EXTENSIONS OF REMARKS

INSLAW

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. ROSE. Mr. Speaker, today I am introducing legislation for the relief of INSLAW, Inc. and William and Nancy Hamilton, the owners of INSLAW. These citizens have been grievously harmed by acts and omissions of our Government for more than a decade. Justice Department officials at the highest levels have taken the Hamiltons' property and used it without compensating them for its use and have thwarted their every attempt to obtain justice.

INSLAW, Inc. is a computer software company based in Washington, DC, and owned by William and Nancy Hamilton. INSLAW markets case management software products to courts and related justice agencies, to the insurance industry, to large law firms, and to the law departments of corporations. INSLAW's principal asset is a highly sophisticated software program called PROMIS, a computer program which manages large amounts of information.

In 1982, INSLAW won a 3-year, $10 million contract with the Department of Justice to install case management systems in the U.S. attorney's offices. The company soon became enmeshed in a series of contract disputes when the Justice Department began withholding increasingly large amounts of money until INSLAW was forced to file for chapter 11 bankruptcy in 1985. INSLAW survived bankruptcy and emerged from chapter 11 with a loan from the IBM Corp., and INSLAW business partner.

INSLAW filed suit against the Justice Department in U.S. Bankruptcy Court in June 1986. On September 28, 1987, Judge George Bason of the Bankruptcy Court ruled that the Justice Department "took, converted, stole" INSLAW's software through trickery, fraud, and deceit and thereafter unlawfully attempted to cause INSLAW's liquidation.

In November 1989, senior U.S. District Judge William Bryant of the District of Columbia affirmed the Bankruptcy Court's $8 million judgment against the Justice Department, ruling that "[t]he cold record adequately supports his findings under any standard of review." The U.S. District Court decision was reversed by the U.S. Court of Appeals for the District of Columbia in May 1991 on technical jurisdictional grounds. The appeals court ruled that INSLAW had proceeded in the wrong court.

INSLAW proceeded pro se on its contract claim before the Board of Contact Appeals, but thereafter took a dismissal with prejudice because the Hamiltons' financial resources were totally exhausted and they were unable to run their business and proceed pro se against the Department. Simply stated, the Department of Justice used its overwhelming resources to bring the Hamiltons to their knees.

On September 10, 1992, the House Judiciary Committee, completing a 3-year investigation, made the following statement in its report (H. Rept. 102–857), The INSLAW Affair:

> The Committee's investigation largely supports the findings of two federal courts that the Department "took, converted, stole" INSLAW's enhanced PROMIS [software] by "trickery, fraud and deceit" and that this misappropriation involved officials at the highest levels of the Department of Justice.

According to sworn testimony before the committee, high level Justice Department officials conspired to steal the PROMIS software and secretly convert it to use by domestic and foreign intelligence services. The committee noted in its report:

> This testimony was provided by individuals who knew that the Justice Department would be inclined to prosecute them for perjury if they lied under oath. No such prosecutions have occurred.

The committee found that high level Justice Department officials knew INSLAW's claim of PROMIS software ownership was legitimate and that the Justice Department would "probably lose the case in court on this issue." The committee found it "incredible that the Department, having made this determination, would continue to pursue its litigation of these matters." The committee's report stated that—

> The Justice Department continues to improperly use INSLAW's proprietary software in blatant disregard of the findings of two courts and well established property law.

The September 10, 1992, House Judiciary report contained a number of findings and recommendations adverse to the Justice Department. In one of its most important conclusions, the report stated:

> Based on the evidence presented in this report, the Committee believes that extraordinary steps are required to resolve the INSLAW issue. The Attorney General should take immediate steps to remunerate INSLAW for the harm the Department has egregiously caused the company. The amount determined should include all reasonable legal expenses and other costs to the Hamiltons not directly related to the contract but caused by actions taken by the Department to harm the company or its employees. To avoid further retaliation against the company, the Attorney General should prohibit Department personnel who participated in any way in the litigation of the INSLAW matter from further involvement in this case. In the event that the Attorney General does not move expeditiously to remunerate INSLAW, then Congress should move quickly under the congressional reference provisions of the Court of Claims Act to initiate a review of this matter by that court. (Emphasis supplied.)

After years of wrongs and numerous acts of coverup and denial, the Department of Justice now stands unrepentant in the face of compelling evidence that it has dealt with citizens of this country in the most egregious way.

Mr. Speaker, we need to move now to refer this matter to the U.S. Court of Federal Claims so that the Hamiltons and INSLAW can get a fair hearing under the congressional reference procedure and finally obtain the justice which has been so long denied.

TRIBUTE TO COL. WILLIAM M. McCRARY

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. EVERETT. Mr. Speaker, I rise today to offer my sincere congratulations and best wishes to Col. William M. McCrary, U.S. Air Force, retired. Colonel McCrary officially retired from active duty earlier this week at Maxwell Air Force Base in Montgomery, AL, after serving his Nation with distinction for the past 25 years. During that time, he served in Vietnam as a B–52 navigator, in numerous capacities with the Air Force ROTC, and as policy director at the Air University, Maxwell Air Force Base, AL.

On behalf of the proud citizens of Alabama, I commend Col. William M. McCrary for his dedicated service to his country, his unwavering devotion to the U.S. Air Force, and his patriotism in defense of freedom. These accomplishments will always be honored by the brave men and women who will follow in his path. On behalf of Congressman SPENCER BACHUS and myself, many best wishes in your retirement. Colonel McCrary, and thank you for heeding the call to duty.

UNANSWERED QUESTIONS ON THE CLINTON LEGAL DEFENSE TRUST FUND

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Ms. PRYCE of Ohio. Mr. Speaker, as the hearings into the Whitewater affair continue, I would like to commend the attention of my colleagues to the following article that recently appeared in the July 27, 1994 edition of the Washington Times.

QUESTIONS HENRY GONZALEZ DOESN'T WANT YOU TO HEAR

Editor's note: At the House Banking Committee's hearing on Whitewater Tuesday, Republican Rep. Deborah Pryce sought to ask White House Counsel Lloyd Cutler, the lead-off witness, a series of questions about the Clintons' legal expense fund and other such funds. The witness answered some questions, but repeatedly volunteered his view that the issue was beyond the scope of the committee's hearings. Banking Committee Chairman Henry Gonzalez ultimately intervened, derailing Rep. Pryce's questions.

Rep. Pryce then sought, as a matter of routine courtesy to members, to insert her questions into the record: "To preserve the record, I ask unanimous consent to just put my line of questioning in the record, and then I would be prepared to move on," she said.

Chairman Gonzalez responded, again routinely, "There is no objection." But there was an objection.

Rep. Maxine Waters, Democrat of California, interjected: "Mr. Chairman? Inquiry. Now, as I understand it, you set out the scope of the hearing, and everybody has been adhering to that. You made it very clear that we are dealing with the contacts that are under question. Whenever anyone has stepped outside of that, you have ruled them out of order. And while you allow the gentlelady to continue without objection, I think it stretches it a bit to ask that they be placed in the record, and I would object, Mr. Chairman."

So it is that Rep. Pryce's questions for Mr. Cutler will not appear in the Whitewater hearing record. (It will be interesting to see what happens the next time Rep. Waters asks unanimous consent for something routine, such as to revise and extend her remarks on the floor.) In the interest, however, of a more complete record, here are the questions Rep. Pryce sought to put into the record:

QUESTIONS ON THE LEGAL DEFENSE FUND

(1) Have any of the White House officials who will be testifying established a legal defense fund, the same or similar to the president and first lady's? And, would such funds be legal?

(2) What, in your mind, distinguishes the first family?

(3) Has the Justice Department been asked to review the legality of the establishment of the trust fund? Is there a Justice Department written opinion supporting the legality of the trust fund? Is there an Office of Government Ethics written opinion?

(4) It is clear from the Trust Document that the president, Mrs. Clinton and their chosen trustees and agents will actively solicit contributions to the fund. Does this written authorization violate statutory and regulatory bans on the solicitation of such gifts, specifically 5 U.S.C. Sec. 7353, 5 CFR Sec. 2635.204(j) and 3 CFR Sec. 100.735–14?

(5) (As rebuttal to exception) If read so broadly as to carve out an exemption from 5 U.S.C. Sec. 7353 for president's trust fund, would the exception (5 CFR 2635.204(j)) be "manifestly contrary to the statute" under the rule of Chevron U.S.A. vs. Natural Resources Defense Council, 4678 U.S. 837,844 (1984)?

(6) Do the regulations governing the supplementation of salary and the receipt of gifts by employees of the Executive Office of the President (specifically, 3 CFR Sec. 100.735–13 and Sec. 100.735–14) prohibit the creation of the trust fund as established?

(7) If, while still in office, the president or his wife were to have access to funds from the trust left over after payment of all legal fees, would this constitute an illegal augmentation of salary?

(8) Why does the trust document abide by the statutory ban on acceptance of gifts from inferior government employees, in 5 U.S.C. Sec. 7351, but ignore the more general gift prohibition in 5 U.S.C. 7353?

(9) The Office of Legal Counsel at the Department of Justice issued an opinion during the Carter administration on Aug. 27, 1980, stating that White House employees should not accept free or discounted legal services. What is the ethical distinction between receiving free services from an attorney and receiving gifts of money from interested persons from which to pay an attorney?

(10) Can other executive branch employees set up legal defense trust funds? Can they have access to the remainder of the funds once all legal bills have been paid?

(11) According to the trust document, the president and his wife can remove the trustees "at any time." Does this give them day-to-day, operational control over the trust?

(12) What legal assurances are there that the president and his wife will return, or donate to charity, whatever funds remain after all relevant funds are paid?

(13) Are these issues within the scope of Mr. Fiske's investigation? Would you support, including forwarding a written request to the special division, placing these issues within the jurisdiction of the independent counsel investigating the Whitewater/Madison Guaranty matter if such a counsel is appointed?

(14) Does the trust fund expose donors to any criminal liability under 18 U.S.C. Sec. 209, which criminalizes giving and receiving salary supplementations? Have the trustees been advised of any potential criminal liability in regard to this, or any other, federal criminal statute?

(15) Does the way in which the trust fund is set up implicate criminal statutes 18 U.S.C. Sec. 201 (the general anti-bribery statute) and 18 U.S.C. 208 (the criminal conflict of interest statute)?

(16) Are lobbyists permitted to contribute to this legal defense fund?

(17) Do contributions to the trust subject the Clintons to any additional tax liability? Has the Treasury Department or the Internal Revenue Service issued a written opinion in response to that question? If not, why not? If so, please provide me with a copy.

(18) If the Clintons are not subject to any additional tax liability as a result of their acceptance of such contributions to a legal defense trust, does the same tax treatment apply to other Americans who might similarly establish legal defense trusts to help pay their legal bills? If not, why not?

REFLEX SYMPATHETIC DYSTROPHY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. PACKARD. Mr. Speaker, I ask permission to revise and extend my remarks for inclusion into the RECORD.

Reflex sympathetic dystrophy, RSD, is a complex and extremely painful neurogenic disease that afflicts millions of unsuspecting victims each year. RSD is a multi-symptom medical condition that afflicts one or more extremity and possibly the entire body. The disorder occurs when a leg or arm has suffered an injury or trauma.

The RSD Association of America estimates that 5 percent of all injuries or traumas can result in RSD. Reflex sympathetic dystrophy is a disabling disease that can simultaneously afflict the nerves, muscles, and joints. RSD presents itself in progressively severe stages—the most serious resulting in total dysfunction of an extremity. It can ultimately affect the entire body. Excruciating pain is the one symptom frequently associated with RSD diagnosis.

Due to its peculiar onset and uncertain nature, RSD represents a frustrating phenomenon for both its patients and their physicians. Doctors continue to debate the exact cause of this neurogenic disorder, and a cure has not been discovered yet. What is clear is that RSD sufferers live in extremely uncomfortable circumstances.

RSD can easily be treated and curtailed if it is diagnosed in the early stages of development. Physicians have found the most effective measure of treatment involves a variety of methods: prescription drugs, physical therapy, occupational therapy, and even emotional therapy. All of these methods, in conjunction with one another, cater to the patient's individual physical and emotional needs. The successful combination of therapy and drugs within the early stages of RSD's onset can help prevent any further progression of the disorder. Unfortunately, many times, both the patient and their physician fail to recognize the early symptom of chronic pain as that of RSD. Instead it is attributed to the patient's initial injury.

It was only last fall that RSD was officially recognized by the medical society and assigned an international category of diseases code number, ICD–9 #337.2. To the patients who suffer from RSD, this ICD–9 code represents more than just a number; it signifies legitimacy and recognition. As a member of the board of directors of the Reflex Sympathetic Dystrophy Syndrome Association of California, I can attest to the mental and physical trials that a patient experiences due to the lack of understanding among physician and health care providers.

Early detection and treatment are vital to preventing the debilitating effects of RSD. For years, RSD patients have been denied proper treatment due to the lack of medical understanding and the commonality of the early symptoms of pain and discomfort. This medical oversight has been detrimental to RSD patient health care costs.

Estimated costs for treating an individual with severe RSD can begin at $50,000 per year and reach up to $250,000 per year as the disease progresses and more severe complications arise. The escalating potential of health costs for an RSD patient can be astronomical. With increased medical awareness and greater understanding on behalf of insurance companies, early detection and treatment of people who suffer from RSD can reduce the devastating effects RSD imposes on them physically, emotionally, and financially.

BANANA KELLY FOURTH ANNUAL INFORMATION FAIR/COMMUNITY FESTIVAL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. SERRANO. Mr. Speaker, I rise today to commend the Banana Kelly Community Improvement Association on its Fourth Annual Information Fair/Community Festival, which will be held in the South Bronx on Saturday, August 13.

For my colleagues who do not know, in 1977 a group of gutsy South Bronx residents of a banana-shaped block of Kelly Street organized themselves to wage a successful effort to stop the demolition of three abandoned buildings. They then proceeded to rehabilitate the buildings themselves.

In the ensuing 16 years Banana Kelly has rehabilitated nearly 2,000 residential units for cooperative ownership by low and moderate income tenants. But this figure merely scratches the surface of Banana Kelly's accomplishment. Banana Kelly has extended property management, construction management and weatherization services to privately owned buildings. It has implemented a family and community enrichment program which provides family services, group training and technical assistance to tenant associations for their at-risk residents.

Banana Kelly's youth programs have gained nationwide recognition for their success in training local youth for jobs in the construction and maintenance fields. Its leadership training programs are building columns of strength throughout the South Bronx region. Its commercial support efforts are helping businesses to locate and expand operations in the South Bronx, thus bringing vital products, services and jobs to the community.

Mr. Speaker, the Banana Kelly credo is "Don't Move, Improve." At its event on August 13 the Banana Kelly Community Improvement Association will honor and provide a forum for outstanding individuals and entities who have lived these words. I ask my colleagues to join me in thanking the Banana Kelly Community Improvement Association for its marvelous and continuing accomplishments.

CONDEMN TERRORIST ATTACKS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. REED. Mr. Speaker, I rise today to condemn, in the strongest possible terms, the recent wave of terrorist attacks against the Jewish people. These vicious and cowardly attacks serve as a grim reminder that the enemies of peace remain intent on continuing their murderous ways.

Four deadly explosions in less than 10 days, 95 innocent people killed in Buenos Aires, 22 dead in Panama, and 19 injured in London. We must not delude ourselves, Mr. Speaker. Even as this Congress was witnessing the historic address by King Hussein of Jordan and the Israeli Prime Minister, Yitzhak Rabin, terrorists where working around the globe to undermine the monumental victory for peace in the Middle East.

In memory of the men, women, and children who have perished at the hands of these cold-blooded killers, we must redouble our efforts to build a new era of peace between Israel and her neighbors. The United States must continue to support the peace process, both at the negotiating table and as a defender of justice. Together with Israel, we must commit our resources to apprehending the terrorists and holding them and their sponsors responsible for these heinous crimes.

Mr. Speaker, I would ask all of my colleagues to join me in making it perfectly clear that nothing will be allowed to jeopardize the foundation for Arab and Israeli cooperation that was laid in Washington this week. We will not rest until the terrorists are brought to justice. We will not turn our back from the promise of peace in the Middle East.

RUSSIAN TROOPS ARE LEAVING ESTONIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. HOYER. Mr. Speaker, on Tuesday, July 26, President Boris Yeltsin of Russia and President Lennart Meri of Estonia gave their countries and the world a very pleasant surprise: They reached agreement on the withdrawal of Russian forces from Estonia by August 31, 1994. As President Meri said, this eliminates the last consequences of World War II for Estonia. In fact, with Russian troops scheduled to leave Latvia and Germany by the same date, as of September 1, except for Moldova, Russian troops will be out of Europe for the first time in 50 years.

The accord was unexpected because relations between Russia and Estonia in recent months have been quite tense, and a compromise on the substance of the issues in dispute was beginning to appear unlikely. Estonia had been demanding the removal of Russian troops, whose departure Tallinn, and the CSCE, did not see as linked to any other bilateral matter of negotiation with Russia. Moscow, for its part, accused Estonia of perpetrating massive human rights violations against its Russian and Russian-speaking community, and insisted on social guarantees for Russian military pensioners in Estonia. The atmospherics of Russo-Estonian relations were also quite strained. At the G–7 meeting in Naples, in fact, President Yeltsin forcefully answered "Nyet!" when asked whether Russian forces would be out of Estonia by August 31.

Fortunately, President Clinton urged both Presidents to meet face to face, and fortunately, they did. The result of their 5-hour deliberations was a mutually satisfactory accord on the troop withdrawal and on Russian military pensioners. Russian negotiators stressed their satisfaction with Estonia's agreement to let all military pensioners apply for, and obtain, residence permits, rather than exclude particular categories in advance. For Estonia, it was critical that no other state decide who remains in the country, and Tallinn reserved the right to rule "Nyet" on applicants deemed a threat to Estonia's national security, especially officers of the KGB and GRU—military intelligence. To assure a fair hearing, the panel judging applications on a case by case basis will be composed of Estonians, Russians, and a representative of the CSCE.

The agreement is significant for several reasons. First, it augurs a new era in Estonian-Russian relations. I have long believed that whatever concerns Moscow had about human rights in Estonia would be more easily assuaged and addressed once Estonia no longer had to worry about unwanted Russian soldiers on its territory. These two neighboring countries, one enormous, the other tiny, will hopefully now be able to develop the sort of cooperative relationship based on mutual respect people had anticipated of the post-cold war world.

Second, the agreement between Boris Yeltsin and Lennart Meri demonstrates how heads of state can come to terms when their emissaries and negotiators have reached a dead end. What's necessary is the political will—and sometimes, a push. Which brings me to the third point: the positive leadership role played by President Clinton in urging his counterparts to try again. He has received well-earned praise for facilitating the historic visit to Washington this week by King Hussein and Prime Minister Rabin, and he deserves credit as well for helping to bring about the long-awaited accord on the removal of Russian soldiers from Estonia.

TRIBUTE TO COL. MICHAEL D. BROWNELL

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. EVERETT. Mr. Speaker, Col. Michael D. Brownell will retire from the U.S. Army on October 1, 1994, after a long distinguished career of over 40 years of service to our Nation.

Colonel Brownell enlisted in the Washington National Guard as a private at the age of 17, on September 22, 1954. Ten years later he was commissioned a second lieutenant in the U.S. Army Reserve. Colonel Brownell began his statutory tour of active duty as a captain in 1975, one of the first members in the then unnamed Active Guard and Reserve [AGR] Program. Three years later, he was selected for the position of general officer management officer in the Office of the Chief, and then assigned to the newly established Army Reserve Personnel Center. His performance in these assignments was exemplary.

Colonel Brownell returned to the Pentagon in August 1986, as a personnel staff officer, in the Office of the Chief, and later in the officer accession branch of the Office of the Deputy Chief of Staff for Personnel, until his selection for promotion to the grade of colonel.

Colonel Brownell has served as staff director and senior Army Reserve policy advisor of the Reserve Forces Policy Board in the Office of the Secretary of Defense since February 1989. His initial assignment with the Reserve Forces Policy Board was as editor of the fiscal year 1989 annual report to the President and Congress. Colonel Brownell subsequently served as staff director of the board's personnel committee during Operations Desert Shield/Storm. Colonel Brownell also assisted in the planning and conducting of a symposium, the publication of whose proceedings constitutes a permanent documentation of civil affairs service during Operations Desert Shield/Storm and Provide Comfort.

Colonel Brownell's civilian education includes both an associate in arts degree and a bachelor of arts degree, as well as a master

of public administration. His active duty training includes Army Command and General Staff College, the National Security Management Program at Harvard University, and the Personnel Management for Executives Course.

Colonel Brownell's numerous decorations include the Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Army Meritorious Medal with two oak leaf clusters, and the Army Commendation Medal with one oak leaf cluster.

Mr. Speaker, I have been impressed by Colonel Brownell's outstanding service in the Armed Forces and his many contributions to our Nation's security. As he prepares to retire from military service, he has our thanks for his many years of service to our Nation and our best wishes for his future endeavors.

INTRODUCTION OF THE EMPLOYMENT ENHANCEMENT REFORM ACT OF 1994

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. ZELIFF. Mr. Speaker, I rise with my colleagues JOHN KASICH, JOHN MICA, and 18 of our colleagues to introduce legislation to improve the Federal job training effort.

The Employment Enhancement Reform Act of 1994 will simplify and streamline the flow of Federal job training dollars to the States to better serve unemployed Americans and hasten their reentry into the work force.

The GAO has identified over 150 different Federal job training and employment service programs. This diffuse, patchwork approach to providing job training services to unemployed Americans is confusing, inefficient, ineffective, and unnecessary. This legislation will remedy this situation by consolidating over 90 Federal job training programs into one flexible block grant program. States will have the flexibility to target job training funds where they are needed most and to be creative in providing this training.

In addition to the many programs presently in existence, there is also a myriad of conflicting definitions and regulations to implement them. Under this legislation, States will have one set of job training definitions and regulations to implement, and one funding stream to monitor. This will result in more resources being devoted to providing effective job training services and fewer dollars being wasted on administrative costs.

Populations that have traditionally been served by the programs to be consolidated will continue to be served, populations such as disadvantaged adults, dislocated workers, veterans, displaced homemakers, disadvantaged youths, persons with disabilities, and those requiring vocational education.

States will be encouraged to establish a single coordinating council to facilitate the transition from one job to another, or from unemployment to employment, and to set up "one stop shop" centers throughout the State at which eligible individuals can obtain information on the various types of employment assistance and other social services available. Individuals seeking assistance will be profiled at these centers—in a similar fashion to what is currently done for unemployment benefits—to determine the kind of services needed to help them find employment. The bill also includes measurements to determine the success of the State programs.

The temporary 0.2 percent FUTA [Federal Unemployment Tax] is repealed under this legislation, demonstrating to businesses that some Members of Congress are conscious of the mandates the Federal Government imposes and are willing to reduce the cost of labor to business to encourage job growth.

A single, more efficient job training effort will also reduce the deficit by approximately $7 billion over 5 years. This legislation will make our job training dollars work better and put people back to work. I urge my colleagues to join Congressman KASICH, Congressman MICA, and me in this effort.

SHOOTING AT PENSACOLA ABORTION CLINIC

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Ms. ESHOO. Mr. Speaker, in March of 1993, many of us stood in this well and decried the atmosphere of hate and lawlessness that surrounded our country's abortion clinics.

I said then "for several months there has been an increasing level of violence by the antichoice movement: Emotional and physical harassment of doctors, patients, and health care workers; bombings; chemical sprayings, beatings; and now cold-blooded murder."

What concerned me most at the time were the weak disavowals of violence by the antichoice people. At the time antichoice leaders had established a defense fund for the killer of this doctor—a killer now serving a life sentence.

Mr. Speaker, the antichoice people have created this climate of violence. And today this violence has claimed the lives of two more people and wounded a third.

Mr. Speaker, these appalling acts of violence are purposeful. They have the calculated intent of destroying and terrorizing.

For the sake of health professionals and women across the country, I urge our Nation's law enforcement authorities to respond appropriately to the antiabortion movement's violent tactics. We must insist that the law stop what their conscience permits.

NEW SLANT ON CHRISTIAN LOVE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. JACOBS. Mr. Speaker, here's a new slant on Christian love.

It was on a van I saw last weekend. Two bumper stickers, one saying, "A great way to start the day is to praise the Lord"; the accompanying sticker saying, "Impeach the President and her husband."

So there you have it, a Christian's love and a Christian's hate, all on the same bumper.

By the way, in addition to Jesus' injunction to "love thy enemy," there is that matter about God's commandment, "Thou shalt not bear false witness against thy neighbor." Impeachment, you will recall, is based on "High Crimes and Misdemeanors," not just policies the opposition party doesn't like.

TRIBUTE TO TINA ALVARADO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to make note of the innumerable contributions Tina Alvarado, minority staff director for the Veterans' Affairs Subcommittee on Hospitals and Health Care, has made to our committee and, by extension, the workings of Congress over the past 5 years.

Tina joined our subcommittee in 1989 and has played a vital part in formulating numerous pieces of veterans' legislation through the years. During my tenure as the ranking Republican of the subcommittee, I have had the privilege of working directly with her. Tina has provided important technical assistance in drafting legislation and amendments to guarantee that veterans are treated equitably as Congress debates health care reform. She has also worked with me on VA eligibility reform, hospital construction funding, and the fight to retain much-needed VHA employees.

Tina first came to the Hill, Mr. Speaker, in 1985 as a research assistant for Senator FRANK MURKOWSKI on his Veterans' Affairs staff. After a year, she accepted a job with the Paralyzed Veterans of America. Tina started as a legislative research analyst, but within a year and a half she was associate legislative director.

Mr. Speaker, as a lieutenant in the U.S. Navy Nurse Corps Reserve, Tina was called up to active duty in 1990 and served in Operation Desert Storm. While this experience may have strengthened her commitment to the Nation's veterans, she was already an expert in her field. The veterans service organizations have come to rely on her insight and knowledge, as have all of us on the subcommittee, Republican and Democrat alike.

As a testament to the goodwill Tina has spread in the veterans' community and on Capitol Hill, a reception was recently held in her honor. While previous commitments precluded my attendance, a number of other Members, including Chairman MONTGOMERY and ranking member STUMP, were there to wish her well. Representatives from all the major veterans organizations were also there. Clearly, her work has been appreciated.

Tina will be leaving Capitol Hill today for a new career in North Carolina. She will be sorely missed by all who have been fortunate enough to have worked with her. I wish her the best of luck as she brings her knowledge and expertise to the veterans of North Carolina. I know she will continue to be a tremendous asset in any future endeavors.

INTRODUCTION OF THE FOREIGN TAX COMPLIANCE ACT

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. WHEAT. Mr. Speaker, I am proud to join my colleague from Missouri, Majority Leader GEPHARDT, and Appropriations Committee Chairman DAVID OBEY introducing the Foreign Tax Compliance Act—legislation to provide a greater measure of fairness and good sense to our Nation's tax laws.

One of the central goals of Government policy—particularly tax policy—should be promoting investment in our people and in our businesses here at home.

For too long, though, our tax policies have had it backward—rewarding U.S. companies that move overseas and granting unfair tax giveaways to foreign subsidiaries in this country.

Today, for example, over 70 percent of foreign-based corporations in the United States pay no Federal income taxes.

Our Nation's tax policies have effectively encouraged disinvestment at home and placed our own Main Street businesses at a competitive disadvantage in the marketplace.

American businesses shouldn't be forced to compete against foreign subsidiaries here that don't pay their fair share of taxes. And American workers shouldn't be left out in the cold because our tax laws encouraged companies to ship jobs away and ship products back.

The Foreign Tax Compliance Act will help reorient our Nation's tax laws.

It will attack the current tax breaks that now allow multinationals in the United States to pay virtually no taxes here. And it will close loopholes that encourage U.S. companies to profit from moving production overseas, and exporting American jobs abroad.

Mr. Speaker, we have to change our tax laws to encourage business investment here at home—not to some faraway shore. We have to provide incentives to invest in our people, in business, in new technologies in Missouri, and around the country.

The Foreign Tax Compliance Act will help advance these twin goals. It will begin to restore equity and fairness in our tax laws by helping ensure that our Nation's tax policy levels the playing field here and stops providing perverse incentives to relocate companies and jobs away.

In short, Mr. Speaker, this bill will help put our tax policies back on the side of American workers.

POSSIBLE USE OF FORCE IN HAITI: CONGRESSIONAL CONSULTATION AND AUTHORIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. HAMILTON. Mr. Speaker, on July 11, 1994, I wrote to National Security Adviser Anthony Lake concerning executive branch consultation with the Congress regarding the potential use of force in Haiti. Specifically, I urged the administration to consult closely with Congress on the use of force and to keep in mind the provisions of the War Powers Resolution requiring congressional authorization for a deployment in harm's way of U.S. forces for any period beyond sixty days.

On July 28, 1994, I received a reply from National Security Adviser Lake. The text of the correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 11, 1994.

Dr. ANTHONY LAKE,
Assistant to the President for National Security Affairs, Washington, DC.

DEAR TONY: I write with respect to the possibility that the U.S. Armed Forces would be deployed for potential combat in or around Haiti.

It is my strong view that prior to making any decision to so deploy U.S. forces, the President should consult closely with the Congress. After such consultation, if the President decides to proceed with this action, I would note that under the War Powers Resolution, the Congress should authorize the deployment of such forces for any period beyond sixty days. As you know, Congress expressed its views on the importance of both consultation and authorization with respect to Haiti in Section 8147 of the Department of Defense Appropriations Act of 1994.

I would appreciate knowing what plans the Administration has made to consult with the Congress on this matter.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman.

THE WHITE HOUSE,
Washington, July 22, 1994.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, DC.

DEAR LEE: Thank you for your recent letter asking about our plans for consultations with Congress about the deployment of U.S. forces to Haiti.

As you know, the President's emphasis is on making the sanctions effective in bringing about the departure of the military leaders and the restoration of democracy. At the same time, he has not excluded any option including use of force that may be required to protect American interests regarding Haiti.

We are committed to ongoing and intensive consultations on all aspects of our policy toward Haiti. Should the President decide that use of force is required, we will consult with Congress consistent with the provisions of the War Powers Resolution and operational circumstances.

The President and all of us very much appreciate the support you have given us in the search for a solution to the Haitian crisis which conforms to the principles on which American foreign policy is founded and which protects the many compelling interests we have in that country. We look forward to continued collaboration in that effort.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

SALUTING ALFRED BEAUCHAMP

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. FIELDS of Texas. Mr. Speaker, I wish to take a moment today to salute a constituent, Alfred Beauchamp of Spring, TX. Mr. Beauchamp is one of 40 American merchant mariners to be invited to Russia recently to participate in ceremonies honoring the merchant seamen who provided a lifeline between the United States and the Soviet Union during the dark days of World War II.

In sharp contrast to our own Government, the Russian Government continues to acknowledge the important role merchant mariners played in ensuring an Allied victory in World War II. The Russian Government has for years held annual ceremonies honoring the foreign merchant seamen who helped sustain its people throughout World War II. In commemoration of the 50th anniversary of D-day, the Russian Government, with help from the United States Navy Memorial Foundation, flew 40 American merchant seamen to Russia to participate in a series of events designed to express to them the thanks of the Russian people.

By February 1944, Mr. Beauchamp—who was only 15 at the time and who had lied about his age in order to contribute to the Allied war effort—found himself in Philadelphia, preparing to ship out to New York, where he and his shipmates aboard the *Joseph C. Lincoln* would cross the Atlantic to deliver war supplies.

Mr. Beauchamp and his shipmates made it to New York, where the *Joseph C. Lincoln* joined a convoy that Mr. Beauchamp thought was headed for Odessa, Russia. In short order, he discovered that his ship was headed for Murmansk, on the northwest coast of Russia near the border with Finland.

The voyage from New York to Murmansk was fraught with danger: the waters were heavily mined, packs of U-boats hunted down and sank Allied vessels, and—closer to the Russian coast—the German Luftwaffe and the remnants of the German Navy.

The *Joseph C. Lincoln* and its crew endured a journey marked by great danger and terrible weather. The weather was so bad, in fact, that the *Joseph C. Lincoln* was forced to put into port in Glascow, Scotland for repairs. The ship finally arrived in Murmansk only to discover that there were no cranes large enough to unload the ship's cargo, which included six locomotives and tenders. Out of necessity, the ship continued south to the White Sea ports of Molotosk and Baebariska where its cargo finally was unloaded.

The voyage of the *Joseph C. Lincoln* was repeated hundreds of times during World War II, and those voyages were largely responsible for the survival of the Russian people, and the death of nazism, in that war. Without the brave men of the American merchant marine, it is unlikely the Russian people would have survived, or that freedom would have triumphed.

Mr. Speaker, 733 U.S. merchant ships were lost during World War II. Although 6,795

American merchant seamen were officially listed as having been lost at sea, many more died later from wounds or injuries—or died in Allied or foreign hospitals—and so were not included in the Government's totals.

World War II-era merchant mariners note, with well-deserved pride, that 62 percent of all merchant seamen received combat medals—and that the next-highest branch of the service was the Marine Corps, 24 percent of whose members received combat medals.

Mr. Speaker, the Government of the United States has for too long refused to recognize the invaluable contribution that America's merchant seamen like Alfred Beauchamp made to our victory in World War II. We have gone so far as to deny some of them veterans status—despite their heroism and their sacrifice. I thank God the Russian people recognize the contribution America's merchant seamen made during World War II, and I pray to God that some time in the future, we follow their lead.

Thank you Mr. Speaker, and thank you, Alfred Beauchamp.

STATEMENT OF ALLAN HUSTON, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF PIZZA HUT, BEFORE THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. GLICKMAN. Mr. Speaker, in the last few weeks there has been a great deal of talk about the benefits policies of Pizza Hut, a company headquartered in my district. Mr. Allan Huston, president and CEO of Pizza Hut, recently testified before the Senate Committee on Labor and Human Resources to explain his company's policies. I am including his statement in the RECORD so that my House colleagues can read for themselves Pizza Hut's explanation of their policies.

STATEMENT OF ALLAN S. HUSTON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, PIZZA HUT, INC.

My name is Allan Huston and I have the privilege of serving as Pizza Hut's President and Chief Executive Officer. Pizza Hut was born in Wichita, Kansas in 1958 and we continue to be headquartered in our home town. I appreciate the opportunity to appear before the Committee on Labor and Human Resources and I sincerely hope we're all here to productively discuss health care reform in general and mandates in particular.

Today, there are 10,000 Pizza Huts in 87 countries. Total employment in the Pizza Hut system exceeds 235,000 workers. In the United States, the Pizza Hut system employs 195,000 people, 95% of which work part time. In the last five years, we have opened 1,700 new restaurants and created 41,000 new jobs in this country.

Pizza Hut has the nation's largest employment program for people with disabilities, which is called Jobs Plus. Through this program we employ over 3,000 people. Through these efforts we have been privileged with the receipt of scores of employer of the year awards.

We also operate the nation's largest reading incentive program, which is called BOOK IT. Children are given free pizza for reading books. The Kids love it and 18 million of them have enrolled. Our efforts in this area has also lead to numerous awards including the President's 1986 Private Sector Initiative Award and the 1989 Family Circle Leaders of Readers Award.

Both our corporate offices and our franchises participate in community-based educational and recreational programs all over this country, from Little League baseball to police department basketball programs for gang members. Through our Harvest program we feed the needy and help feed those who are victims of national disasters such as Hurricane Andrew.

We have built our business on the fun of sharing a piping hot pizza with friends and family. It came as a shock to all of us that overnight we were somehow transformed from a pizza baker to a target in a national political debate.

Seemingly out of nowhere, a group called the Health Care Reform Project launched a campaign against us including derogatory television ads and plans to disrupt our business.

Accusations have been made about Pizza Hut that have created an overcharged, adversarial atmosphere that is not only unfamiliar to us, but in the end, more importantly, extinguishes any meaningful dialogue.

Words like duplicity and hypocrisy have been tossed at Pizza Hut. As I said, our home is Kansas and, in Kansas at least, those are strong words.

I appreciate the time to set the record straight about Pizza Hut's health plans and our view of mandates, employer and employee. Pizza Hut was the first major restaurant company to make health care available to all our employees, salaried and part-time. A majority of our employees are part-time workers, many of whom are young people who recently joined the work force.

They typically work for us for a limited time with a specific goal in mind, such as funding education, a new car and the like. Our health care programs are tailored to meet the unique needs of our work force. In fact, before putting into place our health plan for part-time workers, we polled them to find out about the kind of health care they wanted and needed.

Under the plan we put in place for our part-time workers, they pay the cost of their health insurance for the first six months of their employment, after which we contribute to the plan to supplement their benefits. The average weekly cost for a single employee to participate is approximately $11.

Health care is not the only benefit we provide our part-time employees. For instance, we also provide a student loan service, child care discounts, a discount shopping network, a retirement plan and paid vacations. Finally, if they stay with us for one year and work 1,500 hours per year, they participate in a stock option program, and that, is unique in all American industry.

The recent debate has become confusing to all of us. I even have heard that Pizza Hut opposes health care reform. That's untrue. We support reforms that will enhance competition, such as voluntary purchasing alliances, and other reforms that will contain costs such as tort reform and the abolishment of unnecessary paper work. I also believe Congress needs to address the issues of portability and exemptions of preexisting conditions. From a businessman's perspective, it makes sense to address these fundamental changes to enhance the world's best health care system without risking unintended consequences of more radical changes.

I think mandates—employer and employee—are the wrong solution for America. My opinion is based on experience—I have seen the effect of mandates on Pizza Hut's business in international markets. My view is anchored on actual experience in a number of foreign markets. From what I have seen of mandates in Europe and elsewhere they contribute to the descending economic spiral of higher prices and unemployment.

Of course, mandated health care is not solely responsible for higher prices and increased unemployment, but it is most certainly a contributing factor. Although I have real questions about the efficiency of the mandate-driven health care systems such as in Japan and Germany, I will leave that discussion to others.

In markets with burdensome social costs, Pizza Hut has been unable to develop the kind of business that generates the new jobs and opportunities we have enjoyed in the United States. Despite the burdensome costs of Germany and Japan, have we been successful? Contrary to some of the misleading information published by the Health Care Reform Project during the last week, the answer is no. Our operation in Germany, with only 65 restaurants, despite increased revenues, has been unprofitable in 10 of the last 11 years.

Our franchisee in Japan has yet to make a return on investment, even though Pizza Huts in Japan average over $1 million each year in sales. Our experience is that the high cost of mandates contributes to higher prices, lower profits, unemployment and eventually stifles investment.

Germany is an excellent example of stifled investment. With 85 million Germans, we still, after 11 years, only operate 65 restaurants. If we were as penetrated in Germany at the same level as the United States, we would have about 2,500 restaurants. With records like this overseas, why would we believe mandates will succeed in the United States?

Let's look how mandates might effect Pizza Hut in the United States. Some people say we can simply raise prices to cover the increased cost of mandated health care. Unfortunately, experience demonstrates, it's not that easy.

In a recent article on the effect of mandates, the authors pointed out that purchased meals have a high elasticity of demand, which means that for each percentage point increase in price, consumers will decrease their purchase of meals away from home by 2.3%. A price increase of 5% would result in 11.5% decrease in consumer traffic in our restaurants.

Let's take a look at an actual example of Pizza Hut elasticity:

Less traffic means less sales and declining sales inevitably lead to fewer jobs.

A similar myth is that we can somehow magically absorb the cost increase. Some people claim that the 1991 minimum wage increase had no effect on our business—untrue. In fact, it led to a staffing decrease equivalent to the loss of 16,500 jobs.

With increased costs due to mandates we would be left with a Hobson's choice: Either raise prices, which will lead to a fall-off in sales and eventually lost jobs, or eliminate jobs at the start. Poor choices, indeed.

At Pizza Hut, as well as any business, cost structures are a linchpin of success. Nothing is more certain to destroy a viable business

than run-away cost escalations. The cost of President Clinton's plan worries me. Predicted and actual costs sometimes don't match up. For instance, Medicare in 1966 was predicted to cost $12 billion by 1990. The actual cost was $107 billion.

With the viability of our health system at risk, I am concerned the cost of mandates, like the cost of Medicare, has been underestimated.

In closing, I am proud that Pizza Hut in the last five years has developed 1,700 new restaurants and created 41,000 new jobs in the United States. Frankly, until last Friday, I thought we were simply an excellent corporate citizen, serving our community not only with the world's favorite pizza, but with a variety of civic-minded programs I referenced earlier. Perhaps most surprising to us was the fact we were subjected to attack about health care, by a group we do not know in an area where we have been an industry leader.

We have been unfairly singled out for criticism for one reason—and for one reason alone: We disagree with certain pressure groups on the mandate issue. It's time we all turn our attention to the issues. As Senator Kassebaum so aptly put it, it is time to seek solutions rather than villains.

Thank you for listening.

SINGLE MINIMUM WAGE INCREASED, PIZZA HUT HAS REDUCED 16,500 JOBS

	1990	1994	Decrease
Crew hours per week	482	426	56
Equivalent jobs	28.3	25.0	3.3
Units	5,000	5,000	5,000
Total crewmembers	141,500	125,000	16,500

50TH ANNIVERSARY OF THE SMOKEY BEAR FIRE PREVENTION AND EDUCATION PROGRAM

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. DE LA GARZA. Mr. Speaker, the Smokey Bear Fire Prevention and Education Program will celebrate the culmination of a year long 50th anniversary on August 9, 1994. Although many of our recent forest fires have been lightening caused, nationwide, 9 out of 10 forest fires are caused by people. This accounts for more than 100,000 wildfires started by people every year, which burn more than 2 million acres of Federal, State, and private land. These fires cause a loss of millions of dollars of property, natural resources and incalculable loss of human life.

Fire prevention education and awareness is a proven cost-effective way to avoid resource damages and loss of life resulting from carelessly caused fires. The multifaceted Smokey Bear Program averts millions of dollars in Federal and State fire suppression costs and helps preserve America's greatest natural treasures, our forests.

Smokey Bear is the longest running public service advertising [PSA] campaign in the history of the advertising council. In the last decade alone, over $500 millions in donated media have appeared across the country, spreading Smokey Bear's message of fire prevention.

Smokey Bear has provided a invaluable lesson in fire prevention. By heeding Smokey Bear's advice, wildlife damage can be minimized and the threat to human lives reduced. Please join me and my colleagues in recognizing this most effective and important program by supporting the attached resolution.

THE WELFARE STATE'S THREAT TO RELIGION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1994

Mr. GINGRICH. Mr. Speaker, I would like to share a copy of a recent article by Richard A. Epstein with my colleagues. I hope they find it as informative as I did.

[From the Wall Street Journal Wednesday, July 27, 1994]

THE WELFARE STATE'S THREAT TO RELIGION

(By Richard A. Epstein)

The ever-expanding reach of government has threatened the twin constitutional guarantees of the Religion Clause to the First Amendment: free exercise of religion for all and establishment of religion for none.

When government's functions are limited to preserving order, protecting property rights and enforcing contracts, as was the Founding Fathers' intention, these two clauses work together well. But the advent of the welfare state upset this easy relationship.

The now notorious Kiryas Joel litigation, decided by the Supreme Court last month, is a perfect example of the corrosive effect of state subsidies on the original constitutional balance on religion. The court declared unconstitutional a school district in the tiny New York town of Kiryas Joel in which only members of the Satmar Hasidic sect live. This special school district was created out of the larger Monroe-Woodbury District to provide a secular public school for disabled Hasidic children in order for them to take advantage of the considerable federal funds available for disabled students. There are no public schools in Kiryas Joel for able-bodied children.

Clearly something can be said for the Supreme Court's decision that the fusion of public and private functions in the Kiryas Joel school district runs afoul of the First Amendment. But step back from the immediate controversy and consider the larger picture. First, conceive of a minimal state with no federal support for disabled students. In such a world, all Hasidim would have been in private schools and Hasidic dollars would educate disabled Hasidic children. State taxation, however, funnels these dollars through state hands; if the Hasidim want their dollars back, they have to send their disabled children to state schools.

This was not the case until 1985, when the Supreme Court's insanely aggressive reading of the Establishment Clause in *Aguilar* v. *Felton* kicked in. Aguilar prohibits remedial education in annexes to religious schools (as was the case in Kiryas Joel), even when no federal funds are used for religious ends.

After Aguilar, the situation in Kiryas Joel quickly unraveled. The first accommodation was to bundle the disabled children off to secular public schools outside their own community. But water and oil did not mix. Members of the isolated religious minority were subject to abuse and harassment for their dress and behavior. All parents save one withdrew their children from these programs. Yet the magnet of public money, and the evident unfairness of excluding Hasidim from programs for which they had to pay, led inexorably to the weird school district, staffed by non-Hasidic professionals and attended only by disabled Hasidic students in a consciously maintained secular setting.

One refreshing feature of this unhappy tale is that Justice Anthony Kennedy's concurring opinion openly acknowledged that Aguilar might be "erroneous," and should be reconsidered. But even if Aguilar were overturned tomorrow, much would still be lost: The federal subsidy would still be restricted (as charitable deductions are not, by the way) for secular ends in secular settings. The price for accepting federal funds is to lose the religious integrity of the curriculum. The government's expanding power to tax and spend thus chokes off religious independence.

If we want to keep such federal subsidies, the better solution would be to tie them to students, not to institutions. This way they could be spent at whatever schools students choose, no strings attached. The same mix of religious and non-religious schools in a subsidy-free world should, to the extent possible, carry over into our brave new world of tax subsidies.

An even broader look at the place of religion in the welfare state shows that many of the greatest threats to religious liberty stem from the insufficient protection of individual liberty in economic affairs. For example, the Supreme Court held in *Presiding Bishop of the Church of Latter-Day Saints* v. *Amos* (1987) that the state could exempt, in whole or part, religious institutions from the employment discrimination laws. In a minimal state, such a question would never arise because there would be no antidiscrimination laws to begin with.

Note also that nothing in Amos requires the state to honor that religious exemption. Let the political winds change, and the state could require that everyone from janitors to teachers to high priests be hired regardless of their religious beliefs. Freedom of association once offered an impregnable barrier to government action; that is not necessarily so under today's squishy balancing tests. So it is no surprise that *United States* v. *Lee* (1987) meekly deferred to Congress when it imposed Social Security taxes on the Amish, who for religious reasons would not accept benefits.

Likewise when in 1978 the Supreme Court allowed New York to impose landmark designation on individual property owners without paying just compensation. This meant that St. Bartholomew's Church in New York City could not develop or sell its own air rights to secure its financial survival without seeking to show (unsuccessfully) that religious institutions should be exempt from the sweep of a general and neutral law.

More generally, with extensive government funding of education and health care in the wings, the lurking danger is that religious persons will be required to pay taxes to support programs, such as abortion, in which as a matter of conscience they cannot participate. Countering that danger should be a major constitutional mission of the Supreme Court.

It is a goal that cannot be achieved in a world in which property rights occupy a second-tier status. Chief Justice William Rehnquist penned perhaps the single most important sentence of this year's term in *Dolan* v. *City of Tigard*, a land-use case decided in favor of the landowner: "We see no

reason why the Takings Clause of the Fifth Amendment, as much a part of the Bill of Rights as the First Amendment or Fourth Amendment, should be relegated to the status of a poor relation in these comparable circumstances."

The sentence has even greater urgency when set against the background of the religion cases. The protection of private property does more than promote market efficiency; it enhances the level of human freedom in the most intimate and personal parts of our lives.