A CONSTITUENT'S VIEWS ON THE FLAG DESECRATION AMENDMENT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. SERRANO. Mr. Speaker, I recently received a letter from a constituent, Mr. Geoffrey Graham of the Bronx. Mr. Graham thanked me for my vote against the proposed constitutional amendment to permit Congress and the States to prohibit the physical desecration of the U.S. flag. He also enclosed an essay expressing his views on this issue in more detail, which I thought was very eloquent. I commend this essay to my colleagues, and hope that each and every one will read it carefully and think again about the messages this amendment to our Constitution would send to residents of the United States and to the rest of the world.

Mr. Speaker, Mr. Graham's essay follows:

WHY I OPPOSE THE FLAG DESECRATION AMENDMENT

There are three reasons to oppose the Constitutional amendment that would ''protect'' the flag.

The most important is that it will bring a small measure of fear into the lives of ordinary Americans. There are countries where people live in deep fear of their own government and institutions. Russia is a particularly tragic example, but there are many others. The contrast in quality of life between such countries and our own is so stark that any change in that direction should be viewed with apprehension.

Now, the friendly and familiar American flag, always a welcome presence, is being transformed into something that must be handled warily. It will have to be kept from young children and boisterous drunks, lest a felony occur. Unruly adolescents will have to be taught that disrespect for this object, unlike disrespect for the family bible or Crucifix, can bring severe punishment from outside the family. Idealistic teenagers, who sometimes believe in the First Amendment with almost religious fervor, will have to learn that the flag is an exception that could get them into very serious and long-lasting trouble. Housewives who are tempted to wash a soiled flag along with the regular laundry will have to remember that they had better not. We will have become a nation that is slightly afraid of its own flag.

A second reason is that it will undercut our efforts to help dissenters around the world who are being punished for violating some holy symbol. Sometimes, polite verbal protest is not enough. Most of us could sympathize with women in Islamic fundamentalist countries who might burn their veil or even a copy of the Koran. Of with women in poor Catholic countries, where the church has great influence, who might publicly destroy a Bible of crucific in anger over the church's position on birth control. Or with inhabitants of the former U.S.S.R. or Rhodesia if they burned their hated internal passports. Or with Chinese dissidents who, following the Tienanmen Square massacre, might direct a bitter symbolic protest at China's leader Deng Xiaoping (the act is to publicly break a small bottle, a ''xiao ping''). Our efforts to shield such dissenters have been moderately successful; but in the future, they will be weakened by the taint of hypocrisy. Indeed if disrespect for an icon is the important thing, rather than the form which the disrespect takes, it will be hard for us to reproach the Iranian government for its treatment of writers like Salman Rushdie.

The third reason is that the amendment will vandalize something much more important than the flag, our Constitution which includes the Bill of Rights. The Constitution is based on an unusual principle of government: an agreement to strictly limit the ability of any group to use the machinery of government against those of whom it disapproves. To that end, it guarantees freedom of expression without concessions to powerful political interests. In particular, it provides that expressions of discontent must be harmful, rather than merely convey and offensive idea, in order to be forbidden. Now we are abrogating that principle in return for the shallowest of satisfaction.

The Constitution, not the flag, has made us the great nation that we often are. It is admired around the world, and has been imitated countless times. Along with the Magna Carta and the Geneva and Hague Conventions, it is a landmark in the human effort to treat each other with decency. It is one of the greatest secular documents ever written, but its greatness derives from the fact that we usually live up to its guiding philosophy. It deserves better than this.

There is still time for the American public to give this proposed amendment the careful scrutiny it deserves. We should.

TRIBUTE TO PARTICIPANTS OF THE SUMMER INITIATIVE ''POLICE AND COMMUNITY TOGETHER STOP THE VIOLENCE'' RALLY/CONCERT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Ms. VELÁZQUEZ. Mr. Speaker, it pleases me to acknowledge the efforts and accomplishments of the Cypress Hills and East New York communities. Through the hard work and determination of its residents and the local 75th Police Precincts, a ''Stop the Violence'' concert was recently organized on July 16, 1995. The purpose of the event was to promote and enhance positive relations between community residents and the Police Officers that serve and protect them.

Through cultural performances and other presentations, young people were exposed to an enlightening and positive atmosphere. Recognizing the limited resources available to support creative and ongoing events such as this one, I must applaud the efforts of the Police Department, community residents, and other collaborative groups for making this activity possible. It is through a collective and innovative strategy that our communities will be able to bring about positive social change. I must also acknowledge the dedication and outstanding track record of Police Officers' Richard Perez and Dennis Rivera.

I believe we must use this event as a model strategy for bridging gaps in communication within our cities and neighborhoods. We must also give praise and support to the individuals and organizations that make these activities possible. The communities of Cypress Hills and East New York have made a valuable contribution to society—an investment in our young people. Thank you.

IN MEMORIAL OF DAVID J. WHEELER

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. COOLEY. Mr. Speaker, yesterday I submitted a bill (H.R. 2061) to name the Federal building in Baker City, OR, after the late David J. Wheeler. I rise today to offer a few words in memory of Mr. Wheeler.

Baker City is a close-knit community in eastern Oregon—a little over an hour from the Idaho border. The town, lying just east of the beautiful Blue Mountains, was deeply affected by the recent loss of David Wheeler, one of the community's best-loved citizens. Mr. Wheeler, an employee of the U.S. Forest Service, was inspecting bridges in the Payette National Forest in late April when he was brutally murdered by two teenaged thugs.

Mr. Wheeler's death has had a tremendous impact on the entire Baker City community, because he was an active civic leader involved in and committed to his adopted Oregon hometown. In 1994, Mr. Wheeler was selected by the Baker County Chamber of Commerce as the Baker County Father of the Year. At the time of his death, Mr. Wheeler was president-elect of the Baker City Rotary Club. He was a leader in the United Methodist Church, where he served as chair of the staff-parish relations committee. He served as a coach at the local YMCA and was a member of the Baker County Community Choir. The import of the above is clear, Mr. Speaker—Mr. Wheeler was a model Forest Service employee, a dedicated family man, and an admired and respected citizen.

I am honored to propose that the Federal building in Baker City be dedicated to his memory.

HELPING SCHOOLS MEET THE ''DIETARY GUIDELINES FOR AMERICANS''

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. MILLER of California. Mr. Speaker, today I am joining Mr. GOODLING in bipartisan legislation—H.R. 2066—to give schools more flexibility in the methods they may choose to improve the quality of their meals and to meet the dietary recommendations in the ''Dietary Guidelines for Americans,'' including the appropriate levels of recommended dietary allowance for nutrients and energy. I stand firm in my support for improving the nutritional value of school meals and for the legislation passed last year requiring schools to meet the guidelines in the time line indicated in Public Law 103–448.

In last year's reauthorization of the National School Lunch Act, Democrats and Republicans joined together to support the ''Dietary Guidelines for Americans.'' Our goal was, and is, for the school lunch program to provide healthy meals that kids will eat. The reauthorization bill—Public Law 103–448—requires schools to bring their meals into compliance by the first day of the 1996–97 school year.

Because this time line is relatively short, we sought to give schools flexibility in the methods from which they might choose to reach compliance.

The regulations interpreting the new law, however, do not provide the flexibility we sought. Unfortunately, the regulations prohibit schools able to comply with the guidelines under the current meal pattern, or another nutritionally sound meal pattern, from doing so. In fact, those already in compliance under the current meal pattern would be forced to change to one of USDA's new systems even though they are already in compliance with the guidelines.

Though studies have shown that most schools to not meet the guidelines under the current meal pattern, some schools are able to. Others believe they could meet the guidelines also if they make a few minor changes in cooling methods and food choices. I do not believe schools that are able to meet the guidelines under the current meal pattern or another nutritionally sound meal pattern should be precluded from using those systems. Our goal is to provide healthier meals, not to ensure certain methods are used for achieving healthier meals. Specifically this legislation allows schools to use any reasonable method to meet the guidelines, including those provided by USDA.

The Clinton administration deserves great credit for working to improve the health of schoolchildren. This amendment is in keeping with that effort. Our bill says to schools: We don't care what method you use to provide your children healthy, nutritionally balanced meals, just make sure you get it done.

I firmly believe that the problems posed by the inflexibility of the USDA regulations can be corrected by the Secretary, and there will be no need to go forward with the bill. Again, I commend the administration for its work in this area and look forward to continuing our bipartisan effort to improve the nutritional value of school meals.

CHINA POLICY ACT OF 1995

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 2058. I want to commend the efforts of my good friends Ms. PELOSI and Mr. WOLF against the human rights atrocities in China.

Mr. Speaker, the United States has granted MFN renewal to China annually since 1980. Since the massacre in Tiananmen Square in 1989, we have been extremely focused on China's human rights performance. There are some Members who de-link international trade and human rights and believe that the infusion of Western business practices and ideas will lead to greater freedom in China.

Mr. Speaker, it has been 6 years since the Chinese regime directed the brutal massacre of pro-democracy protesters in Tiananmen Square. There has been little change, at best, in the dismal human rights record of the Chinese government.

There still has not been a full accounting for the victims of the 1989 crackdown. And, furthermore, just 2 months ago, scores of well-known activists and intellectuals were rounded up and arrested for filing open petitions to the government urging a complete list of those who died.

Over the past 2 years this Congress has been, in my opinion, lenient towards the continued denials of freedom of expression, association, and religion in China.

Clearly, the time has come to send a clear and strong message to President Zemin and the National People's Congress that the United States will no longer stand idly by as products are made by slave labor for export, dissidents are permanently exiled, and torture and denial of medical care continues in Chinese prisons and labor camps.

The bill before us clearly states the Congress' outrage at China's violation of international nonproliferation standards. It also calls upon China to respect and uphold the U.N. Charter and universal declaration of human rights.

Despite previous concessions and promises made by the Chinese regime on human rights, the State Department recently reported that there continues to be widespread and well-documented human rights abuses in China.

Mr. Speaker, let me be clear * * * I agree that we must engage the Chinese. I recognize the over $9 billion of exports to China last year and the thousands of American jobs associated with those products and services.

However, we should not help underwrite the totalitarian regime in China any longer. This MFN debate is very different than others in the past.

This is a hallmark moment in United States-Sino relations. The post-Deng Xiaoping transition period approaches. With the fall of the Soviet Union, the Korean peninsula has become the most dangerous place on the planet.

As we have learned in country after country in Europe, the United States develops its strongest alliances and ensures its lasting security when we stand firmly and unequivocally for the principles upon which our own Nation was founded.

Mr. Speaker, whether we like it or not, the fact is that MFN is the only bargaining power we have with the Chinese each year. Our continued policy of unconditional engagement and economic stimulus to encourage human rights and nuclear nonproliferation is a failed policy.

H.R. 2058 directs the President to undertake intensified diplomatic initiatives to persuade the Chinese Government to, among other things, adhere to prevailing international standards regarding nonproliferation of weapons and respect the internationally recognized human rights of its citizens.

These initiatives will be carried out in our bilateral relations with China, and through the United Nations, the World Bank, and the WTO.

This bill requires the administration to report every 6 months on the progress of these initiatives and the Chinese Government's willingness to bring about reform.

Essentially, this bill will not allow the administration to walk away from the reality of the human rights abuses or nuclear proliferation.

It will also require the Chinese to make real reforms now, rather than empty and worthless concessions days before MFN renewal each year.

Mr. Speaker, there is a general consensus in the Congress that the best China policy is one that advocates a prosperous, strong, and democratic China. This bill is a compromise which makes great strides toward effectively pressuring the Chinese to make needed reforms, while not denying MFN status to China at this time. For that reason, I will support this bill. Thank you.

JUSTICE WARREN BURGER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. JACOBS. Mr. Speaker, our friend, Warren Cikins, has written a predictably eloquent piece for Legal Times about Justice Warren Burger.

I am pleased to share it with all those members and scholars who read the CONGRESSIONAL RECORD.

WARREN BURGER'S QUEST FOR ''FACTORIES WITH FENCES''

(By Warren Cikins)

Much is being written of Chief Justice Warren Burger's commitment to strengthening the criminal Justice system and to ensuring the punishment of wrongdoers, but the occasion of his death at 87 on June 25, should also be an opportunity to highlight his determination to give offenders a chance to reform. As he proclaimed in a 1981 speech, ''When society places a person behind walls and bars it is an obligation—a moral obligation—to do whatever can reasonably be done to change that person before he or she goes back into the stream of society.''

Burger's commitment to prison reform was part of his broader interest in improving the administration of justice. The number and breath of his contributions are themselves remarkable. In ''The Politics of Judicial Reform'' (1982), Burger's early endeavors are described by Dr. Mark Cannon, who held the position of administrative assistant to the chief justice from 1972 to 1986—a position Burger helped create to facilitate these reforms. Cannon chronicles Burger's joint efforts with the American Bar Association to create the Institute of Judicial Administration, his support of the interbranch Hruska Commission created in 1972 and continuing operations until 1975), his expansion of the functions of the Administrative Office of the Courts, his work with the Department of Justice to create the position of assistant attorney general for the Office for the Improvements in the Administration of Justice, and the greater involvement by the Judicial Conference of the United States (which he headed as chief justice) in the preparation of data necessary for legislation of major significance to the judiciary.

Burger also sponsored the National center for State Courts at Williamsburg, Va., supported the creation of the Federal Judicial Center (a brainchild of his colleague, Justice Tom Clark), promoted the National College of the Judiciary in Reno, Nev., helped create the State-Justice Institute, and sponsored the creation of the National Institute of Corrections and the National Corrections Academy in Boulder, Colo.

At his urging, the Brookings Institution sponsored a series of annual seminars that began in 1978 and continued through 1993. Attendees included the chief justice, the attorney general, the chairman and other members of the Senate and House Judiciary Committees and numerous other jurists and