured.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.