allow it, and I do not think my colleagues will.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but listen to the gentleman as he was making both an eloquent but very common-sense explanation of what we are finally getting a chance to do this week in the United States Congress. First, let me applaud the gentleman from New Jersey for years of constant persistence about the crumbling and, unfortunately, weakened health care system in America.

I was just talking with my good friend the Speaker, and I think none of us have come to this Congress with any great adversarial posture with HMOs. I remember being a member of the Houston City Council and advocating getting rid of fraud and being more efficient with health care. So none of us have brought any unnecessary baggage of some predestined opposition to what HMOs stand for. I think what we are committed to in the United States Congress and what the gentleman's work has shown over the years, and what the Norwood-Dingell bill shows, is that we are committed to good health care for Americans, the kind of health care that Americans pay for.

I would say to our insurance companies, and I will respond to the State of Texas because it is a model, but shame, shame, shame. The interesting thing about the State of Texas, and might I applaud my colleagues, both Republicans and Democrats alike in the House and Senate in Texas, it was a collaborative effort. It was a work in progress. It was all the entities regulated by the State of Texas who got together and sacrificed individual special interests for the greater good.

I might add, and I do not think I am misspeaking, that all of the known physicians in the United States Congress, or at least in the House, let me not stretch myself to the other body, I believe, are on one of the bills. And I think most of them, if they are duly cosponsoring, are on the Norwood-Dingell bill. I think Americans need to know that. All of the trained medical professionals who are Members of the United States Congress are on the Norwood-Dingell bill, or at least cosponsoring it and maybe sponsoring another entity. That says something.

What we should know about the Texas bill is, one, to all those who might be listening, our health system has not collapsed. Many of my colleagues may be aware of the Texas Medical Center, one of the most renowned medical centers in the whole Nation. Perhaps Members have heard of M.D. Anderson or of St. Luke's. Many of our trauma centers, the Hermann Hospital, developed life flight. We have seen no diminishment of health care for Texans because of the passage of legislation that would allow access to any emergency room or that would allow the suing of an HMO.

I was just talking to a physician who stands in the Speaker's chair, if I might share, that if there is liability on a physician who makes a medical decision, the only thing we are saying about the HMOs is if they make a medical decision, if that medical decision does not bear the kind of fruit that it should, then that harmed or injured person should be allowed to sue. That has been going on in the State of Texas now for 2 years. There have been no representation that there has been abuse. I can assure my colleagues in a very active court system, as a former municipal court judge, there has not been any run on the courthouse, I tell the gentleman from New Jersey, because of that legislation.

So I would just simply say, if I might share just another point that I think the gentleman mentioned in terms of a poison pill, that we tragically just heard that 44.3 percent of Americans do not have access to health insurance. We know that we have, as Henry Simmons has said, President of the National Coalition on Health Care, that this report of uninsured Americans is alarming and represents a national disgrace. We know we cannot fix everything with this. And I might say to the gentleman that Texas, alarmingly so and embarrassingly so, is number one in the number of uninsured individuals, but we do know that with this bipartisan effort of a Patients' Bill of Rights, I am supporting the Norwood-Dingell bill, we can address the crisis that many of our friends and our constituents are facing in terms of denied health care because HMOs are superceding the professional advice of physicians who have a one-on-one relationship with patients.

I think we have to stop the hypocrisy in the patient's examination room. We must give back health care to the patient and the physician and the health professional. We must stop this intrusion. And I know the gentleman knows of this, because we have had hearings and heard many tragic stories.

So I would say to the gentleman that I hope this is the week that is, and that is that we can successfully come together in a bipartisan manner to stand on the side of good health care for all Americans by passing the Norwood-Dingell bill, the Patients' Bill of Rights. And I thank the gentleman again for his leadership, and I continue to look forward to working with him. I believe at the end of the week, hopefully, when the cookies crumble, we will stand on the side of victory for that bill.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. I wanted to say one more thing, because I know we are out of time. Even though Texas and my home State of New Jersey, and now we read California, have all passed good patient protection laws, I do not want any of our colleagues to think that we do not need the Federal law. These State laws still do not apply to 50 percent of the people that are under ERISA where the corporation, their employer, is self-insured.

If we do not pass a Federal law, all of the things that Texas, California, and New Jersey and other States will do are still only going to apply to a minority of the people that have health insurance. So it is crucial, even though we know that States are making progress, and even though we have seen some of the courts now intervene, Illinois last week intervened and is allowing people to sue the HMO under certain circumstances, and the Supreme Court of the United States is taking up a case, even with all that, the bottom line is that most people still do not have sufficient patient protections because of that ERISA Federal preemption.

It is important to pass Federal legislation. And we are going to be watching the Republican leadership to make sure when the rule comes out tomorrow or the next day, that they do not screw this up so that we cannot pass a clean Patients' Bill of Rights.

I want to thank the gentlewoman again for so many times when she has been down on the floor with me and others in our health care task force making the case for the Patients' Bill of Rights. It is coming up, but we are going to have to keep out a watchful eye.

□ 2145

''SEPARATION OF CHURCH AND STATE''

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 60 minutes as the designee of the majority leader.

Mr. PITTS. Mr. Speaker, tonight several of us are gathered here in the hall of the House in a legislative body that represents the freedom that we know and love in America to discuss what our Founding Fathers believed about the First Amendment, about the issue of religious liberty, about the freedom of religion, about the interaction of religion in public life. We are talking tonight about the First Amendment, not the Second Amendment, not the Tenth Amendment, the 16th, not the 26th, the First Amendment, without which our Constitution would not have been ratified.

Mr. Speaker, there has been a lot said by people of all political stripes and ideologies about the role of religion in public life and the extent to which the two should intersect, if at all.

Lately, with the increased discussion of issues like opportunity scholarships for children to attend religious educational institutions, about Government contracting with faith-based institutions, and even about the debate on the Ten Commandments being posted on public property, we have heard the phrase ''separation of church and state'' time and time again.

Joining me tonight to examine this phrase, as well as the issue of public religious expression and what our First Amendment rights entail, are several Members from across this great Nation. I am pleased to be joined tonight by the gentleman from Colorado (Mr. TANCREDO), the gentleman from North Carolina (Mr. HAYES), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Alabama (Mr. ADERHOLT). Each of these Members will examine the words and the intent of our Founding Fathers.

I would like to begin by examining the words and works of one of our most quoted Founders, Thomas Jefferson, who actually coined the phrase ''separation of church and state'' but in a way much different than what present day lore seems to suggest.

''Separation of church and state'' is the phrase which today seems to guide the debates in this chamber over public religious expressions. While Thomas Jefferson popularized that phrase, most of those who so quickly invoke Thomas Jefferson and his phrase seem to know almost nothing of the circumstances which led to his use of that phrase or even of Jefferson's own meaning for the phrase ''separation of church and state.''

Interestingly enough, the same Members in this chamber who have been using Jefferson's phrase to oppose the constitutionally guaranteed free exercise of religion have also been complaining that this body should do more with education, and I am starting to agree with them. Those who use this phrase certainly do need some more education about the origin and the meaning of this phrase.

The phrase ''separation of church and state'' appeared in an exchange of letters between President Thomas Jefferson and the Baptist Association of Danbury, Connecticut. The election of President Jefferson, America's first anti-Federalist President, elated many Baptists of that day since that denomination was, by and large, strongly anti-Federalist.

From the early settlement of Rhode Island in the 1630s to the time of the Federal Constitution in the 1780s, the Baptists often found themselves suffering from the centralization of power. And now having a President who advocated clear limits on the centralization of government powers, the Danbury Baptists wrote Jefferson on November 7, 1801, congratulating him but also expressing their grave concern over the entire concept of the First Amendment.

That the Constitution even contained a guarantee for the free exercise of religion suggested to the Danbury Baptists that the right to religious expression had become a government-given rather than a God-given, or inalienable right. They feared that the Government might some day believe that it had constitutional authority to regulate the free exercise of religion.

Jefferson understood their concern. It was also his own. He believed, along with the other Founders, that the only thing the First Amendment prohibited was the Federal establishment of a national denomination. He explained this to fellow signer of the Declaration of Independence Benjamin Rush, telling him: ''The Constitution secured the freedom of religion. The clergy had a very favorite hope of obtaining an establishment of a particular form of Christianity through the United States, especially the Episcopalians and the Congregationalists. Our countrymen believe that any portion of power confided to me will be exerted in opposition to these schemes. And they believe rightly.''

Jefferson committed himself as President to pursuing what he believed to be the purpose of the First Amendment, not allowing any denomination to become the Federal or national religion, as had been the case in Britain and France and Italy and other nations of that day.

In fact, at the time of the writing of the Constitution, 8 of the 13 colonies had state churches. But Jefferson had no intention of allowing the Federal Government to limit, to restrict, to regulate, or to interfere with public religious practices.

Therefore, in his short and polite reply to the Danbury Baptists on January 1, 1802, he assured them that they need not fear, the free exercise of religion will never be interfered with by the Federal Government. He explained: ''Believing with you that man owes account to none other for his faith or his worship than to God, I contemplate with sovereign reverence that act of the whole American people which declared that their Federal legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state.''

Jefferson's understanding of the wall of separation between church and state was that it would keep the Federal Government from inhibiting religious expression. This is a fact he repeated in numerous other declarations during his presidency.

For example, in his second inaugural address, he said: ''In matters of religion, I have considered that its free exercise is placed by the Constitution independent of the powers of the Federal Government.''

In a letter to Judge Samuel Miller, Jefferson wrote: ''I consider the Federal Government as prohibited by the Constitution from intermeddling with religious exercises.''

Jefferson's phrase on ''separation of church and state'' was used to declare his dual conviction that the Federal Government should neither establish a national denomination nor hinder its free exercise of religion. Yet, is it not interesting that today the Federal Government, specifically the Federal courts, now use Jefferson's ''separation'' phrase for a purpose exactly opposite of what he intended? They now use his phrase to prohibit the free exercise of religion, whether by students who want to express their faith, or by judges who want to show their belief in the Ten Commandments, or by cemeteries who wish to display a cross, or by so many other public religious expressions.

Jefferson's phrase that so long meant that the Federal Government would not prohibit public religious expressions or activities is now used to do exactly the opposite of what Jefferson intended. Rather than freedom of religion, they now want freedom from religion. Ironic, is it not?

Earlier generations long understood Jefferson's intent for this phrase. And unlike today's courts, which only published Jefferson's eight-word ''separation'' phrase and earlier courts published Jefferson's full letter, if Jefferson's separation phrase is to be used today, let its context be clearly given as in previous years.

Additionally, earlier generations always viewed Jefferson's ''separation'' phrase as no more than it actually was, a line from a personal, private letter written to a specific constituent group. There is probably no other instance in American history where eight words spoken by a single individual in a private letter, words now clearly divorced from their context, have become the sole basis for a national policy.

One further note should be made about the First Amendment and the ''separation of church and state'' phrase. The CONGRESSIONAL RECORDS from June 7 to September 25, 1789, in the 1st Congress record the months of discussions and the entire official debates of the 90 Founding Fathers who framed the First Amendment. And by the way, contrary to popular misconception, Jefferson was not one of those who framed the First Amendment, nor its religion clause. He was not even in America at the time. He was serving overseas as an American diplomat and did not arrive back in America to become George Washington's Secretary of State until the month after the Bill of Rights was completed.

Nonetheless, when examining the records, during the congressional debates of those who actually were here and who actually did frame the First Amendment, not one single one of the 90 framers of the Constitution's religion clause ever mentioned the phrase ''separation of church and state.''

If this had been their intent for the First Amendment, as is so frequently asserted today, then at least one of those 90 would have mentioned that phrase. Not one did.

Today the phrase ''separation of church and state'' is used to accomplish something the author of the phrase never intended. That phrase found nowhere in the Constitution is now used to prohibit what is actually guaranteed by the Constitution, the free exercise of religion.

It is time to go back to what the Constitution actually says rather than

to what some opponents of religion wish that it said.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I thank the gentleman for yielding to me. I think he makes some very excellent points on his discussion about separation of church and state, and I would like to expound on that just a bit.

In several measures recently debated within this chamber, the topic of protecting traditional religious expressions was made. In each case opponents were quick to claim that such protections would violate the First Amendment's separation of church and state.

Interestingly, the First Amendment's religion clause states: ''Congress shall make no law respecting and establishment of reference list or prohibiting the free exercise thereof.''

Despite what many claim, the phrase ''separation of church and state'' appears nowhere in the Constitution. In fact, one judge recently commented: ''So much has been written in recent years to a wall of separation between church and state that one would almost think at times that it would be found somewhere in our Constitution.''

And Supreme Court Justice Potter Stewart also observed: ''The metaphor of the 'wall of separation' is a phrase nowhere to be found in the Constitution.''

And current Chief Justice William Rehnquist also noted: ''The greatest injury of the 'wall' notion is its mischievous diversion from the actual intentions of the drafters of the Bill of Rights. The 'wall of separation between church and state' is a metaphor based on bad history. It should be frankly and explicitly abandoned.''

The phrase ''separation of church and state'' was given in a private letter in 1802 from President Thomas Jefferson to the Baptists of Danbury, Connecticut, to reassure them that their free exercise of religion would never be infringed on by the Federal Government.

Now that phrase means exactly the opposite of what Jefferson intended. In fact, the phrase ''separation of church and state'' has recently become a Federal hunting license against traditional religion in this country.

For example, in Texas a judge struck down a song which was sung during a voluntary extracurricular institute activity because the Congress had promoted values such as honesty, truth, courage, and faith in the form of a prayer.

In Virginia, a student told to write her autobiography in her English class was forced to change her own life story because in her autobiography she had talked about how important religion was in her life.

In Minnesota, it was ruled that even when artwork is a historical classic, it may not be predominantly displayed in schools if it depicts something religious.

In Pennsylvania, because a prosecuting attorney mentioned seven words from the Bible in the courtroom, a statement which lasted actually less than 5 seconds, a jury sentence was overturned for a man convicted of brutally clubbing a 71-year-old woman to death.

In Ohio, courts ruled that it was unconstitutional for a board of education to use or refer to the word ''God'' in its official writings.

In California, a judge told a public cemetery that it was unconstitutional to have a planter in the shape of a cross, for if someone were to view that cross, it could cause emotional distress and thus constitute an injury-in-fact.

In Omaha, Nebraska, a student was prohibited from reading his Bible silently during free time or even to open his Bible at school.

□ 2200

In Alaska, schools were prohibited from using the word ''Christmas'' at school, from exchanging Christmas cards or presents, or from displaying anything with the word ''Christmas'' on it because it contained the word ''Christ.''

In Missouri, Oklahoma, New Mexico and Illinois, courts told cities that when they compose their city seals, seals with numerous symbols that represent the diverse aspects of the community, such as industry, commerce, history and schools, that not even one of those symbols can acknowledge the presence of religion within the community, even if the name of the city is religious, or if the city was founded for a religious purpose.

In South Dakota, a judge ruled that a kindergarten class may not even ask the question of whose birthday is celebrated at Christmas.

In Texas, a high ranking official from the national drug czar's office who regularly conducts public school anti-drug rallies was prohibited from doing so because even though he was an anti-drug expert, he was also a minister and thus was disqualified from delivering his secular anti-drug message.

In Oregon, it was ruled that it is unconstitutional for a war memorial to be erected in the shape of a cross.

In Michigan, courts said that if a student prays over his lunch, it is unconstitutional for him to pray aloud.

Although States imprint thousands of special-order custom license plates, which I am sure everyone has seen driving down the highway, for individual citizens each year, the State of Oregon refused to print the word ''PRAY,'' the State of Virginia refused to print ''GOD 4 US,'' and the State of Utah refused to print ''THANK GOD,'' claiming that such customized license plates which were of course made at the request of the individual purchasing them, violated the ''separation of church and state.''

There are scores of other examples. They are all based on a nonconstitutional phrase. And all of this occurs despite the first amendment's explicit guarantee for the free exercise of religion. This is ridiculous. It has gone too far, Mr. Speaker.

It appears that every conceivable effort is being made to hide religion as if it were something sinister and pernicious, to banish it from the public view as if it were monstrous and diabolic, to punish those who publicly pursue it as if they were sinister threats to our society, to put them under house arrest and demand that they not practice their beliefs outside their home or places of worship.

This body should not aid and should not abet the hostility against people of faith and against traditional expressions of faith, and no Member of this body should be party to confusing the clear, self-evident wording of the Constitution or misleading the American public by claiming the first amendment says something that it does not.

The first amendment says only that ''Congress shall make no law respecting establishment of religion or prohibiting the free exercise thereof.'' It says nothing about separation of church and state. We should get back to upholding what the Constitution actually says, not upholding what some people wish that it said. It is time for reliance on the separation rhetoric to diminish and for reliance on actual constitutional wording to increase.

Now, of course, none of us in this Chamber desire that we pick one particular denomination to be chosen for the United States. However, this Nation was founded on Judeo-Christian principles and that is just a part of our history. And at the same time all of us in this Chamber, every Member of this body, and I think every Member of this country, welcomes with open arms people of all faiths into these United States.

Mr. PITTS. I want to thank the gentleman from Alabama for highlighting the magnitude, the nature of the problem in this country. As he mentioned, the court case in Pennsylvania, I remember very well a few years ago. It was in the Supreme Court chamber where this lawyer, referred to a painting which was behind the justices on the wall, a painting of the Ten Commandments and he said, ''As the Bible says, 'Thou shall not kill' '' and then he went on with his arguments. And for making that statement, that conviction of that murderer who murdered that elderly person was overturned.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, we are gathered here tonight, my colleagues and I, to destroy a number of myths, myths that abound in this country, myths that have done enormous damage to the framework of the Constitution and to the moral fabric of the Nation, as a matter of fact.

In recent debates in this Chamber over the juvenile justice bill, the bill of the display of the Ten Commandments, and the resolution for a day of prayer

and fasting, the topic of religion was raised. In each case, Members of this Chamber who are opponents of such religious expressions arose to decry the measures, claiming that for Congress to support such measures was a violation of the first amendment's religious clause.

Their arguments reflect a major misunderstanding of the first amendment. Much of this misunderstanding centers around the often used, and often abused, phrase ''separation of church and state.'' So often have we been told that separation of church and state is the mandate of the first amendment that polls now show a majority of Americans believe this phrase actually appears in the first amendment. It does not. In fact, not only does this phrase ''separation of church and state'' appear nowhere in the first amendment, it appears nowhere in the Constitution.

What the first amendment does say about religion actually is very short and self-explanatory. The first amendment simply states, and I quote, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

Those words are not difficult to understand. They are, in fact, plain English. Nevertheless, some Members among us and some members of the court have placed some strange and obscure meanings on these very plain words. For example, how can the phrase ''Congress shall make no law'' be interpreted to mean that an individual student cannot offer a graduation prayer? That is, how does ''student'' mean the same thing as ''Congress''? Or how does ''saying a prayer'' mean the same thing as ''making a law?'' Yet this is what a number of opponents of public religious expression now claim the first amendment prohibits.

Similarly, apparently coming under the prohibition that ''Congress shall make no law'' is a city council's decision about what goes on its city seal, or a judge's decision to post the Ten Commandments, or the display of a cross within a local community cemetery, or participation in a faith-based drug rehabilitation program in an inner city. It is absurd to claim that the word ''Congress'' in the first amendment now means individual students, local communities, school boards, or city councils.

Have we really lost our ability to understand simple words? Will our constitutional interpretation be guided by a phrase which appears nowhere in the Constitution? Yet those who wish to rewrite the first amendment also tell us that the phrase ''separation of church and state'' reflects the intent of those who framed the first amendment. To know if this is true, all we need to do is check the congressional records, readily accessible to us in this very building, or to citizens in their public libraries.

We can read the entire debate surrounding the framing of the first amendment occurring from June 7 to September 25, 1789. Over those months, 90 Founding Fathers in the first Congress debated and produced the first amendment. Those records make one thing very clear: In months of recorded decisions over the first amendment, not one single one of the 90 Founding Fathers who framed the Constitution's religious clause ever mentioned the phrase ''separation of church and state.'' It does seem that if this had been their intent, that at least one of them would have said something about it. Not one did. Not even one.

So, then, what was their intent? Again, the congressional records make it clear. In fact, James Madison's proposed wording speaks volumes about intent. James Madison recommended that the first amendment say, ''The civil rights of one shall not be abridged on account of religious belief or worship, nor shall any national religion be established.''

Madison, like the others, wanted to make sure that the Federal Congress could not establish a national religion. Notice, too, how subsequent discussions confirm this. For example, the congressional records for August 15, 1789 report:

''Mr. Peter Sylvester of New York feared the first amendment might be thought to have a tendency to abolish religion altogether. The state seemed to entertain an opinion that it enabled Congress to establish a national religion. Mr. Madison thought if the word 'national' was inserted before 'religion,' it would point the amendment directly to the object it was intended to prevent.''

The records are clear. The purpose of the first amendment was only to prevent the establishment of a national denomination by the Federal Congress. The first amendment was never intended to stifle public religious expression, nor was it intended to prevent this body from encouraging religion in general. Only in recent years has the meaning of the first amendment begun to change in the hands of activists who are intolerant of public religious expressions.

It is unfortunate that some Members of this body have decided to adopt this new religion ''hostile-meaning'' for the first amendment. No Member of this body should be part of obfuscating the clear, self-evident wording of the Constitution or misleading the American public by claiming the first amendment says something it does not. We should stick with what the first amendment actually says rather than what the constitutional revisionists wish that it had said.

Mr. PITTS. I thank the gentleman from Colorado for that quote from the committee action as the first amendment went through its drafts. That truly is very enlightening to consider what the framers said as they did the committee debate in drafting the first amendment.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

Mr. Speaker, as I listened to the debate this summer over religious liberty issues, I was struck by a remark made by a Member opposing the free exercise of religion. One amendment to the juvenile justice bill here in the House forbids discriminating against people of faith involved in juvenile rehabilitation programs. An usual objection was made against that amendment, and I quote:

''The amendment seeks to incorporate religion into our justice system. Both of these entities have distinct places in our society and are not to be combined.''

That is amazing. They believe that if we forbid discrimination against people of faith, it somehow unconstitutionally incorporates religion into society. Unfortunately, it appears that many in today's legal system agree that it is appropriate to discriminate against faith.

For example, in Florida, during a murder trial of a man for the brutal slaying of a 4-year-old child, the judge ordered the courthouse copy of the Ten Commandments to be covered for fear that if the jurors saw the command ''Do not kill,'' they would be prejudiced against the defendant.

In Pennsylvania, because a prosecuting attorney mentioned seven words from the Bible in the courtroom, a statement that lasted less than 5 seconds over the course of a multiday trial, the jury's sentence of a man convicted of brutally clubbing a 71-year-old woman to death was overturned.

In Nebraska, a man convicted for the repeated sexual assault and sodomization of a 13-year-old child had his sentence overturned because a Bible verse had been mentioned in the courtroom.

That is incredible. Despite the DNA evidence and the eyewitness testimony used to convict a murderer and a child molester, the mere mention of a religious passage was so egregious that it caused the physical evidence to be set aside and the sentences to be overturned. The mention of religion in a public civil setting is apparently more dangerous than the threat posed by convicted murderers and child molesters.

What is the root of this doctrine that is so hostile to religion? According to the left wing in this country, the doctrine finds its roots, and I quote, ''in the major precepts that our Nation was founded on the separation of church and state.''

□ 2215

Tonight, Mr. Speaker, we are addressing the origin, the meaning and the abuse of the phrase ''separation of church and state,'' and just as it is easy to show that our opponents across the aisle are wrong about their use of that phrase, it is equally to show how wrong they are about their claim that the exclusion of religion from civil justice is a major precept on which our Nation was founded.

Consider, for example, the words of James Wilson, an original Justice of the U.S. Supreme Court, the founder of the first system of legal education in America and a signer of both the Constitution and the Declaration. Justice Wilson declared, quote:

''Human authority must ultimately rest its authority upon the authority of that law which is devine. Far from being rivals or enemies, religion and law are twin sisters, friends and mutual assistants. Indeed these two sciences run into each other. It is preposterous to separate them from each other.''

Clearly, Constitution signer and original Supreme Court Justice James Wilson strongly disagreed with today's left wing, and Constitution signer James McHenry also disagreed with him. He declared, quote:

''The holy scriptures can alone secure to our courts of justice and constitutions of government purity, stability and usefulness. In vain, without the bible, we increase penal laws and draw entrenchments around our institutions.''

Additional proof that there was no intent to exclude religious influences from civil justice is actually provided by the history of the Supreme Court. There were six justices of the original Supreme Court; three of them had signed the Constitution, and another one of them had authored the Federalist Papers. So it is safe to assume that those on the original court knew what was constitutional.

According to the records of the U.S. Supreme Court, a regular practice of these original justices was to have a minister come into the courtroom, offer a prayer over the jury before it retired for its deliberation. Religion in the courtroom and by our Founding Fathers. But I thought that our colleagues across the aisle said that the exclusion of religion from civil justice was one of our founding principles. Well, perhaps the signers of the Constitution just did not understand the Constitution.

No, to the contrary. The problem is that today some people do not understand the Constitution.

One final piece of irrefutable evidence proving that our legal system never intended to exclude religious influences is the oath taken in the courtroom. Some today argue that the oath has nothing to do with religion, but those who gave us our Constitution disagree. For example, Constitution signer Rufus King declared:

''By the oath which our laws prescribe, we appeal to the supreme being so to deal with us hereafter as we observe the obligation of our oaths.''

And Justice James Iredell, placed on the Supreme Court by President George Washington, similarly noted an oath is considered a solemn appeal to the supreme being for the truth of what is being said by a person.

And Daniel Webster, the great defender of the Constitution who served as a Member of this body for a decade, a Member of the other body for two decades, declared ''Our system of oath in all our courts by which we hold liberty and property and all our rights are founded on a religious belief.''

And in 1854 our own House Committee on the Judiciary declared, quote:

''Laws will not have permanence or power without the sanction of religious sentiment without a firm belief that there is a power above us that will reward our virtues and punish our vices.''

And Chancellor James Kent, a father of American jurisprudence, a famous judge, a legal instructor, taught that an oath was a religious solemnity and that to administer an oath was to call in the aid of religion.

Constitution signer George Washington also declared that a courtroom oath was inherently religious. As he explained, quote:

''Where is the security for property, for reputation, for life if the sense of religious obligation deserts the oath which are the instruments of investigation in courts of justice?''

There are substantial legal authorities, original signers of the Constitution, original Justices of the Supreme Court, founders of early law schools, authors of early legal text, and they all agree that religion was not to be separated from civil justice.

The claim made by those across the aisle that the exclusion of religious influences from the civil arena is one of the Nation's founding principles is no more true than their claim that the First Amendment says that there is a separation of church and state. The First Amendment simply says, and I quote:

''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

The First Amendment says that we in Congress cannot pass a law to establish a national religion or to prohibit religious expression, but the First Amendment says nothing about separation of church and state, and there is also nothing in the Constitution or in early American records which requires legal justice to be hostile to or to exclude religious influences.

So to oppose a measure that prohibits discrimination against people of faith and to claim that such an anti-discriminatory measure would violate the Constitution is not only a travesty of history and of the Constitution, but of the very justice system which some people claim they are protecting.

I thank the gentleman from Pennsylvania for bringing us together to shed light on a fundamental liberty in our Republic, the freedom of religion.

Mr. PITTS. Mr. Speaker, I thank the gentleman from Tennessee for that excellent explanation and now yield to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Pennsylvania for putting this special order together tonight. As I listen, this is not about setting the RECORD straight, this is about re-confirming what the RECORD really says.

This body is properly called the People's House, and since it is elected by the people, it offers a fairly good cross-section of America. Our Members come from every conceivable professional background, from numerous ethnic groups, from rural, suburban and urban areas, and we hold views from conservative to ultra-liberal and everything in between.

We seem to represent a cross-section of America on everything except religious faith. In fact, on that subject it seems that some Members of this body demand that we misrepresent the views of American people. We have heard them in a number of our debates in recent weeks objecting to any acknowledgment of God and even objecting to permitting citizens to choose faith-based programs.

Ironically, our longstanding constitutional guarantee for a freedom of religion has been twisted by some in this body into a demand for a freedom from religion. These Members demand that this body represent itself in its practical policy as being atheistic, as excluding all mention of God. The ridiculous nature of this demand was exposed over a century ago by Princeton University President Charles Hodge. He explained, and I quote:

''Over the process of time thousands have come from among us from many religious faiths. All are welcomed, all are admitted to equal rights and privileges. All are allowed to acquire property and to vote in every election, made eligible to hold all offices and invested with equal influence in all public affairs. All are allowed to worship as they please or not to worship at all if they see fit. No man is molested for his religion or his want of religion. No man is required to profess any form of faith or to join any religious association. More than this cannot reasonably be demanded. More, however, is demanded. The infidel demands that the government should be conducted on the principle that Christianity is false. The atheist demands that it should be conducted on the assumption that there is no God. The sufficient answer to all this is that it cannot possibly be done. The demands of those who require that religion should be ignored in our laws are not only unreasonable, but they are in the highest degree unjust and tyrannical.''

Even though a century has passed since Charles Hodge delivered this speech, many in this chamber are still making the same unjust and tyrannical demands. Although national studies consistently show that only 6 to 7 percent of Americans have no belief in God, critics among us want to cater solely to the 6 or 7 percent and to sacrifice the beliefs of the 93 percent at the feet of the 7. It should not be done.

During our debates on allowing individual States to choose whether or not

they wish to display the Ten Commandments, many in this body objected to those voluntary displays arguing that our policies should reflect the religion-free beliefs of the 6 or 7 percent who do not believe in God. Fortunately, this body chose otherwise, and during our debates on encouraging a day so that people who wished could join together across the Nation to humble themselves, fast and corporately pray for national reconciliation, again many in this body objected to that, wishing to see our policy reflect solely the anti-religious wishes of those in this Nation who do not believe in God. Again, fortunately the majority of this body chose otherwise, even though we fell short of the necessary two-thirds margin for approval.

Although we continually hear that with government-funded medical care there should be citizen choice when it comes to allowing similar citizen choice in selecting social service programs or criminal rehabilitation programs or educational programs, Members of this body insist that faith-based programs must be excluded from their choices. Interesting. We encourage participation in religion-free programs, but we penalize involvement in faith-based programs. This is simply another example of catering to extremists.

Frankly, despite what some Members of the body may claim, we are not required to conduct government as if God did not exist. In the first official speech ever delivered by President George Washington, he urged us to seek policies which openly acknowledge God. He explained, and I quote:

''It would be peculiarly improper to omit in this first official act my fervent supplications to that almighty being who rules over the universe. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than those of the United States. We ought to be no less persuaded that the propitious, favorable smiles of heaven can never be expected on a Nation that disregards the eternal rules of order and right which heaven itself has ordained.''

And in his farewell address 8 years later, he reiterated his policy declaring, quote:

''Of all the habits and dispositions which lead to political prosperity, religion and morality are indispensable supports. The mere politician ought to respect and cherish them. Can it be a good policy which does not equally include them?''

Patrick Henry, one of the leading individuals responsible for the Bill of Rights similarly declared:

''The great pillars of all government and of social life are virtue, morality and religion. This is the armor, my friend, and this alone that renders us invincible.''

Even Benjamin Franklin reminded the delegates at the Constitutional Convention, quote:

''All of us have observed frequent instances of a superintending Providence in our favor, and have we now forgotten that powerful friend, or do we imagine we no longer need his assistance? Without his convincing aid we shall succeed in this political building no better than the builders of Babel, and we ourselves shall become a reproach and byword down to future ages.''

Very simply, it was never intended and never envisioned that this body should pursue its policies with the practical denial of the existence of God. Yet this is what many in the body are demanding. We heard their criticism during discussion on the Ten Commandments bill, on the resolution calling for a day of humiliation, prayer and reconciliation and on the juvenile justice bill; and not only did they criticize these measures, they even had the shameless gall to tell us that the Constitution demanded that we show favoritism toward nonreligion. They told us that the First Amendment mandate on separation of church and state could not be satisfied if we passed policies which acknowledge God.

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It is time for those critics to reread the Constitution which they swore to uphold. Nowhere does the First Amendment, or, for that matter, any part of the Constitution, mention anything about a separation of church and state, but it does guarantee in its own words the free exercise of religion. Yet some in this body would deny citizens rights which do appear in the Constitution because of a phrase which does not.

It is time for this body to get back to upholding the actual wording of the Constitution, rather than the wording of revisionists who would reread our Constitution.

Mr. PITTS. Mr. Speaker, I would like to thank the gentleman from North Carolina for his very informative comments and for reminding us of the quotes from our founders, Washington, Franklin and others.

I want to say a final thank you to all the participating Members tonight. It has been a real inspiration to listen to each one of the Members as they shared the very words of our founding documents and our Founding Fathers regarding the First Amendment.

As we have listened to these words, it becomes crystal clear that, to the extent that the First Amendment addresses the interaction between public life and religious belief, it is this: That the only thing the First Amendment prohibited was the Federal establishment of a national denomination. The freedom of religion, therefore, is to be protected from encroachment by the state, by the government, not the other way around.

Mr. Speaker, the words of our founding fathers are many, from Washington, to Franklin, to Madison, to Jefferson and others. Each one of these men was fully committed to the primary role that religion played in public life and in private life, yet without the establishment of one particular denomination.

So, my friends, as we continue to consider the many policies that lie before us, like Charitable Choice, like Opportunity Scholarships for children who go to religious schools, like government contracting with faith-based institutions, even the posting of the Ten Commandments on public property, let us do so with the true intention of the framers in mind. That intention was to allow religion both to flourish and to inform public life, yet still without naming a particular national or Federal religion or denomination. That is fully possible. Instead of shutting it out and denying even the purely practical solution that it offers, let us not be afraid of the good that religion can and does bring to public life. Indeed, it has helped to build a great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today through the end of business on October 6 on account of a death in the family.

Mrs. FOWLER (at the request of Mr. ARMEY) for today until 6:30 p.m. on account of medical reasons.

Mrs. CHENOWETH-HAGE (at the request of Mr. ARMEY) for today until 7:00 p.m. on account of her wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and October 6.

Mr. PAUL, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. and for other purposes.