

among African-Americans, the descendants of slaves. We are moving in a direction which is refusing to recognize that we ought to take some steps to reconcile with the former victims of slavery.

These things are part of history. The small individual achievements of individuals are part of history, and that has been cited in many cases here, but we need to take a more profound, in-depth look at history, the history of America and the awful institution of slavery; how the repercussions of that institution keep going on.

Mr. Speaker, I thank everybody who has participated today.

Mr. Speaker, I want to enter into the RECORD at this point an introduction which explains what the Truth and Reconciliation Commission of South Africa is all about.

INTRODUCTION BY THE MINISTER OF JUSTICE,  
MR. DULLAH OMAR

After a long process of discussion and debate, inside and outside of Parliament, the scene is finally set for the appointment of the Truth and Reconciliation Commission. It is important to understand the context in which the Truth and Reconciliation Commission will take place. The Commission is based on the final clause of the Interim Constitution which reads as follows:

"This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future rounded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

"The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.

"The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge.

"These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not retaliation, a need for ubuntu but not for victimisation.

"In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has been passed.

"With this Constitution and these commitments we, the people of South Africa, open a new chapter in the history of our country.

I could have gone to Parliament and produced an amnesty law—but this would have been to ignore the victims of violence entirely. We recognised that we could not forgive perpetrators unless we attempt also to restore the honour and dignity of the victims and give effect to reparation.

The question of amnesty must be located in a broader context and the wounds of our people must be recognised. I do not distinguish between ANC wounds, PAC wounds and other wounds—many people are in need of healing, and we need to heal our country if we are to build a nation which will guarantee peace and stability.

A critical question which involves all of us in how do South Africans come to terms with the past. In trying to answer this important question honestly and openly, we are fortunate in having a President who is committed to genuine reconciliation in our country and to the transformation of South Africa into a non-racial, non-sexist democracy based on a recognition of universally accepted human rights.

The President believes—and many of us support him in this belief—that the truth concerning human rights violations in our country cannot be suppressed or simply forgotten. They ought to be investigated, recorded and made known. Therefore the President supports the setting up of a Commission of Truth and Reconciliation.

\* \* \* \* \*

#### AMENDMENT XIII

Section 1. 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.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

#### AMENDMENT XIV

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 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 ques-

tioned. 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 of 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.

#### AMENDMENT XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

#### SALUTE TO BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Fox] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to join with my colleagues to salute Black History Month in the United States.

Just recently, Mr. Speaker, the Nation held a dual celebration, the inauguration of the President of the United States and the birthday of the late Rev. Martin Luther King, Jr. Mr. Speaker, this was a leader who inspired a generation to dream of a society where prejudice has no place and intolerance is without a foothold.

□ 1730

Now as we stand on the threshold of a new century, we must reevaluate how we have held to the principles espoused by Dr. King. His message, in fact his very life, was a call to arms for millions of Americans. During his all too brief life, he raised the conscience of America and, in doing so, made the greatest Nation on Earth even greater. At times it seems as though his dream has been forgotten, it seems as though the differences of race cannot be overcome.

I was shocked and saddened last year, as many of my colleagues were and the citizens across the country, when depraved arsonists burned down black churches throughout the South. This throwback to a dark era hinted at the underlying and unresolved issue of racism in America. But once again America did not allow darkness to reign. Instead, Americans of all faiths and colors came together to rebuild those churches and as the walls rose, so did the promise of America.

Mr. Speaker, the promise of this Nation was born in the belief that we were all created equal and entitled to certain inalienable rights. That promise grew as our Nation grew until we realized that some were excluded from the promise of freedom and justice. Black Americans suffered greatly, not just in the South but also in northern States, where poverty and hopelessness were the norm for free blacks. But it

seems that in our darkest hours, Americans always rise to a new level of decency and honor.

During the American Civil War, it was Abraham Lincoln who gave voice to the truth that America cannot truly be free as long as we excluded men and women based on the color of their skin. As the civil rights movement in the 1960s grew, a new voice was heard, the voice of a preacher who reminded all Americans that only God could determine what was in a person's heart and a colorblind system of justice could establish equality in America.

Now at the dawn of the 21st century, Mr. Speaker, only a free and equal society can shape the future of this great Nation. Only by working together as a unified nation can we truly realize the potential of all of our citizens and the beauty of our more perfect union. Even today we have not reached a place where all minorities share equally in the American dream. President Clinton in his inaugural address issued a challenge to the Nation to reshape our society by creating a new government for a new century, a government humble enough not to try to solve all our problems for us, but strong enough to give us the tools to solve our problems for ourselves.

I agree with his challenge, but I add that all Americans must have access to the tools necessary to solve those problems. And so here in Black History Month, Mr. Speaker, I join my colleagues from the House on both sides of the aisle and the Senate as well and join with the executive branch and all Americans across the United States to make sure that we rededicate ourselves to the principles of Abraham Lincoln, the principles of Dr. Martin Luther King, Jr., and to make sure that we correct the inequities and to make sure that opportunity for all, whether it be in education, housing, jobs, in training, access to public accommodation, is equal to all, and we will rededicate ourselves to that purpose and to those goals.

#### --- **HOOR OF MEETING ON TOMORROW**

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### --- **AMERICAN PATENT SYSTEM UNDER THREAT**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRBACHER] is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, I am asking my colleagues today to join me in cosponsoring the Patent Term Restoration Act. This piece of legisla-

tion is basically the same bill that I offered last year as H.R. 359. H.R. 359 had over 200 cosponsors; 81 of them were Democrats. H.R. 359 had the support of major universities, pharmaceutical companies, energy companies, energy innovators, biotech companies, venture capitalists, and, most importantly, it had the support of every small inventors organization in the country.

Last year H.R. 359, my piece of legislation, never made it to the floor of the House of Representatives for a vote. This year, we have every indication that it should get to the floor and have a vote here on the floor of the House of Representatives by the August break.

Last year there was another patent bill, as well as my own, that was introduced. This was a far different bill. It was introduced by Congressman Carlos Moorhead and Congresswoman Pat Schroeder, who are now, of course, retired from this institution. This bill had a dozen or so cosponsors, but it had the tremendous support, the enormous support, of multinational corporations and those people in the political and economic establishment that are struggling to create what they are calling a global economy.

You see, the Patent Term Restoration Act, H.R. 359, which I will be submitting and asking Members to join me in cosponsoring, takes a totally different approach than what last year's bill by Mr. Moorhead and Mrs. Schroeder was taking. In fact, their bill now, H.R. 3460, has been reintroduced as H.R. 400, which will also come to the floor by the August break.

So we have two different approaches, and I thought that today I would discuss this major decision that Congress will make that seems like it is such an obscure issue and a complicated issue that many Americans will probably not even understand that there is an important decision about to be made that will impact so directly on their lives and the lives of their children.

First of all, let us note that patent protection in the United States of America is something that has reaped tremendous rewards for our people. We have had, in the United States of America, the strongest patent protection of any country in the world.

In fact, Thomas Jefferson, Benjamin Franklin, and others of our Founding Fathers insisted that the concept of patent protection be written into the Constitution of the United States. We in fact had the strongest patent protection because our Founding Fathers believed it, it was written into our Constitution, and throughout our history the idea of the ownership of one's creative genius was always supported by the American Government.

Thus, over the years, as people came here from every part of the world, people who wanted to work hard and people who had the creative spirit and a revolutionary spirit about them, these people brought with them new ideas, and they were confronted with a society that protected their ideas and gave

them the right to own those ideas, just as we gave people the right to own property.

Many of the countries from which our Founding Fathers and Mothers came from, the right of property ownership for the average person did not exist. In fact, people were repressed, and the right of ownership, just like other rights, the right of religion and speech, were not things that were granted to the common man. These were things that were meant for the aristocracy. That is why people came to the United States of America, because they read Thomas Jefferson and they read Benjamin Franklin and they read Thomas Paine and Patrick Henry and John Adams and George Washington, and they read our Declaration of Independence and they knew something was going on in the United States of America. It was a place where the common man could come, he could raise his family, and a family could expect that their children would have opportunities beyond anything that was accessible anywhere else in the world. Part of this opportunity came from the fact that we recognized property rights. The property rights to own land, as I say, was also protected by the Constitution. The right of contract, and other economic liberties that were only thought of as rights for the elite in these other countries, were turned over to every person who was an American, and every person who came here who wished to become a citizen was given freedom. They were not given any subsidies or any type of welfare, but they were given freedom, and they were given the promise that their rights would be protected. As I say, interestingly enough, one of these rights that is so often ignored and often overlooked was the right to own one's own creative genius, the product of one's own creative genius, the patent right.

Traditionally, this is how the patent system worked in America. As I say, it was the strongest of any place in the world. Someone who had a new idea, whether it was Eli Whitney with the cotton gin or whether it was Samuel Morse with the telegraph or Alexander Graham Bell with his many inventions, the light bulb and others, these people would work on their idea and they would then develop their idea into a patent and take it in the proper form and would submit this idea, submit it to the Patent Office and the Patent Office would consider their idea.

Traditionally, no matter how long it took our Government to act in granting the right of ownership to that piece of property, that intellectual property, the applicant always knew that after the patent was granted that he would have a guaranteed patent term. Well, that was part of the guaranteed rights that we had.

You have a right to freedom of speech, you have a right of freedom of religion, you have a right of freedom of assembly. You have a right to own your property. Well, you also had a