

status quo is no virtue. And, sadly, that is all the liberal left has to offer these days.

**WHAT APPROACH SHOULD WE TAKE TO THE TEACHING OF CURRENT EVENTS AND AMERICAN HISTORY**

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, today we passed the Church Arson Prevention Act, and I think practically every Member present voted for that act. It is to the credit of this Congress that this is a bipartisan effort to deal with a heinous set of crimes and to let the message go forth from the leadership of this Nation that we will not tolerate such acts.

There is a disease out there that every now and then manifests itself, and the leadership of the Government has the duty and obligation to let it be known that we will not encourage it, we will not condone it, and we will do everything possible to make certain that those who are guilty are punished.

I want to talk a little bit about the burning of black churches in the south, but I want to talk about four other things that also relate to it, although it is not obvious how closely related they are on the surface.

I want to talk about the recent controversy surrounding the standardization of a national curriculum for history, especially for American history.

I also want to talk about the controversy surrounding the invitation to Supreme Court Justice Clarence Thomas to speak at a Prince George's County school and what happened as a result of that controversy.

I want to talk about a man named Kenneth Johnson, who objected to Justice Thomas speaking there. Mr. Johnson is a school board member, and he felt that there was some problems there, and I think Mr. Johnson's allegations and his concerns deserve to be looked at more closely.

I also want to talk about the recent Supreme Court decision on the Voting Rights Act.

And, finally, I want to talk about the extremist budget cuts of the Republican majority, and I want to insist that all of these things are related and show how they are related.

I think the overall theme of what I am trying to say relates to a bigger issue of what approach should we take to the teaching of current events and of American history. What approach should we take to the teaching of current events and American history?

What was the controversy in Prince George's County all about? Why did Kenneth Johnson object as a school board member to Justice Clarence Thomas speaking at the school in a ceremony where people would not have

a chance to question Justice Thomas; in a situation where children would be left with the impression that Justice Thomas was being offered as a role model and that they should pattern their lives after him?

Prince George's County is predominantly a county made up, the schools are predominantly African-American children. The school where Justice Thomas was speaking was composed primarily of African-American children. Kenneth Johnson, the school board member, was saying that African-American children should not be led to believe that Justice Thomas was a role model; that that would be really a slap in the face, considering the kinds of rulings that Justice Thomas has made, the kind of record Justice Thomas made before he became a Supreme Court justice, and the controversy which presently surrounds Justice Thomas and the decisions that he is making.

What does this have to do with church burnings and what does it have to do with Supreme Court decisions? Well, Supreme Court decisions relating to the Voting Rights Act are probably Justice Thomas's most controversial decisions.

The Voting Rights Act is an act which probably makes more sense than any other effort ever undertaken to remedy the situation caused by 232 years of American slavery. Two hundred thirty-two years of American slavery was a most criminal enterprise. Probably nowhere in the history of the world have we had a situation like those 232 years of American slavery.

We are very critical of Germany in that the current practices of Germany seek to minimize what happened in the Nazi era; that Germans do not rush to discuss what happened in the Nazi era. They do not rush to discuss the holocaust and what happened to 6 million Jews. They do not rush to discuss what happened to people with disabilities and what they did to gypsies and other people they labeled as political undesirables. They do not rush to talk about that and they do not rush to teach about that.

They have been criticized, and yet American slavery is far more ancient than the recent history of the Nazi era. The Third Reich took place in the 1930's and 1940's.

□ 2030

Hitler was defeated in 1945. But the Civil War ended in 1865, and the Civil War was a war to end slavery. A lot of people call it different things. One of the problems they are trying to teach history nowadays is the fact that people do not want to face up to the fact that the Civil War was a war to end slavery.

The Civil War ended a cruel and inhuman set of circumstances. It ended 235 years of forced labor. It ended 235 years of the destruction of human beings. All of that is part of what we wrestle with when we try to set a new curriculum

for the teaching of history. We had a lot of controversy in trying to establish a new curriculum for the teaching of history, especially American history. I sit on the Committee on Economic and Education Opportunities. I know that for some time now that the effort has been going forward to develop standardized curricula in various areas that were almost standardized so that you could compare the teaching from one State to another and then we could have a curriculum where we have a body of knowledge and we can expect all Americans to know.

Immediately there was agreement on a curriculum, a national standardized curriculum for the teaching of science. Math also, there was no great controversy over the teaching the math. I even think the arts came up with a curriculum that was pretty much accepted across the country, although it was not part of the official process. But when it came to the teaching of history, a great deal of controversy has resulted.

One of the reasons is that history has to deal with what is right and what is wrong. History has to deal with treading on people's holy ground in terms of what it is that they certify as being legitimate actions taken by their ancestors. So American history with its controversial problems with the Native Americans and what happened to them, American history with its very controversial problems related to 235 years of slavery presents us with a problem.

The problem manifests itself immediately in a current event related to how shall you handle current events as related to decisions of the Supreme Court. How should you handle current events as related to a controversial Supreme Court Justice who is making decisions which directly impact in a negative way on African American people. How should you handle the invitation to that Supreme Court Justice to come to speak to an African American school when he has made several decisions since he arrived on the court which directly move African American people in this country backwards from the forward progress that was being made over the last 10 years. How shall you handle a betrayal of Justice Thomas.

What does it have to do with burning black churches? There is an atmosphere that has been established in the last 5 or 6 years, it has been growing, escalating, an atmosphere of hate, an atmosphere of racism, coming in many different forms and directions. Some of that racism has come directly from the Supreme Court. Nobody has stepped forward to point a finger at the Supreme Court and said that this is a racist majority, that these decisions are racist. It is difficult to say that, when a black man is sitting there, when Clarence Thomas is sitting there, it is difficult to call it the way it is, that these decisions are racist with respect to affirmative action, setasides, school integration, and with respect to the Voting Rights Act.

Nobody has challenged the fact that the Voting Rights Act decisions and the other decisions related to segregation and discrimination remedies, remedies that are being attempted to take care of, to compensate for years of discrimination and years of segregation. Nobody has challenged the court's reasoning and the fact that the court seems to be hell bent on ignoring the intent of the law. The court has repeatedly used the 14th amendment as the justification for its decisions that nothing which is race based, nothing which takes race into consideration is acceptable or constitutional because the 14th amendment is an amendment which calls for equal protection under the law. Everybody should be treated equal. So the court has distorted that equal protection intent of the 14th amendment to mean that we should have a color-blind America, and the 14th amendment's purpose is to establish a color-blind America.

I think any sophomore who studies American history, certainly any law school student can look at the 14th amendment in the Constitution and clearly state that the 14th amendment, the 14th amendment was all about correcting the injustices caused by slavery. The clear intent of the law, the time in which it was established, makes it certain that it was there to deal with slavery. So because you have Justice Thomas there, the Supreme Court's logic, the Supreme Court's obvious refusal to interpret the Constitution in the context of what the framers intended, what the Congress intended at the time that it initiated the 14th amendment, what the States intended at the time they ratified the 14th amendment, the refusal to recognize that is a blatant omission that has to have a racist motivation.

They are hell bent on destroying affirmative action programs, setaside programs, and they really want to strike down the entire Voting Rights Act. Recent decisions related to Texas, related to North Carolina are moving in that direction. Pretty soon you will have the Supreme Court probably saying the whole Voting Rights Act must go because it militates against a color-blind America, where race should not ever have been considered. The 14th amendment is used as the rationale for that, and the 14th amendment certainly does not do that. The 14th amendment is established, was created and conceived, executed within the context of trying to remedy the past wrongs of slavery.

Mr. Speaker, there was a 13th amendment which freed the slaves. There was a 14th amendment which gave them, the slaves, equal rights. There was a 15th amendment which gave the slaves the right to vote. If you want to look at the Constitution, you will see that the 14th amendment says much more than is usually quoted when the Supreme Court talks about equal protection. The 14th amendment really goes into other problems related to slavery.

The 14th amendment talks about certain kinds of property arrangements and criticizes, and makes it clear that it is concerned with other aspects of correcting injustices done by slavery.

So I want to come back to the Constitution and the 13th, 14th, and 15th amendments. I also want to take a look at another reference to race within the Constitution, which came earlier. Article I of the Constitution refers to three-fifths of all of the persons, which everybody knows meant slaves, and that is still in our Constitution. Our Constitution is not without reference to slavery. Our Constitution clearly shows that we have a problem, America has a problem that should be remedied. Part of the remedy was undertaken in the 13th, 14th, and 15th amendments to the Constitution after a terrible Civil War has been fought over the issue of slavery.

The burnings of the black churches in the South relate to the fact that we still have this unfinished business that nobody wants to take care of. So from time to time we do things, we get into an era of 4 or 5 years where we are going backwards on race relations. We are saying and doing things at high levels of government that encourage the people at lower levels who have problems out on the fringes of society who believe in violence, who have deep-seated hatreds and prejudices that they cannot control. They get out of hand because they hear a message coming from the top that we want to roll back the clock and deal with these people in a different manner. It happened in Hitler Germany. It happens from time to time in this society.

Mr. Speaker, the best remedy for it of course is what happened today. That all the leadership, Republican, Democrats, the Speaker, the Democratic minority leader, everybody moved in immediately to try to send another message about the violence that is occurring.

Immediately we want to make certain that they understand that we are not in favor of those kinds of actions. On the other hand, we are undertaking from day-to-day activities which send a different message. When you have extreme budget cuts and those budget cuts fall primarily on the poorest people in our society and 60 to 70 percent of the poorest people in our society happen to be the descendants of slaves, they happen to be African Americans, I mean 60 to 70 percent of the descendants of slaves happen to be poor. African Americans are in that category, living in large cities. The hostility toward large cities is clearly manifest by the kind of legislation that has been promulgated by the Congress over the past 10 years, hostility toward the cities where we are taking away resources, destroying programs that help the populations in the city, the urban population from transportation programs to programs for housing, you name it.

Clearly everything that benefits people in the cities has been dealt with in

a very negative way over the last 10 years. So these kinds of policies economic policies, budget policies, coupled with attacks on affirmative action, attacks on the Voting Rights Act, attacks on set-asides, when you couple them all together, it sends a message that we really do not want to deal with atoning for the terrible sins of slavery. We do not want to deal with trying to compensate for 235 years of forced labor, brutality, murder, rape. We do not want to deal with that.

I do not want to be misunderstood that I do not appreciate and am not grateful for the action taken today. I certainly think we acted in the most noble way in dealing with the burning of black churches in a forceful piece of legislation today. I agree wholeheartedly with the statement made by Democratic leader GEPHARDT last week when he called upon the Speaker to take immediate action to vote on a resolution condemning the burning of African American churches throughout the South.

Mr. GEPHARDT stated that we are here today, quoting from his statement of last Wednesday, June 12, we are here today for a very simple reason. There is no criminal act, no criminal act more cowardly, more outrageous, more offensive than the burning of places of worship. When these acts are motivated by racial hatred, the offense is even greater. We believe that the U.S. Congress has an obligation to condemn the recent rash of church fires and then to impose tougher laws to crack down on the people who perpetuate these crimes.

We are asking Speaker GINGRICH to schedule an immediate vote on a resolution condemning the burnings of African American churches throughout the South. The American people should know that their Representatives are united against such baseless acts and are willing to do everything in their power to prevent and punish them. The next step is passing the Church Arson Prevention Act of 1996, to make it much easier to prosecute and punish those who burn, desecrate or damage religious property. We believe this can be done on a bipartisan basis. When these kinds of crimes occur, it is not just the churchgoers who suffer; it is our conscience as a Nation. The right to worship in freedom and safety regardless of race, religious faith or ethnic origin is the very foundation of our country. We pledge to do everything in our power to protect that right for all Americans at all times.

I include Mr. GEPHARDT's full statement for the RECORD:

STATEMENT BY HOUSE DEMOCRATIC LEADER RICHARD A. GEPHARDT URGING HOUSE RESOLUTION CONDEMNING CHURCH-BURNING

"We're here today for a very simple reason: there is no criminal act more cowardly, more outrageous, more offensive than the burning of places of worship. When these acts are motivated by racial hatred, the offense is even greater.

"We believe the United States Congress has an obligation to condemn the recent rash

of church fires, and then to impose tougher laws to crack down on the people who perpetrate these crimes.

"We're asking Speaker Gingrich to schedule an immediate vote on a resolution condemning the burning of African-American churches throughout the South. The American people should know that their representatives are united against such baseless acts, and are willing to do everything in their power to prevent and punish them.

"The next step is passing the Church Arson Prevention Act of 1996—to make it much easier to prosecute and punish those who burn, desecrate, or damage religious property. We believe this can be done on a bipartisan basis.

"When these kinds of crimes occur, it is not just the church-goers who suffer—it is our conscience as a nation. The right to worship in freedom and safety—regardless of race, religious faith, or ethnic origin—is the very foundation of our country. We pledge to do everything in our power to protect that right for all Americans, at all times."

I think that we did it today. We passed that piece of legislation, the Church Arson Prevention Act. It may be interesting to note a few facts about the church burnings. More than 30 black churches in eight States from Louisiana to Virginia have been burned in the past 18 months. That is a very important fact. It has been escalating in the last 2 months, but now more than 30 black churches in eight southern States have been burned.

The largest percentage of those burnings have taken place in South Carolina. South Carolina, I will mention later, is a special State in terms of the kind of discussion that I am putting forth about American history and the need to confront the issue of slavery and what the impact of slavery has been on our Nation and what the consequences of slavery have been on the African-American population. The State of South Carolina still flies the Confederate flag above its capitol. It has something to answer. It has some important questions to answer. What does it do to have the flag, the Confederate flag flying over the capitol, which is the capitol of South Carolina for all the people of South Carolina, including the descendants of slaves?

Another fact that we ought to consider is that almost all those arrested so far, there have been churches burned and there have been no people arrested. They have not caught any suspects or perpetrators, but those who have been arrested have been young white men. They have been typically members of hate groups, including the Ku Klux Klan, the Aryan nation and the skinheads.

□ 2045

These are facts that are very important. There are people out there on the fringes of society who have these deep seated hatreds, prejudices, and who believe in violence, and they are acting out at this time, and I say the reason that they are acting out is something that we should look at very closely. We should not just be content to pass an act today which is going to deal with what is happening right now which will

contain them. That is important, to send them a message we are not going to tolerate, they do not have any sympathy in high places. We also ought to look behind the causes and understand what is going on in order to prevent a spread, an escalation, of these kinds of activities out there with respect to the acting out of race hatreds and prejudices.

Another factor is that experts say that a volatile mix of polarizing social and economic events, pitting citizens against government and white against black, has exploded in a kind of domestic terrorism that has left these churches burning across the South polarizing social and economic events and political events. The fact that South Carolina has had a great debate over the removal of a Confederate flag, the fact that there are economic tensions in that part of the country as well as most of the country because of the fact that jobs are leaving and there are fears of losing jobs and all kinds of economic fears of this generation about what is going to happen to their children; those are all parts of these events that end up pitting citizens against citizens and citizens against government, and added to that is a message being sent that in particular there is an evil related to the Voting Rights Act, there is an evil related to the set-aside programs to affirmative action. The messages are being sent that these things are part of a problem and certain people are being encouraged to focus on black churches as being the citadels of the movement or the institution which holds together black communities. When you strike at black churches, you are striking at the heart of the black community.

One other factor that ought to be pointed out is that since early 1995 the ATF has probed 25 suspicious fires at mostly white churches. In addition to predominantly black churches or all black churches, there have been 25 suspicious fires of mostly white churches.

Now the word "mostly" is the one you look at closely. A mostly white church means that it is a white church that has black members also. It means that it is a white church that was predominantly white or almost all white before that has admitted black parishioners or black members to the congregation. Nothing is hated more in the South by the racists and by the people who are capable of this kind of activity than integration. So a mostly white church is a church that has admitted black members. That is definitely going to be a target; they are in the same category as the black churches as far as being targets of hatred. So it is the same phenomena.

I think that if you are going to get to the heart of what is happening and not have it continue to escalate, you have to go back and take a look at the history of the South, the history of this Nation and what is going on with respect to race relations. One of the irritants that keeps occurring with respect

to race relations in this country is favorable of the perception that favorable treatment of African-Americans, favorable treatment of the descendants of slaves, is wrong. This upsets people and angers them a great deal. It is wrong to have affirmative action, it is wrong to have set-asides, the rewarding of contracts, it is wrong to have a Voting Rights Act which, in my opinion, is a very conservative political remedy for a very clear problem that was identified for decades.

The Voting Rights Act was fashioned as a result of trying to deal with the fact that for more than a hundred years people of African-American descent, descendants of slaves, were not allowed to vote in the south. All kinds of tricks were used. We have to wage all kinds of legal battles in the courts, we have to have sit-ins and marches and demonstrations, and on and on it went for a long time before the simple matter of allowing a black person to go to a poll and vote could be accomplished, and the Voting Rights Act was an attempt to remedy the fact that as a result of that denial to vote, a right to vote, you had circumstances that generated a situation where there was no adequate representation by blacks in government at any level. At city levels and State levels and at the Federal level you had grossly inadequate representation as a result of all of these injustices related to voting rights that have been perpetrated for more than a hundred years. The Voting Rights Act was to correct that.

So the Voting Rights Act is part of the remedies that are necessary to deal with what has happened in American history with respect to slavery.

When we teach history to children in schools like the one that Clarence Thomas visited, the school that had an awards night and invited Justice Thomas; when you teach history to those children, how do you deal with the fact that most of the history books do not discuss this 235 years of slavery and the implications of having a population enslaved for 235 years? Most of the history books do not talk about slave labor and the fact that slaves had to work for nothing. Most of the history books do not talk about the fact that for 235 years the slaves were prevented from acquiring assets.

They were prevented from acquiring property. For 235 years one generation had nothing to pass on to another generation. Most of the history books do not talk about that. Most of the history books do not want to deal with the economic consequences of 235 years of slavery.

A youngster who is black in a school with whites, whites who have a history of having had assets, property handed down from one generation to another, most people in America who have assets, overwhelming majority of people who have assets, have property in the form of homes or real estate that was handed down from one generation to another or was sponsored and financed

by the older generation. Couples have parents who either give or loan them the money for the mortgage. They have situations where furniture and property, stocks and bonds, various assets are passed down from one generation to another. If you have 235 years where you have nothing, where you are not allowed to own anything, you do not have any property, you are forced to work for nothing, then you start 235 years behind, and every black youngster in a school ought to know that your self-esteem and your sense of self-worth should not be impacted, should not be affected without taking that into consideration. You cannot compare yourself with your peers who have the benefits of all of this hand-down from one generation to another, who had the benefit of what goes along with assets and property and wealth.

There is a correlation which is clear, and nobody questions it, between assets, wealth, and education. The people who have more income get better education. There are recent studies that confirm the relationship between income and achievement regardless of race. A lot of statements have been made about the fact that middle class black youngsters do not achieve in the same way that middle class white youngsters achieve. Well, when you study middle class and you define it more closely in terms of real income, and when you make the comparisons by income and you compare the income on the basis of what was the income on a steady basis throughout the life of a child, was it there when they were young and most formative? Did they lose the income as they got older? There is a study which has been done which has been very useful in this respect, and they give the big lie to the theory that income does not impact on all groups regardless of race, religion or color, including African American children. They are as susceptible to the impact of income. When they have the income in black families, they behave in just the same way as children in white families.

There is a study that recently was concluded by Greg Duncan at Northwestern University National Institute of Childhood Health and Human Development which talked about, which is entitled, Family and Child Well-being Research Network, and it is part of the effort of family and child well-being research network, and their conclusions are that when you compare the income and you study it closely and you see that in the most formative years of life children have a certain income, those white children and black children who have the same income in the formative years of life, early years of schooling, they perform in much the same way regardless of race as they grow older. When you have youngsters who lose, who do not have the income that supports a certain level of family life at the early ages, and they later acquire it when they get into high school, then you do have a problem. The change is

quite significant. Those whose families had inadequate income when they were in early education situations and later acquired it when they went to high school, they do not perform as well. The income is the variable. It is the same among whites who do not have the right income level that supports the right kind of nurturing environment at early ages. The same problem results in white families and with the white children as it does with the African American children.

Studies like these are sort of widely introduced into the academic stream, and there is not much said about it. There was a book put out called the Bell Curve, which was greatly celebrated, and the Bell Curve was out to demonstrate what scientists have generally disproven over the years, that there is definitely a correlation between IQ and achievement and race, and that black people, people of African descent, are inferior with respect to achievement and with respect to IQ. These studies will show you differently and show you that there is a factor of income and a factor of nurturing that goes with income and a factor of educational level that goes with income that has a great impact on how children achieve and on their IQ.

So, if you have a situation where for 232 years nothing was passed down, for 232 years there was no property, income was at a measly level, then the recent prosperity of African Americans in the middle class is not enough because they do not come from a tradition that was handed down that was nurtured where there was books, where there was wisdom passed all around the table by people who were already educated. There is a whole culture that comes with income at a certain level, and the culture was not there to nurture educational achievement and to nurture IQ.

So the youngster, the child, who is African American in a public school needs to know that there is a whole history back there you have no control over. There is a whole history where you were deprived of the opportunity to pass on assets and property, and for that reason, for that reason, it is not a great shame for the society to develop programs which are going to seek to compensate for those 232 years and the tradition that they failed to hand down for those 232 years and the property that they fail to hand down. Affirmative action compensatory education programs become vital if you are going to try to remedy the evils of 232 years.

Justice Clarence Thomas says no. All of a sudden, although he is the beneficiary of compensatory programs, all of a sudden they are programs that might make people too reliant or too dependent. He has benefited in many ways, but now he joins with a group of racists on the Supreme Court to interpret the 14th amendment to mean that you cannot take race into consideration in trying to foster programs which are seeking to remedy and to

compensate for and to counteract 232 years of slavery, and 100 years after that, by the way, of very intensive pressure.

There is an article that appeared in the Washington Post this past Sunday by Lynn Cooper, and that article talked about slavery that existed long after the Civil War, after the Emancipation Proclamation and after the 13th, 14th, and 15th amendments, slavery that was permitted by governments in the South, slavery that never was sufficiently challenged by the National Government, the Federal Government. He talks in great detail. It is a long article this past Sunday, June 16, in the Washington Post Sunday Style section by Lynn Cooper. It gives concrete examples of what happened as the share cropper system and the peon system and various other systems developed, which endured for almost 100 years after the Emancipation Proclamation.

□ 2100

So all of these things become a part of what history should teach, and if it fails to teach, it denies a basic ingredient to the public discourse and the public dialogue which one day might get it all straight and be able to deal in a more intelligent way and a more sympathetic way and a way which is more in the national interest and than we are presently doing.

If you do not look at history and acknowledge the truths of history, you are going to make decisions which are going to be distorted and continue to warp the public discourse and the public decision-making process. We are in that period now. We are right now in a period where the Voting Rights Act is about to be struck down, and yet that is probably the one piece of legislation which is most crucial to the correction of the 235 years of criminal slavery and the aftermath of that slavery.

The Voting Rights Act does put, not only in the Congress but in the State legislatures and in the local councils and local governments, put in place people who represent the descendants of slaves and who will be able to take action on an ongoing basis to have a point of view which is going to help correct some of the numerous problems that still exist in our society as a result of those 235 years of slavery.

The church burnings are there because at the top the Supreme Court is saying, blacks, you have been too arrogant. Blacks, you have demanded too much. Blacks, you do not deserve special treatment. Blacks, you are taking away from other people. The Supreme Court sends down that message.

The Congress of the United States says, blacks, you do not deserve to have programs which provide aid to poor people. A large percentage of your people are poor, but that is a crime that you have committed, being poor. Being poor has nothing to do with 235 years of slavery. Being poor has nothing to do with schools that for a long time were not equal. They were separate but not equal, schools that right

now are still in horrible shape in our urban centers, where most black youngsters go to school. All this has nothing to do with your condition. All this has nothing to do with the crime rate. All this has nothing to do with the high rate of blacks on welfare. Let us dismiss all of this. Let us not accept it as being there. It is not real.

In South Africa they have a truth commission. The truth commission has been appointed, not to get revenge, and not even to punish many people who are still living who committed gross and obvious crimes during the period when apartheid existed. They just want to tell the truth. They want to get it out. Nobody is going to be punished in many instances, but just tell the truth as to what is happening with the police and oppression, what is happening when people were put off their land by trickery and by various devices that were developed by the government. Tell the truth, no vengeance.

I said before on a couple of occasions here, especially in connection with Haiti, that reconciliation is more important than justice. Reconciliation sometimes is the only thing possible. You cannot get justice. In Haiti, they do not even have the resources to build jails and prisons for all the people who murdered people over a 3-year period after President Aristide was kicked out of Haiti. Five thousand people were killed, 5,000 people brutally murdered. Other people were tortured. All kinds of things happened.

But if they put their meager resources to work building prisons, trying to set up a court system, and paying attention only to getting justice, they would have nothing left over to build an economic system, to develop jobs and do other kinds of things that have to be done. They have to give up. There will be no justice. Reconciliation is what President Aristide is forced to preach.

It probably makes a lot of sense. The deep philosophy of Christianity, that vengeance belongs to God and turning the other cheek, a lot of things that have been ridiculed about the Christian religion, makes a lot of sense in the context where if you are in a situation where you do not have the capacity to get justice, then certainly life must go on and reconciliation becomes the only possibility.

I think Abraham Lincoln when he said malice towards none understood that very clearly; that to seek justice would have led to more chaos, guerrilla warfare, all kinds of confusion, but the malice towards none, and the fact that the Congress in the next 10 years proceeded to absolve all of the people who rebelled against the central government from any crimes, to give back property that had been threatened, all kinds of things were done to smooth it all out, going to an extreme. The malice towards none led to wiping out, taking a position of amnesia, that there was no crime committed. There were no crimes, there are no victims.

The 40 acres and a mule was promised by the Freedmens Bureau. The Freedmens Bureau was a social program, the very first social program the Federal Government ever financed. It probably had the shortest life, also. It endured for about 10 years a little less than 10 years. But the Freedmens Bureau was attached to the Union Army, and they at one point started experiments where slaves were given 40 acres and a mule in order to farm the land that had been owned by the Confederates, people who supported the Confederacy. That was an extensive measure that probably went to the extreme.

President Johnson wiped all that out with a decree, and Congress later on gave back all the lands. They went from one extreme of taking everything away from the southern plantation owners to giving everything back to them and making no provision for the slaves who had labored for 235 years for no compensation. So we went from one extreme to another, and then we went into a period of amnesia, wiping it all out and acting as if it does not exist, so much so that when the Confederate flag is flown now, people do not understand why the victims, the slaves or the descendants of slaves, should be upset in South Carolina.

Why should they care about the Confederate flag being flown? After all, brave men died. We do not want to trample on memories and deeds of the brave men who died under that flag, but we do not think you are acknowledging history properly if you insist those brave men's flag must fly over the State Capitol and be the flag that has to be honored by the victims who, in large numbers their descendants still exist.

In fact, South Carolina, the State where you have the most church burnings, also happens to be the State that had the largest slave population. There is a book called *Slavery and Social Death* by Orlando Patterson which breaks out the populations for slaves in this country during certain periods when they were counting, and it talks about the fact that each State had a certain percentage of the population that was a slave percentage.

There were times in America where certain States had more slaves than other States, and South Carolina probably was in the worst shape. South Carolina is the State which has the most church burnings. South Carolina is the State which has a Confederate flag flying. There has been a lot of controversy about it. The oppressive previous government of South Carolina before the Civil War, everybody has amnesia about that, does not want to acknowledge that. They were heroes, the flag must be flown.

In 1708, 57 percent of the population of South Carolina were slaves, according to the records that were offered in this very thorough book called *Slavery and Social Death* by Orlando Patterson, published in 1982 by Harvard University Press. If you would like to

get it, it is in the Library of Congress, and I am sure it is in other libraries.

South Carolina in 1708 had 57 percent of its population that were slaves. In 1720, 64 percent of the population of South Carolina was slaves. In 1830, they still had 54 percent of the population who were slaves. In 1860, 57 percent of the population were slaves. These are official counts that the States themselves used, because each State benefited by properly counting its slaves, or sometimes maybe overcounting them, but they were willing to offer these figures, and they were verified to some extent by national census takers. In 1860, 5 years before the end of the Civil War, 57 percent of the people of South Carolina were slaves. More slaves existed there than other people.

This is significant because if we look at the other Southern States we find similar patterns where large percentages, and at one point Virginia had as much as 45 percent of the population who were slaves. Mississippi had 55 percent in 1810, and Louisiana had 51 percent in 1830; you know, populations of slaves greater than the other people, and yet all of these victims and their descendants are sort of not to be regarded in the present situation which exists where we want to ignore and forget about the existence of slavery.

What am I trying to say? It is kind of complicated, but what I am trying to say is that all these various items that I have talked about here relate. The burning of the black churches is a symptom of a disease that runs in the blood of America. Every now and then that disease breaks forth, and the boils and the canker sores show themselves. They will get worse if you do not take action.

We took action today to start reversing that, but the disease has to be dealt with. We are not dealing with the disease when we have Supreme Court decisions which strike down the Voting Rights Act. We are not dealing with the disease when we attack affirmative action. We are not dealing with the disease when we go after set-asides for Federal contracts. We are not dealing with the disease when we have extremist budget cuts which cut programs that benefit the descendants of slaves who live in big cities on a regular basis. The hostility shown by the Congress and its policies are aimed at that population.

We are not dealing with the disease in the blood of America. We are not dealing with the disease when we fail to teach history that at least tells the truth and states the facts so you would have a chance of getting at the truth. We are not dealing with the disease when we allow black children to accept a Supreme Court Justice like Clarence Thomas as a role model without challenging that. It was challenged, and that is part of what I want to talk about, because it all relates.

When Justice Thomas was invited to speak to an awards ceremony at a school in Prince Georges County by a

teacher, a school board member, once he heard about it, it happened to be a school in the district that he represented, once he heard about it, he challenged it. He said, given the fact that this is a predominantly black district, these are children who are black, they ought to know more about Clarence Thomas and the kinds of decisions that he is making, and we ought to have a way to communicate that if he is going to come to the school. An awards ceremony where he comes and makes a presentation and nobody has a chance to talk about him or he talk and answer any questions, so forth, that is not the appropriate arena for having a controversial figure like Clarence Thomas come and interact with black children.

I think this was a most appropriate challenge by Kenneth Johnson of the Prince Georges County Board of Education. I think Mr. Johnson was right in questioning. I do not think this was a matter of questioning free speech prerogatives of Mr. Thomas or the people who wanted to hear Mr. Thomas who were adults.

However, we always apply free speech differently when we are dealing with children. We do not allow free speech to predominate on our airways or in any arena, books. Nowhere do we say that free speech should be the order of the day when we are dealing with children. We make exceptions for children. If children should not see pornographic films, if children should not read pornographic passages in books, if children ought to be protected from pornography, if one of these days we are going to get around to properly protecting children from violence on the screen and violence in books and so forth, children are in a different category.

We do not protect adults. It is pretty clear. The Supreme Court says you do not have a right to apply those same standards to adults but you do have a right for children. So children should be protected against political fraud. They should be protected against the situation where they are asked to accept someone as a role model when that person is taking actions which directly are detrimental to them and their parents and to future generations.

How do you handle that? I think Mr. Thomas should clearly have been allowed to come to speak once he had been invited, but I think that the school board and the people responsible should have taken the responsibility of setting up an alternative forum of supporting Mr. Johnson and having it known exactly what Mr. Johnson was concerned about.

There is the bigger issue of how is Mr. Thomas going to be handled in the curriculum in the future. He can be handled in one way in the curriculum, and standardized curriculum across the whole country. You can handle it straight factually: He is a conservative, he is a man who turned his back

on affirmative action that helped him, he is a man who is very hostile to policies and programs that promote opportunities for his own people, opportunities that are designed to correct the past injustices of slavery and discrimination and oppression. You could say factually that is the case.

But there should be an addendum to that curriculum in areas where black children are being taught. There should be clearly an opportunity to have a greater discussion of what that means. There should be a clear way to discuss the fact that large percentages of the black population have branded Justice Clarence Thomas as a traitor to his own people.

What does it mean to be a traitor? Benedict Arnold was a traitor. Everybody accepts that. Benedict Arnold was a traitor. I do not think that necessarily the British schoolchildren of that time would call Benedict Arnold a traitor. Benedict Arnold may be called a hero in England in the service of the king. Benedict Arnold might have been given some great justification for his actions. The king and the people who supported keeping the American colonies as part of the British Empire might have argued that Benedict Arnold was a champion of law and order, that the colonists had no right to rebel against the lawful government of England.

They could argue that, and make a case for it, and make him a hero in the schools for the children of the British back in England. Clearly he was a traitor here, because we had already taken another course. Right and wrong had been defined by the Declaration of Independence.

□ 2115

Thomas Jefferson talked about certain inalienable rights. He talked about self-evident truths. He did not deal with the fine points of English law. If he had continued to try to negotiate with the King and negotiate with the British, we would still probably be a colony of England. But he called upon higher powers and declared that there are some self-evident truths, that there are some inalienable rights. There is a right and a wrong.

This Nation said when Abraham Lincoln was mourned and lifted up as one of the greatest Presidents of the United States, there is a right and a wrong. Abraham Lincoln who presided over the war against slavery, he represents the right. The whole civilized world looks to Abraham Lincoln as a person who was right in a controversy that some people want to still argue about. It was right to end slavery in America. It was right to go to war and have the bloodiest battle ever fought by Americans, fought on the soil of America, to get rid of that slavery.

America would be in a very different position if two nations existed, one slave and one free, at the time Hitler came to power. We might have had on our very continent allies for the kind

of philosophy that Hitler was advocating.

All kinds of things could have happened if the rightness of Lincoln's position had not been enforced by a challenge to the Confederacy.

There is a right and a wrong internationally. Lincoln is a great hero. The Prime Minister of Czechoslovakia, the first Prime Minister after Communist rule was overthrown, visited the White House and Mrs. Bush, upon the occasion that the Congressional Black Caucus was visiting the White House, she explained that when he came into the room where Lincoln had stayed and where the Emancipation Proclamation was signed, he looked at the Emancipation Proclamation and he broke down in tears.

Here is a man from Czechoslovakia, a man who had been under Communist rules, had been in prison, his great idol was Abraham Lincoln, and the Emancipation Proclamation, which was a Presidential Executive order that set the slaves free, brought him to tears immediately.

So internationally, in the court of international morality and justice, Abraham Lincoln was right and the other folks were wrong. Slavery was wrong. We have made that decision. Our textbooks are to reflect it that way. We are to recognize that that is the national norm.

If slavery was wrong, then remedies to correct the aftermath of slavery, remedies to correct the residue of the criminal actions of slavery, they have to have some kind of validity. The Voting Rights Act has to have validity. The Constitution has to have interpretation and must not be distorted by a racist Supreme Court that refuses to recognize that race in the Constitution is mentioned.

We are mentioned several times, starting with article 1, where they talk about three-fifths of all other persons, they are clearly referring to slaves. Everybody knows the intent of the Constitution. Nobody has challenged the fact that three-fifths of all other persons means three-fifths, that each slave, male, should be counted as three-fifths of a person when you are counting the population of America. And they correct that when they get to the 13th and 14th amendment where they set free the slaves in the 13th amendment.

The 13th amendment states: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. That is the 13th amendment.

The 14th amendment, which is the subject of controversy, the 14th amendment which is being used by Sandra Day O'Connor and her colleagues on the Court as justification for calling for a colorblind America, the 14th amendment has section 1, section 2, section 3, section 4, and section 5, and

I want to submit for the RECORD, just to have people reminded, the whole 14th amendment.

Mr. Speaker, I submit for the RECORD the whole 14th amendment.

AMENDMENT XIV<sup>1</sup>

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Section 1 states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Who are they talking about particularly, specifically? The 13th amendment that came before freed the slaves,

but the 14th amendment is talking specifically about slaves, or people who were just freed from slavery, and the 14th amendment is there primarily to deal with the descendants of slaves.

To argue that it is there to promote a colorblind America is to distort the Constitution, to throw out any concern about what the Congress meant when they wrote this, what the States meant when they drafted it. We never do that on any other laws. We are always looking for the intent of the Framers, what the law says. All that is important. Why all of a sudden is it not important that the 14th amendment was drafted, written, ratified in response to correcting the ills of slavery, establishing the fact that these people who have just been set free shall also have equal right, equal protection under the law, these people are the people who were slaves and their descendants.

Section 2, this is in the same 14th amendment. If you want to challenge my contention that the 14th amendment is about slavery and correcting the ills of slavery, take a look in section 2, section 3 and section 4. Take a look at what they say. They are talking about situations which are related to correcting the upheaval, the situation that resulted as a result of rebellion against the United States.

In Section 2, I will not read it all, they state: "But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number" except in rebellion, participation in rebellion.

When the 14th amendment was written, they still had rebellion of the Confederacy on their mind. Section 2 makes it clear that they had that in their mind.

I will read all of section 3:

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

They were concerned about the carryover and what was left over from the situation of the Civil War which was fought to end slavery.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing in-

urrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

The 14th amendment was not concerned and preoccupied with colorblind America. It was preoccupied with slavery, the Civil War, the aftermath of the Civil War, with dealing with people who had rebelled against the Federal Government. I offer this in the hope that somebody would go back and reread it, and especially the Supreme Court Justices who dwell on one section and refuse to accept the 14th amendment in its total context. It is distorted and twisted.

Kenneth Johnson did a great service when he pointed out that Justice Thomas is a part of this process of distorting the 14th amendment in what results in a racist series of decisions by the Court to roll back the clock and end various constructive kinds of things that have gone forth as a result of interpreting the 14th amendment in the proper way and understanding that the 14th amendment was the chance to deal with the problem of slavery in the proper context.

Mr. Speaker, I was going to also give an example of how a recent book by Daniel Gohagen called "Hitler's Willing Executioners" confirms the kind of situation I am talking about where if you fail to deal with underlying prejudices and hostilities in a society, it will blossom forth in a diseased way and sometimes it will get out of control. Certainly, if the central government and leaders of government condone it and encourage it, it gets out of control.

I would like to end my remarks by saying, by taking actions against the church burnings in a forceful way today, we have shown that the leaders of this central government will take firm action against such activities and elementary and rudimentary efforts have been taken to stamp out this disease. We need to go further and try to get to the root causes.

PROTECTING AMERICA'S PATENTS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRBACHER] is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, I agree that we voted today to get to the root causes and to condemn the hatred that resulted in the warped mind that resulted in the burning of black churches in America, or synagogues or any other kind of churches, that this is not something we can tolerate in America.

But let us say the root causes of that type of bigotry are found in the same type of actions that try to limit people's right to speak because they disagree with you. They feel you have a

<sup>1</sup>The Fourteenth Amendment was ratified July 9, 1868.