Baha'is comprise the largest religious minority in Iran today.

Unfortunately, little has changed for the Iranian Baha'is since the time the faith was founded. Although the U.S. State Department reports that exile is not a tool presently used to persecute Iranian Baha'is, Baha'is in Iran are subject to ongoing, egregious violations of their human rights.

SInce the Iranian Revolution in 1979, over 200 Baha'is have been executed by the government solely for their religious beliefs. It is important to note that Baha'is have never engaged in any illegal activity nor participated in any form of opposition to the Iranian government. In fact, one of the basic tenets of the Baha'i faith is obedience to the civil law in the country where the adherent lives and the Baha'is in Iran have followed the tenet to the letter. When Iranian law was changed to effectively forbid the administration of the Baha'i Faith by elected groups and require the disbanding of Baha'i schools, the Baha'is of Iran complied, although these steps are a major impediment to the continued vitality of the Baha'i community in Iran.

Since the founding of the faith, Baha'is have been persecuted to varying degrees. Unfortunately, there are disturbing new signs that we may be entering a period of increased persecution. On July 21, the Government of Iran executed by hanging Mr. Ruhollah Rowhani, a Baha'i from the northern Iranian city of Mashad. He was arrested over ten months ago and charged with converting a Muslim to the Baha'i faith. He was held in solitary confinement without access to lawyers or his family. Then, after a sham trial in which he was deprived of the right to offer a defense, he was sentenced and killed.

A further cause for alarm over this heinous act is the fact that fifteen other Baha'is are currently in detention in Iran and three may face imminent execution. It is unclear when or if these men—all charged with religious crimes—will be put to death, but three have been found guilty and are essentially in the same position Mr. Rowhani was immediately prior to his execution.

Mr. Speaker, the Government of Iran clearly marches to the beat of its very own drummer. Nevertheless, I cannot see one single reason the Iranian government would execute Mr. Rowhani and threaten the lives of other Baha'is at a time when the outlook is more promising than it has been in a long time for an exploration of the possibility of a gradual move toward normalization with the rest of the world community. The Iranian authorities must be made to realize that the U.S. Congress, the administration, and the world community consider treatment of Baha'is and other religious minorities as one of the crucial yardsticks to measure Iran's progress toward re-entering the ranks of the global community.

The Government of Iran must be aware that the U.S. Congress has passed no less than seven resolutions since 1982 condemning persecution of Baha'is in Iran and calling for their emancipation. The Iranians must also know that the UN has adopted a number of resolutions regarding the persecution of the Baha'is in Iran and that the U.S. State Department carefully monitors and releases a widely-read annual report on such persecution. Congress, the administration and the world know when the Iranian Government is violating the principles of the UN Universal Declaration on Human Rights, which Iran has signed. We are watching carefully.

I call on the Government of Iran to cease the persecution of all of its citizens, including Baha'is, to release those currently being held, and to break the historical, mindless pattern of persecution of the Iranian Baha'i and all other religious minorities in Iran.

INTRODUCTION OF INDIAN TRUST FUND JUDICIAL PROCEDURE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MILLER of California. Mr. Speaker, I rise to introduce, by request, the Indian Trust Fund Judicial Procedure Act on behalf of the Intertribal Monitoring Association (ITMA). Earlier this session I introduced legislation to address the Indian trust fund problems as proposed by the Administration.

The legislation I am introducing today would set up a temporary court to address claims against the United States regarding tribal trust funds. A Special Master would be appointed and staffed to get as much information as possible together on all trust fund accounts and activity in order to come up with a formula to then apply to each account for restitution.

The problems with the Indian trust fund accounts is one I have worked on for much of my time in Congress. It it complex and controversial. I believe that this legislative approach by the ITMA and its member Indian tribes will continue the debate begun with the Administration's approach on how to come to a resolution regarding the Indian trust fund accounts held by the Bureau of Indian Affairs.

WASHINGTON WELCOMES THE TAOTAO TANO DANCERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. UNDERWOOD. Mr. Speaker, on July 17, 1998, I was delighted to co-host an event with the Smithsonian showcasing the impressive talents of Guam's Taotao Tano Cultural Dancers. For their first performance in Washington, D.C., the dancers traveled many miles to perform in the Meyer Auditorium at the Smithsonian's Freer Gallery of Art. Newcomers, as well as those familiar with and native to our island, were given the opportunity to share in Guam's cultural heritage. Some of us were even invited to go onstage with the dancers and learn some of the steps of the batsu, a native dance influenced by the Spanish. Under the guidance of choreographer Frank Rabon, the dancers also took the audience back in time by revitalizing ancient dances, chants and songs from prior to European colonization. Colorful and authentic costumes enhanced the women's graceful movements and strong voices. The intense energy and well-honed skills of the male performers impressed everyone in attendance that evening.

I take this opportunity to congratulate the Taotao Tano Cultural Dancers for their lively and engaging performance, as well as to thank the staff members of the Guam Council of Arts and Humanities (CAHA) who facilitated the event. These individuals were:

CAHA Staff: Ms. Jackie Balbas, Mr. Vid Quitoriano, and Mr. Paul Cruz.

Performers: Mr. Frank Rabon, Choreographer, Mr. Ryan Aguigui, Ms. Maxine Bigler, Mr. Frank Cruz, Mr. Darrell Lujan, Mr. Dominic Mendiola, Ms. Eileen Meno, Ms. Renati Narcis, Mr. Art Pangelinan, Mr. Angel Pares, Mr. Jonathan Paulino, Mr. Eric Reyes, Ms. Judene Salas, Mr. David San Luis, Ms. Rosanna San Luis, Mr. Brian San Nicolas, and Ms. Bobby Tainatongo.

Having received the invitation from the Guam Society of America to come to Washington, the Taotao Tano dancers were fortunate to receive their continued support upon arrival. Under the leadership of president Lou Barrett, the members of the Guam Society opened their hearts and their homes to the dancers in order to ensure a pleasant stay and help them travel throughout the city.

With less than a week to make this performance a reality, I am indebted to the Office of the Governor of Guam for finding the funds to support the dancers. I also extend my heartfelt gratitude to two members of the Smithsonian, Mr. Franklin S. Odo, Counselor of the Provost, and Ms. Stacey Suyat, Program Associate of the Office of the Provost, whose prompt efforts in securing a venue for the performers were invaluable given the time constraints to which we were subject. I also wish to thank Ms. Lucia Pierce, Head of the Education Department at the Sackler Gallery of Asian Art, and Mr. Michael Wilpers, Public Programs of the Freer Gallery, for their aid in finding a performance space for the dancers.

It was truly a privilege to collaborate with such dedicated individuals. It is my hope that future events which promote Guam's culture and arts will be as warmly received as the performance of the Taotao Tano Cultural Dancers.

ADDRESS OF JOHN BRADEMAS AT THE UNIVERSITY OF MEMPHIS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. ROEMER. Mr. Speaker, one of my distinguished predecessors as Representative in Congress of the Third District of Indiana is my friend, Dr. John Brademas, now President Emeritus of New York University.

John Brademas is also, by appointment of President Clinton, Chairman of the President's Committee on the Arts and the Humanities.

On July 18, 1998, Dr. Brademas delivered an address to delegates attending the National Conference of Academic Deans in which he discussed the recommendations of the President's Committee contained in ''Creative America'', the Committee's report to the President, with recommendations for strengthening support for these fields in our country.

Dr. Brademas also spoke of the significant role of the nation's colleges and universities in teaching the arts and the humanities.

Because I believe Members will find Dr. Brademas' remarks in Memphis of interest, I insert the text of his address at this point in the RECORD.

REMARKS BY DR. JOHN BRADEMAS, CHAIRMAN, PRESIDENT'S COMMITTEE ON THE ARTS AND THE HUMANITIES, NATIONAL CONFERENCE OF ACADEMIC DEANS, UNIVERSITY OF MEMPHIS, MEMPHIS, TENNESSEE

I am for several reasons honored to have been invited to the University of Memphis to address this distinguished company tonight.

You may be surprised to learn that I have a special connection to this city and region. Some 52 years ago, I first came to Memphis en route to the Millington Naval Air Training Base where I went through Boot Camp. Soon thereafter, still in a sailor suit, I went next door to Oxford, Mississippi, and as a Naval Officer candidate, spent my freshman year at the University of Mississippi, Ole Miss, a fascinating experience.

I add that one of the consequences of my time at Ole Miss was that last fall I had the great honor of delivering the principal address, on the Town Square in Oxford, at the centennial celebration of the birth William Faulkner.

From Oxford, Mississippi, I went on to Cambridge, Massachusetts, and Harvard where I took my B.A. and did a year of graduate study. Next it was three years at the other Oxford, in England, where I earned my Ph.D. with a dissertation on the anarcho-syndicalist movement in Spain.

In 1953, I returned to my hometown, South Bend, land of the Fighting Irish of Notre Dame, and in 1954 won the Democratic nomination for Congress from the Third Indiana District. I lost that race, by half a percent. In 1956, I was an assistant to Adlai Stevenson in his second presidential campaign. He lost again that year, and so did I, but on my third try, in 1958, I was elected and then ten times re-elected to the United States House of Representatives.

In the House I served on the Committee on Education and Labor where I took part in writing all the Federal legislation enacted during those 22 years, from 1959 to 1981, to assist schools, colleges and universities; the arts and the humanities, libraries and museums; and to provide services for the elderly and the handicapped.

MEMBER OF CONGRESS

During my last four years in Congress, I served as Majority Whip of the House, that is, third-ranking member of the Democratic Leadership, responsible for counting votes and pressing my fellow Democrats to support the positions of the Speaker, then Thomas P. (''Tip'') O'Neill, Jr.

You will understand from this chronology that I served in Congress during the Administrations of six Presidents; three Republicans: Eisenhower, Nixon and Ford; and three Democrats: Kennedy, Johnson and Carter.

In some ways, the most gratifying years of my service were those of the ''Great Society'' of Lyndon Johnson, during which, among other measures, we created the Elementary and Secondary Education Act; Head Start; college student aid; the National Endowment for the Arts and National Endowment for the Humanities, of all of which I was co-sponsor.

And, of course, it was during the Johnson presidency that Congress passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both of which I strongly supported, motivated in part, I must note, by my year in Mississippi.

In my last ten years in the House, I chaired the subcommittee with jurisdiction over the NEA and NEH, the subcommittee that also produced the laws that created what is now the Institute of Museum and Library Services.

In 1980 as a Democrat representing a basically Republican constituency in Indiana, I was defeated in Ronald Reagan's landslide victory over President Carter.

PRESIDENT, NEW YORK UNIVERSITY

A few months later I was elected President of New York University, the nation's largest private university, headquartered on Washington Square in the Heart of Greenwich Village.

For eleven years, from 1981–92, during which period, I think it fair to say, my colleagues and I transformed what had been a regional—New York, New Jersey and Connecticut—commuter school into a national indeed, international—NYU now has more foreign students than any other university in the country—residential, research university.

So after life as a legislator, I joined your ranks and became an academic administrator.

I must tell you, however, that everything I learned as a practicing politician on Capitol Hill proved immediately applicable at the University—making speeches, raising money, resolving conflicts, wrestling with big egos!

And although now president emeritus of NYU, I continue to be deeply engaged in issues that affect the institutions of learning and culture in our country.

In 1994 I readily accepted President Clinton's invitation to chair the President's Committee on the Arts and the Humanities. The President's Committee is composed of 40 persons, 27 from the private sector and 13 heads of Federal agencies with cultural programs, and our mission is to encourage support, from both government and the private sector, for the arts and the humanities in American life.

Slightly over a year ago, the President's Committee issued a major report, Creative America, warning that the entire structure of support, both public and private, would be endangered by the draconian cuts of approximately 40% that Congress had inflicted on the two Endowments as well as by proposals to eliminate Federal funding altogether. I am pleased to say that, in response to the work of such groups as Americans for the Arts, Americans United to Save the Arts and Humanities and of individual men and women all over the country, moderate Republicans in the House and Senate joined a majority of Democrats to continue support for the Endowments and the Institute of Museum and Library Services. There now appears, I am glad to say, to be revival of the bipartisan advocacy of these programs that characterized my own time in Congress.

Indeed, I must take advantage of this opportunity to remind you that only next week, the House of Representatives is scheduled to vote on appropriations for these agencies. I hope very much, therefore, that all of you will get in touch—and do so urgently—with your own Representatives in Congress to urge their votes for continuing funds for the Endowments and against attempts to kill them or further reduce their budgets.

Here I want to pay tribute to two outstanding leaders from this part of the United States, both members of the President's Committee.

BILL IVEY, CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS

One is Bill Ivey, of Tennessee, for many years director of the Country Music Foundation in Nashville, and last month sworn in as new chairman of the NEA by another eminent Tennessean, my friend and former colleague in the House of Representatives, now Vice President of the United States, Albert Gore.

Bill Ivey is already doing a splendid job in carrying the message of the arts across the land and making the point that ''the arts are . . . important to how Americans explain ourselves to each other—and how we present ourselves to the world. . . . American art,'' says Bill Ivey, ''is democracy's calling card''.

BILL FERRIS, CHAIRMAN, NATIONAL ENDOWMENT FOR THE HUMANITIES

The other native son to whom I refer is the new chairman of the National Endowment for the Humanities. For 18 years, founding director of the Center for the Study of Southern Culture at the University of Mississippi, Bill Ferris is also energetically articulating the superb contributions the NEH has been making to America's schools, colleges, universities, libraries, museums, archives, public television and radio stations and other cultural institutions.

That other eminent Southerner, from neighboring Arkansas, the President of the United States, Bill Clinton, is greatly to be commended for having appointed such first-class persons to these important positions.

And although a Democrat, I'll even tip my hat to another former Congressional colleague from this region, the Senate Majority Leader, Trent Lott of Mississippi, for having expeditiously moved these nominations through the confirmation process!

I want also to salute someone who is with us here today and who has been making an invaluable contribution to the work of our Committee, its dedicated and hardworking Deputy Director, Malcolm Richardson.

Malcolm was a co-author of Creative America and he continues to provide the Committee wise and informed counsel.

Malcolm received his Ph.D. in History from Duke University and has taught history at Duke, Furman and, you will be interested to know, the University of Memphis. He has a particular interest in the history of philanthropy as well as in the arts and humanities and in the role of nonprofits in promoting educational reform and international cultural exchanges.

The Executive Director of the President's Committee is yet another person whose name will be known to you, Harriet Mayor Fulbright, widow of the great Arkansan—and American—statesman and an authority on arts policy in her own right.

''CREATIVE AMERICA''

Now I have earlier mentioned Creative America, the report to the President—and the country—which the First Lady, Hillary Rodham Clinton, who is Honorary Chair of the President's Committee, and I released at the Library of Congress last year. Our report contains over fifty specific proposals for generating both public and private support.

Our recommendations are subsumed in several categories. We call for:

A renewal of American philanthropy for the arts and the humanities;

An assessment of the nation's preservation needs and a plan to protect our cultural legacy;

A public-private partnership to digitize cultural materials to make them available through new technologies;

A series of measures to strengthen education in the arts and the humanities;

Gradual increases in funds for the NEA, NEH and Museum Services program to rise from the current level of 85 cents per person to reach $2 per capita by the year 2000; and

A national forum on enhancing knowledge of other cultures, including international cultural and educational exchanges.

Tying these specific recommendations together, our Committee called on the President to help the nation realize this ambitious agenda by leading what we called a ''Millennium Initiative''.

I am pleased to say that President Clinton and the First Lady enthusiastically endorsed

our proposal and have created a White House Millennium Council to enlist the aid not only of the cultural agencies but virtually the entire range of Federal agencies and cabinet departments. The President's announcement eloquently challenged the nation to embrace the next century and new millennium as an opportunity, in the President's words, ''to honor the past and imagine the future''.

I can report too, that the President has been seeking additional resources for the arts and the humanities. Beyond asking Congress to increase the level of funding for NEA and NEH from $98 and $110 million respectively to $136 million each, he has announced a plan to provide another $50 million annually for the next three years to preserve America's cultural heritage.

MILLENNIUM INITIATIVE

As part of their Millennium Initiative, the President and First Lady have also acted to enlist more private support to preserve our cultural legacy. I was among those present on Monday of this week at the Smithsonian Institution's National Museum of American History where the President and Mrs. Clinton launched a White House Millennium project, ''Save America's Treasures''. You may have read that the American fashion designer Ralph Lauren helped kick off this effort by donating $13 million to restore the original Star Spangled Banner, the flag that flew over Fort McHenry in Baltimore Harbor and inspired Francis Scott Key to write our national anthem.

And you have also probably seen this week on television pictures of the First Lady visiting historic sites like the home of Thomas Alva Edison in New Jersey and Seneca Falls, New York, where the Women's Rights Movement was born.

In short, the White House is providing the leadership we asked in Creative America.

Now one of the areas where our report has not, in my view, received enough attention will, I think, be of particular interest to you. Let me quote from Creative America: ''We find that institutions of higher education constitute a crucial, but often overlooked, part of the nation's cultural infrastructure. Although America's universities provide the overwhelming majority of support for research and teaching in the humanities, the humanities are losing ground in the academy and find few external sources of funding. Support for the humanities and for liberal arts education generally is eroding as universities responded to market pressures and shift resources to vocational courses and to departments that attract substantial research dollars.''

My colleagues on the President's Committee and I have called on both the private sector and on arts and humanities organizations to do their part in reversing these trends.

We found the deficiency in private funding most pronounced in the humanities. In 1996, in preparation for our report to President Clinton, the President's Committee examined funding for the humanities. (We published our findings in a separate report entitled, *Looking Ahead: Private Sector Giving to the Arts and the Humanities.*) We observed that private contributions to the humanities were meager and becoming more so each year.

When we issued *Looking Ahead*, grants to the humanities for all purposes accounted for less than one percent of all foundation giving, and that figure has been declining since then. Even by the most generous definition of the humanities, private foundations gave no more than $100 million to the humanities in the early 1990s, and our estimate in 1996 was closer to $50 million.

Still, with its budget slashed nearly in half, the National Endowment for the Humanities, at $110 million, remains by far the largest single source of funds for the humanities in the United States.

It is clear, then, as we said in *Creative America*, that we must strengthen *both* public and private support for the humanities.

THE HUMANITIES

When in 1981 I was inaugurated as thirteenth president of New York University, one of my pledges was to strengthen the liberal arts. I made this commitment because I believed then, and still do, that it is through the requirements of a first-class liberal arts education that our schools and colleges provide society its most valuable resource: people who can think logically and write lucidly. It is the arts and the sciences that prepare people not only to enter the world equipped to practice their professions but also to act as intelligent, creative and honorable human beings.

Ideas and imagination are the province of the humanities, and a liberally educated person should be prepared to tackle complex problems, develop a critical perspective and be open to new concepts and experiences. Learning how to learn, one of the fruits of a liberal education, endows individuals with the flexibility to change careers as their interests, needs and ambitions change.

There is still another reason a humanistic education is important. Since the Golden Age of Greece—and I remind you that my father was born in Greece and that I was the first native-born American of Greek origin elected to Congress—what we now call liberal learning has been expected to contribute to the development of an individual's sense of civic responsibility. Certainly, no democracy can survive unless those who express their choices are able to choose wisely. And the American democracy cannot survive unless we as citizens rely on the processes of reason, accommodation and civil discourse—processes made possible only with an educated populace.

I must mention another area where *Creative America* identified a vital activity carried out by many colleges and universities, including some represented here tonight. Said our report: ''In addition to their indispensable role in supporting humanities scholars, colleges and universities are increasingly the employers of artists and writers, providing them salaries, offices, rehearsal spaces, studios, and access to audiences. In many towns, colleges are often the leading cultural centers. For example, colleges and universities now sponsor nearly one-third of all chamber music concerts.''

To the best of my knowledge, no one has adequately catalogued the full extent of university support for the arts. It would not be easy to quantify such support as so much of it comes in the form of in-kind donations. Yet I think it evident that the nation's artistic as well as scholarly and intellectual life depends to a significant degree on what happens in our colleges and universities.

Given this largely unrecognized support, it might seem unrealistic for us to ask the academic community to do more. But, in *Creative America*, our Committee did just that.

First, we called upon higher education to redouble its efforts to help our schools improve K through 12 education in both the arts and the humanities, and we offered several specific recommendations to improve teacher training. For example, we asked higher education to take the lead in strengthening foreign language requirements and in providing all elementary school teachers with some training in the arts.

ARTS EDUCATION

You and I know, to press the point, that arts education is essential to developing audiences for the arts. And we know, too that education in the arts helps students develop a capacity for creative thinking that is transferable to other subjects. So my colleagues on the President's Committee and I were heartened to see innovative partnerships formed by some universities, cultural institutions and school districts. To illustrate, Yale University and the public schools of New Haven have worked together for 20 years to strengthen teaching in the city's schools. The Yale-New Haven Teacher Institute brings college faculty and school teachers together to develop new course material in the humanities and sciences and to discuss issues chosen by the teachers.

There is another recommendation in *Creative America* that represents a challenge—and an opportunity—for our colleges and universities. Our report asserted that ''international artistic and scholarly exchanges'' are more important than ever in a world in which ideas, information and technologies travel freely across national borders.

We urged Congress to restore funding to international exchange programs, in particular the Fulbright and Arts America programs, and pressed the Administration to strengthen its commitment to the arts and the humanities as a ''crucial component of American foreign policy''.

Certainly the American economy is linked to international markets, as the current troubles in Asia demonstrate, and as a global political power, the United States has a vital interest in supporting programs in our schools, colleges and universities that enhance our knowledge and understanding of other nations, cultures and languages. To single out countries very much in the news right now, I would assert that most Americans, including Members of Congress, know very little about three of the largest nations in the world, India, Indonesia and Pakistan. Yet knowledge about and understanding of other countries are essential if the United States is to have informed and capable leaders for the next Millennium.

INTERNATIONAL EDUCATION

International education, I confess, has been a concern of mine for many years. A generation ago, in 1966, I authored—and President Lyndon Johnson signed into law—the International Education Act, to provide Federal funds to colleges and universities in the United States for teaching and research about other countries. Unfortunately, Congress failed to appropriate the money to implement the statue and I believe the nation—of course, not for that reason alone—has suffered a great deal in the ensuing years from our ignorance of such places as Vietnam, Iran and Central America.

Certainly as president of New York University, I worked to strengthen the University's offerings in the international field.

Already powerful in the study of French civilization, we established the Alexander S. Onassis Center for Hellenic Studies and the Casa Italiana Zerilli-Marimo.

We founded the Skirball Department of Hebrew and Judaic Studies and, in our Business School, a Center on U.S.-Japanese Business and Economic Studies.

Only last year, I had the honor of welcoming to our campus Their Majesties, King Juan Carlos I and Queen Sofia of Spain, as well as the First Lady of the United States, to dedicate the King Juan Carlos I of Spain Center of New York University, for the study of modern Spain, its economics, history and politics, and the Spanish-speaking world, generally.

So I hope that you as academic deans will on your respective campuses give attention to the development of programs for the study of other countries and cultures.

Let me, indeed, urge all of you to read *Creative America* and determine which of its over

50 recommendations may relate to your own institution.

Before I conclude these remarks, I want to add one more exhortation. In addition to all the specific recommendations I have cited, I must tell you that we what we most need from you is *leadership*. I am sure that all of you, deans and community leaders alike, attained your positions precisely because your colleagues and neighbors recognized your abilities.

Here I want to draw on my own background in Congress and public life generally to say that one of our failures in higher education and in the cultural community more broadly is that we have not always made our voices heard.

In this respect, I call your attention to a recent story in *The Chronicle of Higher Education* about ''the higher education lobby''. The story quotes Rep. John Kasich of Ohio as saying that ''Higher education couldn't organize its way out of a paper bag''.

Although the article paints a slightly better portrait of our efforts, it also underlines how silent so many in the arts and the humanities have been on issues vital to their future.

IMPORTANCE OF COLLEGE AND UNIVERSITIES

You need to speak up, especially on matters, such as student aid, crucial to every college and university. You need to make the case to your elected representatives in Washington and in your state capitals that public support for our institutions of learning and culture is absolutely essential. As I trust I have made clear, education has been a central preoccupation of my life—as student, teacher, legislator and university president.

For all of the problems confronting American higher education, for all the legitimate criticisms directed to it, I would assert as strongly as I can that America's colleges and universities are among the glories of our nation. Indeed, it is not too much to say that the future of the American people and, given the immense power of the United States in the world today, to a significant extent, the future of other peoples, depends on the strength of America's institutions of higher learning.

And surely it is true that indispensable to sustaining and strengthening the arts and the humanities in our country are our colleges and universities.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. McDADE. Mr. Chairman, I rise in unequivocal opposition to the Hutchinson amendment. It unfortunately turns the country toward the darkness of yesterday's night of oppression.

We speak of a time when the king rules by fiat, and could not be questioned, no matter how oppressive or heinous his conduct.

And so it was till that magnificent new beginning in 1215 on the plains at Runnymede, when King John was forced to submit to the rule of law.

So too, at Philadelphia in 1776 when the Founding Fathers penned the Declaration of Independence and began writing the Constitution, all intended to limit governmental power in the quest for liberty.

So it is today when you are called on to vote on the Citizens Protection Act.

For the same question is asked: Should the Department of Justice and its employees be subject to the rule of law in the same fashion as all other citizens of this nation, or should they be given the right to decide, like monarchs of old, when and if the universal law applies to them.

But this executive department has the arrogance to proclaim their right to enact law and to decide as if in a separate government how and if the law shall apply to them.

Listen to this language the Department of Justice wrote and tried to enact (in the 104th Congress, in the other body, in ''crime'' bill S. 3):

Sec. 502. Conduct of Federal Prosecutors

Notwithstanding the ethical rules or the rules of the court of any State, Federal rules of conduct adopted by the Attorney General shall govern the conduct of prosecutions in the courts of the United States.

The Department is so wrong in its thinking that all 50 States, though their chief justices, condemn the department's position, the 8th Circuit Court of Appeals unanimously found against them, the American Bar Association and the leading professional legal organizations join in the unanimous disapproval. And most importantly, 200 members of this body have voiced their disapproval, by co-sponsoring the legislation which is included in this bill as the McDade-Murtha amendment.

Tell the lawyers at DOJ to abide by the same ethics rules which govern all other lawyers. Vote against the Hutchinson amendment.

That's title 1 in the bill . . . not difficult to understand.

Neither is title 2.

Just as we acted to reform the IRS, today we set about reform in the Department of Justice.

Most people at the Department are fine motivated citizens. As is always the case, this legislation is required to protect citizens of our Nation against predatory actions of rogue employees, out of control, and acting inimically towards citizens and therefore the Nation at large.

Where there is injustice to one of us, there is injustice to all of us.

And the power, for good or evil is without peer.

In 1940, then Attorney General and later Supreme Court Justice Robert H. Jackson counseled the 2nd annual conference of U.S. attorneys.

Listen to his words:

The prosecutor has more control over life, liberty and reputation than any other person in America. . . . If the prosecutor is obliged to choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him.

To protect the constitutional right to liberty of our citizens, title 2 sets a series of standards, clear, unambiguous and self evident. They set guidelines for DOJ employees which must be met. They are neither controversial nor hostile. Unless, that is, you consider it hostile to be directed not to lie to the court:

Alter evidence;

Influence witnesses to color their testimony;

Fail to release information that would exonerate a person under indictment;

Impede a defendant's right to discovery;

Leak information during an investigation;

Mislead a court as to the guilt to any person; or

In the absence of probable cause seek the indictment of any person.

All of these standards are in fact court decisions which found specific improper conduct by the DOJ.

Let me quote from just one court decision, U.S. v Taylor, in which the court found that employees of the DOJ had convicted citizens of our country on perjured testimony.

We should all be familiar with this case before we vote . . . after the finding of perjury, the judge of course freed the citizens from jail, their lives ruined, reputations destroyed, chewed up by corrupt power.

The employees responsible for the false conviction on tainted testimony were punished, punished by main DOJ with 5 days suspensions, and 6 months probation. A 5-day suspension.

Because of cases like this, section 2 of the bill also sets up a review process to afford a citizen a process which will limit if not eliminate corrupt uses of power, and by limiting government powers, enhance the liberty of every citizen of this country.

And we must do so . . .

I conclude with a statement by Justice Brandeis:

Decency, security and liberty alike demand that government officials should be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously . . . Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that prenicious doctrine this Court should resolutely set its face. (Olmstead v. U.S., 1928).