

NOT VOTING—5

Chapman Ford (TN) Hastings	Henry Hoagland Mann	McDade Moran
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□ 1858

Messrs. SMITH of Oregon, OXLEY, ENGLISH of Oklahoma, HERGER, GRAMS, and LEWIS of California changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1900

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. PELOSI) having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, had come to no resolution thereon.

HOURLY MEETING ON TOMORROW

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11:30 a.m. tomorrow.

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

There was no objection.

THE RELIGIOUS FREEDOM RESTORATION ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of the Religious Freedom Restoration Act which will correct the problems caused by the 1990 Supreme Court decision in the Oregon Employment Division versus Smith case.

This Supreme Court decision has allowed the Government to cross the line of separation between church and state. Under this decision, the courts have determined that the Government can enact laws that force a person to participate in actions that violate their religious beliefs. This decision could also limit religious practices that have been practiced in the United States for hundreds of years. Imagine laws that prohibit the wearing of religious clothing or that prohibit school holidays for religious events and you can imagine the possible long-range effects of this decision.

You will hear the opponents of this bill argue that it will open the door to strange or dangerous religious practices, but the fundamental goal of this bill is to ensure that the Government

has a compelling reason for restricting any religious practices.

Members, this bill has bipartisan support as well as the support of over 50 religious and social organizations with widely different views. President Clinton has indicated that he is anxious to sign this bill and I urge you to support swift passage of this extremely important legislation.

Madam Speaker, I include the following article for the RECORD.

[From the Columbia Missourian, Mar. 7, 1993]

RELIGIOUSLY RESTORING AMERICA'S CORNERSTONE

(By Michael Smith)

Americans pride themselves on freedom—freedom of speech, of the press, of assembly, of religion. But religious liberty and the separation of church and state, a uniquely American addition to human history, has taken a hit from judicial activism of the worst kind. And forces in Congress are rallying to defend one of the pillars of the First Amendment.

Sens. Edward Kennedy, D-Mass., and Orrin Hatch, R-Utah, are putting aside their usual bitter differences to unite on an issue of mutual importance, protecting religious expression.

Kennedy, a Roman Catholic, and Hatch, a Mormon, are co-sponsoring the Religious Freedom Restoration Act, to be introduced in Congress this month.

The bill, meant to rectify bad law made by the U.S. Supreme Court, failed in the last Congress. This term it appears to have a better chance merely because it has received a warm reception from President Clinton.

A 1990 Supreme Court decision, Employment Division vs. Smith, audaciously pinched the protection of Americans to practice and express their various religious faiths.

Smith dealt with the Native American Church's sacramental use of peyote, a hallucinogenic drug. The court ruled that the free religious expression interest of the church was overruled by the state of Oregon's interest in outlawing illegal drug use.

The court ruled that the state can prohibit the exercise of religion if the prohibition is "merely the incidental effect of a generally applicable and otherwise valid provision."

It overturned decades of judicial precedence in saying that government no longer has to justify most burdens on religious exercise. The state no longer has to find a "compelling interest" to restrict religion, as in prohibiting human sacrifice.

Justice Antonin Scalia, the author of the Smith decision, added insult to injury by stating that any ill effect of the decision on religious minorities is an "unavoidable consequence of democratic government."

Scalia even called the previous free religious atmosphere a "luxury" that such a pluralistic society could no longer afford.

The Smith decision "places religious rights in an inferior position to other First Amendment rights such as freedom of speech and press," said the Coalition for the Free Exercise of Religion. The alliance of 55 religious and civil-rights organizations includes the American Jewish Congress, the Southern Baptist Convention, the Mormons and the American Civil Liberties Union.

The coalition has united to endorse the Religious Freedom Restoration Act. One would be hard-pressed to find another issue of agreement from such a broad and diverse grouping.

The Smith decision already has been used by the Supreme Court and lower federal courts to limit religious expression in the

past two years. Orthodox Jews have been subjected to autopsies in violation of their religious faith. Evangelical churches have been denied the right to meet even in commercial areas. Catholic teaching hospitals have lost their accreditation for refusing to provide abortion services.

Jews, Evangelical and Catholics are not obscure faiths dismissed easily and sanctimoniously as "cults." That's the funny thing about freedom—when it's limited for one, it's limited for all.

The next court test of Smith comes out of Florida. It involves the Santeria faith, an African-Cuban-based religion requiring the ritual sacrifice of animals.

A Florida city passed ordinances prohibiting animal sacrifice for religious reasons but allows the killing of animals for sport, food, research and pest control.

The city ordinance allows you to pray prior to eating fried chicken but not while your wringing the bird's neck.

The founding fathers adopted a neutral position in regard to religion when they framed the Bill of Rights. Allowing citizens the right to free religious expression, while in the same breath disallowing the government from establishing a preferred religion, is the atmosphere in which a nation of many faiths has lived in relative harmony and tolerance for 200-plus years.

The concept of separation of church and state is America's greatest addition to the idea of freedom and to political science. Americans can expect the right to practice any religious faith, or no faith at all, without the interference of the state.

The world is full of examples of religious strife that the United States has avoided. Conflicts that have at least a partial religious nature rage in the former Yugoslavia, the Sudan, Israel, Iraq, India, Algeria and Northern Ireland, among the more glaring cases.

The United States has one of the most diverse religious populations in the world—a country of Roman Catholics and Rastafarians, Mormons and Moslems, Hasidic Jews and Hare Krishnas, Presbyterians and Pentecostals. It has been to the benefit of all that the government has not involved itself in their business.

Freedom of religion means just that * * * freedom.

INVESTIGATION ASKED IN CONDUCT OF MEMBER'S TRIAL IN TENNESSEE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute, and to include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, there is an unpleasant odor arising from the recent Justice Department foray into the jury selection process of Representative FORD's second Federal trial in Tennessee.

As confirmed by the articles I am filing with this statement, it is alleged that pressure was brought on the Justice Department by supporters of Mr. FORD, including one Webster Hubbell, a Clinton confidant and former law partner of Mrs. Hillary Clinton, who is serving as a White House liaison at the Justice Department. Such pressure allegedly prompted the Acting Attorney General to reverse a Department position and demand, first, dismissal of a jury selected to try Representative FORD, and second, that Representative