The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MT. SOLEDAD VETERANS MEMORIAL PROTECTION ACT

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5683) to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States, as amended.

The Clerk read as follows

H.R. 5683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Mt. Soledad Veterans Memorial has proudly stood overlooking San Diego, California, for over 52 years as a tribute to the members of the United States Armed Forces who sacrificed their lives in the defense of the United States.

(2) The Mt. Soledad Veterans Memorial was dedicated on April 18, 1954, as ''a lasting memorial to the dead of the First and Second World Wars and the Korean conflict'' and now serves as a memorial to American veterans of all wars, including the War on Terrorism.

(3) The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith, and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols.

(4) The patriotic and inspirational symbolism of the Mt. Soledad Veterans Memorial provides solace to the families and comrades of the veterans it memorializes.

(5) The Mt. Soledad Veterans Memorial has been recognized by Congress as a National Veterans Memorial and is considered a historically significant national memorial.

(6) 76 percent of the voters of San Diego supported donating the Mt. Soledad Memorial to the Federal Government only to have a superior court judge of the State of California invalidate that election.

(7) The City of San Diego has diligently pursued every possible legal recourse in order to preserve the Mt. Soledad Veterans Memorial in its entirety for persons who have served in the Armed Forces and those persons who will serve and sacrifice in the future.

SEC. 2. ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL, SAN DIEGO, CALIFORNIA.

(a) ACQUISITION.—To effectuate the purpose of section 116 of division E of Public Law 108–447 (118 Stat. 3346; 16 U.S.C. 431 note), which, in order to preserve a historically significant war memorial, designated the Mt. Soledad Veterans Memorial in San Diego, California, as a national memorial honoring veterans of the United States Armed Forces, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, the Mt. Soledad Veterans Memorial in San Diego, California, as more fully described in subsection (d).

(b) COMPENSATION.—The United States shall pay just compensation to any owner of the property for the property taken pursuant to this section, and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of the property. Payment shall be in the amount of the agreed negotiated value of the property or the valuation of the property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code. If the parties do not reach a negotiated settlement within one year after the date of the enactment of this Act, the Secretary of Defense may initiate a proceeding in a court of competent jurisdiction to determine the just compensation with respect to the taking of such property.

(c) MAINTENANCE.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of Defense shall manage the property and shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance of the Mt. Soledad Veterans Memorial by the Association.

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map No. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14′33″ East (Record South 17 degrees 14′09″ East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution No. 216644 adopted August 25, 1976; thence North 39 degrees 59′24″ East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by survey prepared by the Secretary of Defense. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to ask my colleagues' support for H.R. 5683, the Mt. Soledad Veterans Memorial Protection Act. Since 1954, a 29-foot cross has stood atop Mt. Soledad in San Diego, California, memorializing the sacrifices of American soldiers during World War I, World War II, and the Korean conflict.

This beautiful and historic memorial cross was erected and is maintained by a private organization, the Mt. Soledad Memorial Association, with the permission of the city of San Diego.

Over the years, the memorial association has added many elements to this memorial, including over 1,700 granite plaques commemorating individual servicewomen and men on concentric walls, bollards, pavers, and a flag pole proudly flying the American flag. The memorial cross now is fully integrated as a centerpiece of the multifaceted Mt. Soledad Veterans Memorial. It is without question a world-class war memorial, dedicated to all of those, regardless of race, religion or creed, who have served our armed services.

In 1989, a single plaintiff brought suit against the city of San Diego because he stated he was offended by the sight of the cross. The district court found that presence of this memorial cross violated the California Constitution's guarantee of free exercise and enjoyment of religion without discrimination or preference and ordered the removal of the display.

The city of San Diego, like other municipalities faced with similar court orders, endeavored in good faith to divest itself of the memorial property by selling it to a private party who could choose to display the memorial cross.

In this case, however, the Ninth Circuit Court of Appeals found that the method of sale violated the California Constitution's ban on aid to sectarian purposes. On May 3, 2006, the district court ordered the city of San Diego to comply with the original injunction.

The city has appealed that order to the Ninth Circuit Court of Appeals, and the United States Supreme Court Justice Anthony Kennedy has stayed enforcement of the order pending the outcome of that appeal.

In 2004, the United States Congress designated the Mt. Soledad Veterans Memorial a National Veterans Memorial and authorized the Federal Government to accept the donation of the memorial from the city of San Diego. The voters of San Diego passed, by an overwhelming 76 percent, a ballot measure providing for the donation. But in response to a complaint by the same lone plaintiff, a San Diego County superior court judge invalidated the citywide referendum as violating the California Constitution.

The vast majority of the citizens of the city of San Diego favor finding a way to keep the Mt. Soledad Memorial intact, even if that means giving up ownership of the parkland property on which it is located.

A 1994 ballot measure authorizing the sale of the property also passed with 76

percent of the vote, as did a 2005 ballot measure directing the city to donate the memorial property to the Federal Government.

The efforts of the city to vindicate the desires of the citizenry, however, have been stymied by one plaintiff and a few judges who find the city of San Diego's display of the decades-old memorial cross impermissible under the California Constitution.

H.R. 5683 vests title and possession of the Mt. Soledad Veterans Memorial, a national memorial honoring the war dead and veterans of the United States Armed Forces, in the United States. Once the memorial property belongs to the United States, the constitutionality of the property transfer, as well as the display of the cross as an element of the Mt. Soledad Veterans Memorial, will be determined under the establishment clause of the United States Constitution.

Applying the establishment clause to the government's display of religious symbols, the United States Supreme Court has determined that displays of religious symbols on government property are unconstitutional only if their purpose is entirely religious and they include no secular components.

Most recently the Supreme Court has determined that the establishment clause analysis of passive monuments like this one is driven by the nature of the monument and by our Nation's history. In the case of the Mt. Soledad Veterans Memorial, it is surrounded by a plethora of secular symbols. In fact, Mr. Speaker, there are some 1,700 memorials that make up this overall veterans memorial.

In accordance with the United States' long tradition of memorializing members of the Armed Forces who die in battle with religious symbols, the memorial cross serves a legitimate secular purpose of commemorating our Nation's war dead and veterans. Therefore, the display of the Mt. Soledad memorial cross on Federal property as part of a larger memorial is constitutional.

In fact, Mr. Speaker, we have many pictures of large crosses in national cemeteries and other national property or Federal property across this Nation, and we will display those at the appropriate time.

The memorial cross on Mt. Soledad is not only a religious symbol, it is a venerated landmark, beloved by the people of San Diego for over 50 years. It is a fitting memorial to all persons who have served and sacrificed for our Nation as members of the Armed Forces.

Passage of H.R. 5683 will preserve the beautiful memorial for the families of those who have died in service, for all current military servicemembers, for veterans, for the citizens of San Diego and for the Nation.

For the RECORD, Mr. Speaker, I would like to submit letters of support from Jerry Sanders, mayor of San Diego; San Diegans for the Mount Soledad National War Memorial; the American Legion; AMVETS; Veterans for Foreign Wars of the United States; Disabled American Veterans; the American Center for Law and Justice; and Robert and Sybil Martino, the parents of a soldier who gave his life in the war on terror and was honored for his sacrifice at the Mt. Soledad Memorial

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 19, 2006.

STATEMENT OF ADMINISTRATION POLICY—H.R. 5683—ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL

(Rep. Hunter (R) CA and two cosponsors)

The Administration strongly supports passage of H.R. 5683 to protect the Mount Soledad Veterans Memorial in San Diego. In the face of legal action threatening the continued existence of the current Memorial, the people of San Diego have clearly expressed their desire to keep the Mt. Soledad Veterans Memorial in its present form. Judicial activism should not stand in the way of the people, and the Administration commends Rep. Hunter for his efforts in introducing this bill. The bill would preserve the Mount Soledad Memorial by vesting title to the Memorial in the Federal government and providing that it be administered by the Secretary of Defense. The Administration supports the important goal of preserving the integrity of war memorials.

JULY 18, 2006.

Hon. DUNCAN HUNTER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HUNTER: As the U.S. House of Representatives prepares to consider the Mt. Soledad Veterans Memorial Protection Act (H.R. 5683), I write in support of this bill.

As you know, I have strongly voiced my support for maintaining the integrity of the Mt. Soledad Memorial as a multi-faceted site that recognizes veterans of all wars and all faiths.

H.R. 5683 provides that, ''The United States shall pay just compensation to any owner of the property for the property.'' As acknowledged in the legislation, ''The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols.''

I believe this legislation provides a possible means of preserving the integrity of the memorial and for that reason I support these efforts.

Sincerely,

JERRY SANDERS,
Mayor.

SAN DIEGANS FOR THE MOUNT SOLEDAD NATIONAL WAR MEMORIAL,
San Diego, CA, July 19, 2006.

Hon. DUNCAN HUNTER,
House Armed Services Committee,
Washington, DC.

DEAR CHAIRMAN HUNTER: San Diegans for the Mount Soledad National War Memorial applauds your efforts on behalf of the vast supermajority of San Diegans, including thousands of veterans, to maintain the integrity of this important monument to those courageous heroes who have fought and died in defense of this great Nation.

By joining Congressmen Issa and Bilbray in introducing legislation that would transfer the site of the memorial to the federal government, you are upholding the will of over 75 percent of San Diegans who voted Yes on Proposition A to keep Mount Soledad as it is, where it is. You are also drawing a clear line in the sand against those who seek to undermine the history and heritage of our great Nation by eradicating from the historic record the heroic individual sacrifices that have not only preserved our own freedom, but liberated millions of people across the globe.

As Chairman of the committee that spearheaded the overwhelmingly successful referendary petition drive and subsequent ''Yes on Prop A'' campaign last July, and a practicing Jew, I am pleased to offer you the full support of San Diegans for the Mount Soledad National War Memorial and any further necessary assistance in preserving this sacred monument on behalf of the people of San Diego and the United States of America.

Thank you.

Sincerely,

PHILIP L. THALHEIMER,
Chairman.

MAY 15, 2006.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: My wife and I would like to express our support for the effort initiated by Representative Duncan Hunter of California and the Mayor of San Diego to save the cross at Mt. Soledad wherein the Federal Government would take the property by eminent domain as a veteran's memorial.

Our son Captain Michael D. Martino, USMC, was killed in action in Iraq on November 2, 2005, when his Cobra Helicopter was shot down by a SA 16. This past week our son's Camp Pendleton unit, which had just recently returned from Iraq, dedicated plaques at Mt. Soledad to honor him and his fellow pilot Major Gerry Bloomfield for their heroic service. There is no better place to honor our fallen heroes than under that cross, overlooking the country they fought and died to preserve.

Our son loved his country and the many rights and liberties it provided, especially our right to freedom of religion. A few in this country would like to see the cross removed from Mt. Soledad and thus deny the majority their rights to religious expression. This cross is no more an affront to personal beliefs than the thousands of crosses in Arlington Cemetery.

Is it fair to the majority who have served or fallen for our Nation and wish to keep the cross for the sake of the few who look to strip all religion from our country, under a false interpretation of the separation of church and state? Our son died with a strong belief that he was fighting to preserve the freedom of all Americans. Please let us have OUR freedom from activist judges and their personal interpretation of our Constitution.

Mr. President, please take the Memorial at Mt. Soledad under federal ownership.

You are always in our prayers.

Sincerely,

ROBERT A. AND SYBIL E. MARTINO.

JUNE 21, 2006.

Hon. DUNCAN HUNTER,
Chairman, House Armed Services Committee
Washington, DC.

DEAR CHAIRMAN HUNTER: As the leaders of the Nation's four largest veterans organizations, we respectfully request your assistance on an issue that is important to former military personnel and to American values.

The Mt. Soledad Veterans Memorial is a historic site overlooking the Pacific Ocean that has stood for over 52 years as a tribute to our Nation's Armed Forces. This veterans memorial is the first and last thing that

ships see as they arrive or depart from one of the world's largest naval installations. Unfortunately a small group of plaintiffs wish to destroy the integrity of the Memorial and the courts have complied by requiring that the Memorial's centerpiece cross be removed by August 1, 2006. We believe that destruction of the Memorial is an affront to the sacrifices made by America's veterans and is contrary to the will of citizens of San Diego, 76 percent of whom voted in a recent referendum to try to preserve the Memorial. Accordingly, we request that the Congress pursue all available legislative options to take federal possession of the Memorial with the intention of preserving the Veterans Memorial in its current form.

Sincerely,

THOMAS L. BOCK,
National Commander, the American Legion.
PAUL W. JACKSON,
National Commander, Disabled American Veterans.
JAMES R. MUELLER,
Commander-in-Chief, Veterans of Foreign Wars of the U.S.
EDWARD W. KEMP,
National Commander, AMVETS.

JUNE 29, 2006.

Hon. DUNCAN HUNTER,
Chairman, House Armed Services Committee, Washington, DC.

DEAR CHAIRMAN HUNTER: As the leaders of the Nation's four largest veterans' service organizations, we write to you today in appreciation for introducing with Representatives Issa and Bilbray a measure which would provide for the immediate acquisition of the Mount Soledad Veterans Memorial by the United States. While this step is extraordinary, our organizations feel it is the appropriate measure to take.

As we noted in our letter to you last week, we believe that the destruction of this Memorial is an affront to the sacrifices made by America's veterans and is contrary to the will of the citizens of San Diego. This Memorial has stood in its historic location overlooking the Pacific Ocean for 52 years, a silent tribute to the sacrifices made by veterans past, present and future.

As we answered the call in the past to serve this country, so we will answer the call now. Accordingly, we offer to help in any way we can to aid you in preserving this hallowed Memorial.

Sincerely,

THOMAS L. BOCK,
National Commander, the American Legion.
PAUL W. JACKSON,
National Commander, Disabled American Veterans.
JAMES R. MUELLER,
Commander-in-Chief, Veterans of Foreign Wars of the U.S.
EDWARD W. KEMP,
National Commander, AMVETS.

AMERICAN CENTER FOR LAW & JUSTICE,
Washington, DC, July 17, 2006.

Congressman DUNCAN HUNTER,
Rayburn House Office Building, Washington, DC.

CONGRESSMAN HUNTER: We write today in support of your legislation to protect the war memorial at Mt. Soledad, H.R. 5683.

We believe the public has a vital interest in ensuring that centuries-old American traditions and practices are not declared unconstitutional without careful and accurate judicial review of all issues involved. The Establishment Clause does not require that crosses, Stars of David, and other religious symbols be removed from Mount Soledad, Arlington National Cemetery, and the countless other places across the country where the lives and sacrifices of veterans are commemorated. The longstanding, venerable tradition of using crosses and other religious symbols on memorials and in the public square is fully consistent with the Supreme Court's Establishment Clause analysis in its County of Allegheny v. ACLU (1998), ACLU of Kentucky v. Mercer County (2005), Elk Grove Unified School District v. Newdow (2004), and Van Orden v. Perry (2005) decisions.

Your actions, those of other Members and the Departments of Defense and the Interior, and the citizens of San Diego, to help preserve the integrity and sanctity of memorials honoring the lives and sacrifices of veterans are well taken and constitutionally permissible.

To remove the Mt. Soledad cross is an insult to the men and women who fought to protect our freedoms. To allow activist organizations to strip religious symbolism from public life would cut against America's heritage and remove a vital component which makes our country unique.

We applaud your efforts and stand ready to assist you as you continue your fight to save the war memorial at Mt. Soledad.

JAY A. SEKULOW,
Chief Counsel.
COLBY M. MAY,
Senior Counsel & Director.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman said a moment ago, this bill is intended to preserve the Mt. Soledad Veterans Memorial in San Diego, California, and it allows for the immediate acquisition of this memorial by the United States Government.

The distinguished chairman, my friend from California, feels obviously very strongly about this issue, and apparently the people of that region also feel very strongly about it, by virtue of a vote that they took, a popular vote, indicating some 76 percent support for this idea.

Mr. Speaker, for that reason I will not be opposing the resolution. I will have some speakers who would like to speak to the issue.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. ISSA), who has been a real champion in this effort to preserve the memorial.

□ 1445

Mr. ISSA. Mr. Speaker, I rise today in strong support of this acquisition by the Federal Government, because it is so consistent with how we as Americans have honored our war dead and those who have given in service to our country.

I just want to point out for a moment a picture of Mt. Soledad, of the actual cross, and then, Mr. Speaker, as you look at pictures of the other Federal sites, the amazing thing is how similar they are. These are sites which are not contested. They are not contested because our Founding Fathers didn't want the establishment of a religion, but they didn't want a godless society; just the opposite, they wanted a freedom for people to observe their God as they chose fit. Particularly when we deal with those who have fallen in support of this country, they should be free to honor them with or without symbols that they find comfort in.

I think, Mr. Speaker, as we consider this important piece of legislation, I think it is important that we realize that that cross is about men and women who have given their lives and a symbol that says they gave their life for their country. It is an arbitrary symbol, but it is not a symbol without meaning. It stands, like those crosses in faraway lands of Americans who fell in Tripoli, Americans who were buried at Normandy, and of Americans who have never been returned home from the sea. It stands as a symbol of their passing and their sacrifice.

Mt. Soledad, no one ever doubted that this was a war memorial. No one ever doubted that. In fact, people found comfort in this symbol to those men and women in San Diego, the home of both Marines and Navy, for more than 100 years. No one ever found that this was inappropriate to honor our dead. What they found was one person, one out of 2 million people, who said, I am offended, I want no cross. It offends me.

Mr. Speaker, the definition of offensive language and offensive behavior and signs like the swastikas and other symbols of hate are just that. They are unique symbols that people have no doubt are designed to offend.

This cross was never intended to offend. Just the opposite; it was intended to do what it does for the vast majority of San Diegans and people who come to our fair city. It honors our war veterans for the sacrifice they made. That is the symbolism it has. That is the reason that hundreds of thousands of people climb that hill every year to spend a moment to look at the cross, but, more importantly, to look at the pictures of the men and women throughout the lower part of this memorial who, in fact, are there on plaques to be observed and remembered for their sacrifice.

I ask full support of this resolution.

Mr. BUTTERFIELD. Mr. Speaker, I yield 5 minutes to a distinguished member of the House Armed Services Committee, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I would like to begin by saying I appreciate the sensitivity of my colleagues on this issue who believe this bill is about veterans. I, too, have a deep appreciation of our veterans and the sacrifices they have made for our Nation and our freedoms.

If this bill were nothing more than a veterans issue, we would have a very simple decision before us today. But, unfortunately, that is not the case. The courts have told us time and time again what this issue is about. It is about a demonstrated preference of one religion over all others. It is about a uniquely religious symbol on public land. Make no mistake about it, this bill is not about preserving a veterans memorial. It is about preserving a 29-foot cross that sits within the boundaries of a veterans memorial, a veterans memorial that is supposed to honor all veterans.

Yet towering over the American flag, and the plaques, names, and photos of honored veterans, and I can see many of their faces in the plaques today, is a 29-foot symbol of one religion, and that is why we are here today.

A district court ruling on the memorial noted, ''Even if one strains to view the cross in the context of a war memorial, its primary effect is to give the impression that only Christians are being honored.''

I can certainly understand, Mr. Speaker, the emotion that this issue has generated. Believe me, I can understand that emotion. But as today's discussion has proven, this issue has become more about a cross than about a veterans memorial. Our focus should be on the veterans, and it should be inclusive of all veterans.

Mr. Speaker, I would like to take a moment to share the words of one of my constituents who just recently wrote me. He says, ''My father, a Bronze Star recipient for being wounded twice during D-Day, died a few years back, and I would like to pay tribute to his service to our country by purchasing a plaque to honor him.

''Mt. Soledad is one mile from where I live, and it would be the most logical choice, given its beautiful location and proximity.

''However, my father, being a practicing Jew, would be dishonored by the cross.'' That was the way he felt he would see it. ''Shouldn't,'' he asked, ''a war memorial pay homage to all who served and defended this country?''

And he continues to write, ''It is un-American to create a memorial to veterans which is not all-inclusive.

''There are many things,'' he writes, ''which could be erected as a tribute, but a cross, a crescent moon, a statue of Buddha, or a Star of David, are completely inappropriate and illegal.

''This is all about religion, because if the monument being considered were a statue of a dove or a soldier, we would not even be having this conversation.''

Mr. Speaker, I say to you, I fully understand the sensitivity of this issue. Believe me, it would be easy to vote with the majority on this issue. But the easiest decision, or the most popular one, is not always the right one.

In the words of James Fenimore Cooper, and I quote, ''It is a besetting vice of democracies to substitute public opinion for law. This is the usual form in which masses of men exhibit their tyranny.''

The beauty of our Constitution is that it protects the voice of the minority, so I ask you to join me in protecting that minority today.

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. BILBRAY), a gentleman who has worked tirelessly to preserve the memorial.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this resolution. This memorial is in my district. It is a very prominent memorial, not just in the landscape, but in the history of San Diego County.

I remember as a child my father driving me past this memorial and looking up and saying this is one of the few memorials in the country that recognize the heartbreak of what went on in Korea. As a Korean veteran, he was also very much impressed with the fact that San Diegans set aside a memorial for the Korean war.

Frankly, I am shocked in a time of war, a time when our men and women are out exchanging deadly fire with the enemy, that we are talking about destruction of a war memorial. It is a war memorial dedicated to 800-plus people that never came back from the Korean war, the missing in action.

Now, in San Diego County, we have many religious symbols on public lands. We have a cross to Father Serra on Presidio Hill. We have a cross to Cabrillo, who found San Diego Harbor. We have Point Lomo. We have a county synagogue in our county park, and we have a cross on Mount Helix that was set aside by a gentleman for his wife. We are not asking to tear those religious symbols down.

All I have to say, Mr. Speaker, is we have enough tolerance for a cross to Father Serra. If we can find the tolerance to save a major historical building such as the synagogue, Beth Israel Synagogue, if we can find the tolerance to have a cross for Cabrillo, my God, can't we find the tolerance to preserve a war memorial to 800,000 missing in action in Korea? This really is about common sense, common decency and tolerance.

Mr. Speaker, there are those who will find excuses to attack what they may not like, but this is not about religion; it is about the tolerance of our heritage and the memorials to those who have fought for our heritage across the board. I would just like to point out, if somebody wants to say that this is somehow a Christian conspiracy, that Phil Thalheimer, the chairman of Save the Cross, happens to be of the Jewish faith, his family survived the terrible Holocaust in Europe.

One of his biggest statements, that his family always talked about, the first thing that the Fascists wanted to do was to destroy religious symbols when his parents were trying to escape.

Now, Mr. Speaker, the State of California has many religious symbols, and we do too here. All I have to say is I don't think anybody in California or in this Chamber is asking for the cross in Father Serra's hands to be taken off that statue in Statuary Hall. The fact is that both of the statues for California happen to be someone who is affiliated with the Christian faith. But their affiliation with Christianity does not change the historical significance or the justification and the logic of us honoring him here in Washington.

Mr. Speaker, we are asking today to do a very easy thing. Understand that mistakes can be made by courts; but the voters have said very clearly they do not find offense in a memorial to veterans. They do not find offense to this symbol for these people, for the people that committed so much for America.

I would ask anyone who thinks that the cross is offensive, because it is a religious symbol, to go to the memorial and walk around the wall of it. You will see every religious symbol thinkable around that memorial that have been dedicated.

If we take this cross down because someone may take offense to a religious symbol, when will they next go for the Star of David, the star or crescent? They will go after the other symbols that somebody may take offense to.

Mr. Speaker, I think we need to honor our war dead, our missing in action from Korea. We should honor ourselves by showing that tolerance is not a politically correct catch term, but truly is the sign of an enlightened people, that as Moses looks down on us here, we will be proud to have him guide us on this vote.

I ask for a ''yes'' vote on this, and ask you, for the people of the 50th District of California, to support their will, support their veterans, and vote ''yes'' on this resolution.

Mr. BUTTERFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Just to make one point, what we are doing with this legislation is taking ownership that we have already designated by law the memorial at Mt. Soledad, the Korean war memorial. We have already designated this memorial as a Federal memorial. What we are doing is taking ownership of the memorial.

So for those who don't like it and who think that it is unconstitutional, that memorial will still be intact and will be subject to any attacks that they or others may want to make on the memorial.

What it simply does is transfer title of the memorial, of the property, to the Federal Government. I think that is absolutely appropriate in light of the fact that these are veterans from all over America who are represented on those 1,700-plus little memorials that make up this big memorial. So it is absolutely reasonable and appropriate that the Federal Government, having designated this as a Federal memorial,

takes ownership of the property as a Federal memorial.

□ 1500

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I had not intended to speak on this matter, but the eloquence of the gentlewoman from California and the remarks of the distinguished gentleman from California have moved me to stand up and say a few words.

I do not know why in a pluralistic society, in a great democracy that we are, that we have become, that we continue to be, that we look to find things and issues to divide us rather than to unite us.

I am not of the Christian faith. Christian symbols do not offend me. They stand for things that are good and decent and pure and idealistic, and I think that is wonderful. But to make them the symbol of something public is something that I do find offensive.

We talk about so often our Judeo-Christian heritage. I am not sure what that means exactly. I know it means that somebody is reaching out to try to include me and my small faith when they want to look pluralistic.

I know that my dad fought in World War II. I know that I had relatives who went to Canada to join the Royal Mounted Police because they were in World War II fighting the Nazis before the United States of America did. I know that people of all faiths of this great Nation died in that war and all other wars that we fought, and continue to die today as you read the list of people coming back, tragically killed by terrorists.

I do not know why we have to put a religious symbol on the entire monument. There is nothing wrong with the crucifix in the hands of whoever wants to hold it, even in Statuary Hall. Nobody is saying remove that cross. That is an individual sign of faith, not a collective societal sign of faith.

The gentleman from California justifies it by saying it is a symbol of our heritage. I beg to differ. It is not a collective symbol of our heritage because it is not the symbol of my heritage, though I respect it as a symbol of somebody else's heritage. And if, indeed, the only symbol up there was a statue of Buddha or a Muslim symbol or a Jewish Star of David, I would object as strenuously.

If you cannot represent all religions, then represent no religion. They did not die in a crusade. It was not a religious Korean war. Why put the symbol of Christianity or any other religion there?

Make it a monument for people who fought and died for freedom of liberty, who died for freedom of religion, who died for people's ability to express themselves in a free society. That was the intent, and I think that is something we would all be proud of, and we are proud of the veterans.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his statement. How much time do both sides have left?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from California (Mr. HUNTER) has 5½ minutes remaining. The gentleman from North Carolina (Mr. BUTTERFIELD) has 11½ minutes remaining.

Mr. HUNTER. Do we have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HUNTER. In that case, we would like to reserve our time.

Mr. BUTTERFIELD. I do not have any additional speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank all Members for engaging in this debate. I think it is a good one and a healthy one, and I would like to point out to all Members that preserving this memorial, that is, transferring it to the United States of America, is supported strongly by the American Legion, by the Veterans of Foreign Wars of the United States, by the Disabled American Veterans, and by AMVETS and by all of their national commanders.

Mr. Speaker, let me point out that there are dozens and dozens not only of crosses but of Stars of David and other religious symbols on Federal property throughout this country.

I noticed during the debate here that we are standing under a statement, ''In God we trust,'' that stands over the Speaker's chair, arguably a target for a constitutional argument that it violates separation of church and State.

Now, in answer to my friend from New York and his statement that why did we have to go and put this cross on this memorial, this memorial is 52 years ago. It is a memorial that has evolved and grown since not only the Korean war but actually right after the turn of the century, like so many memorials that we have.

Today, there is not really just one memorial. There are really 1,701 memorials in composite because there are 1,700 plaques to people that gave everything they had to the United States of America.

This last letter that I received in support of this from the parents of Captain Martino, who fell in Iraq last year, saying please do not let them tear down the memorial, reminded me to look back and look at some of the other people that are on this memorial. There is a thread of patriotism between every American alive today and those who served our country and those who fell for our country, those 619,000 Americans who died in the last century, those 2,500-plus Americans who have given their lives in Iraq and the 300-plus Americans who have given their lives in Afghanistan. There is a thread of patriotism between those people.

So for Captain Martino, who gave his life in Iraq just last year because of that, and for his family, somebody is able to teach at a synagogue or a church today or a college; because of a machine gunner in Belleau Wood early in this century, a businessman is able to operate freely in Cincinnati; and because of people who fell in the Korean war, a young couple is able to walk down the streets without being arrested in Washington, D.C.

So the freedoms that we have are combined by a thread to every single person who gave that full measure of devotion to our country, and whether we like it or not and whether the courts like it or not, the people, the families, the service people, think that those threads come together in little monuments and memorials throughout this country, not the least of which is Arlington Cemetery, but also not the least of which is 3,000 miles away on Mt. Soledad overlooking the Pacific Ocean where the 1st Marine Division embarked for those incredible fights in the island chains, taking back Guadalcanal, Iwo Jima and other islands in the Axis Powers in World War II. That is a point of embarkation. It is a point where many families last saw their loved ones.

This memorial has a thread of patriotism and a thread of meaning to the people of the United States, not just San Diego, and it is fully appropriate that the United States of America, having made this memorial a national memorial, now takes ownership of the memorial.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 5683, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SYMPATHY FOR THE PEOPLE OF INDIA IN AFTERMATH OF THE DEADLY TERRORIST ATTACKS ON JULY 11, 2006

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 911) expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006, as amended.

The Clerk read as follows:

H. RES. 911

Whereas on July 11, 2006, during evening rush hour, seven major explosions occurred