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Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, September 2, 1997, at 11:00 am.

House of Representatives

FRIDAY, AUGUST 1, 1997

The House met at 9 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May all that is good be blessed and all that is kind be honored. May all that is generous be admired and all that is charitable be prized. May all those qualities that show our humanity and all those noble deeds that reflect a generous spirit be dedicated to You, O God, our creator and sustainer. Bless us this day and all our days, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter is to officially notify you of my resignation as a member of the United States House of Representatives effective 12:01 a.m. on August 2, 1997.

It has been a great honor to serve the people of New York's 13th congressional district.

Thank you.

Sincerely,

SUSAN MOLINARI,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1997.

Hon. ALEXANDER F. TREADWELL,
Secretary of State, New York State Department
of State, Albany, NY.

DEAR MR. SECRETARY: This letter is to officially notify you of my resignation as a member of the United States House of Representatives effective 12:01 a.m. on August 2, 1997.

It has been a great honor to serve the people of New York's 13th congressional district.

Thank you.

Sincerely,

SUSAN MOLINARI,
Member of Congress.

RESIGNATION AS MEMBER OF COMMITTEE ON INTERNATIONAL RELATIONS

The SPEAKER laid before the House the following resignation as a member of the Committee on International Relations:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. Capitol,
Washington, DC.

DEAR MR. SPEAKER: I am grateful to you and the members of the Republican Steering Committee for appointing me to fill the vacancy on the Transportation and Infrastructure Committee. In order to accommodate this new committee assignment, I am resigning from the Committee on International Relations. Please accept this letter as official notification of resignation from the International Relations Committee effective August 1, 1997. As I have discussed with your staff, I will continue to serve on the Agriculture and Veterans' Affairs committees.

Thank you for your assistance in this matter.

Very truly yours,

JERRY MORAN.

The SPEAKER. Without objection, the resignation is accepted.
There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. PEASE. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 213) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 213

Resolved, That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Transportation and Infrastructure: Mr. Moran of Kansas.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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The resolution was agreed to.

A motion to reconsider was laid on the table.

DESIGNATION OF HON. THOMAS M. DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 3, 1997

The SPEAKER laid before the House the following communication:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1997.

I hereby designate the Honorable THOMAS M. DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 3, 1997.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER. Without objection, the designation is agreed to.

There was no objection.

FOR JAKE'S SAKE, JOIN THE NATIONAL BONE MARROW DONOR PROGRAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, I want to take a moment this morning to make a plea for my colleagues and to the American people. I want to encourage as many of them as possible to join the National Bone Marrow Donor Program.

There is a little boy in my district named Jake Siniawski. Jake is 7 years old, and he is suffering from a blood disorder called Fanconi Anemia. The only hope for a cure for Jake's illness is a bone marrow transplant from a donor with a matching tissue type.

The good people of Cincinnati are sponsoring a marrow typing blood drive at St. Bernard's Church later this month in an effort to help Jake, and, God willing, a compatible donor will be found.

But there are a lot of little Jakes out there, and they need our help. We can increase their chances of survival by participating in the National Marrow Donor Program. All it takes is a simple blood test, and it could help a little boy like Jake Siniawski live a long, healthy and happy life.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

[Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

ORIGINAL INTENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, we all know that when we come here to the Congress, the only oath that we take is to the Constitution. Yet I think very often we here in the Congress are careless about the Constitution and that we do many things that do not comply.

A recent article in the New Republic calls attention to this subject and more or less ridicules and downplays the importance of the original intent of the Constitution. Today I would like to discuss that article and reiterate the importance of the Constitution and the reason why we must have the rule of law rather than the rule of man.

The principle of original intent which underpins the Constitution is under serious attack. This is nothing new, but there is now a much more open challenge to this principle than ever before. A case in point is the New Republic article of June 23, 1997, called "Unsound Constitution," where George Fletcher, a Columbia law professor, viciously attacks all Constitutionalists, vicious because he uses modern-day McCarthyism to tie any individual defending the Constitution and its original intent to all Oklahoma City type bombings.

In this very significant article, voicing a strong anticonstitutional viewpoint, Fletcher uses McVeigh to discredit not just the misdirected and ill-advised promoters of violence but the entire American Revolution and the goals set by the Founders.

Failing to consider that McVeigh flaunted property rights and the personal liberties of innocent people, Fletcher nevertheless uses him as an example of a true defender of the U.S. Constitution by using some of McVeigh's quotes. This New Republic's article falsely equates the bombing of innocent people with those who strictly interpret the Constitution, a document which Fletcher describes "is fundamentally wrong."

Professor Fletcher goes to the heart of the matter. He openly attacks the principle that rights are "vested in the people" and claims it was this principle that McVeigh used to justify what he did.

Painting with a very broad brush, Fletcher hopes to dispense with the entire Constitution and its protection of individual and minority rights. If the New Republic, Fletcher, and his allies get away with this preposterous assertion, it will further undermine the principles of individual rights.

Fletcher claims the greatest myth surrounding the Constitution is that

the people are sovereign and that sovereign people will inevitably engage in actions like that of Timothy McVeigh. Equally threatening to the "big government" theory is that this concept of sovereignty, with rights being left to the people, would justify jury nullification, a horrible and dangerous thought as far as they are concerned.

Jury nullification allows acquittal when a juror refuses to vote for a conviction for moral, constitutional, or even racial reasons. Yet jury nullification is a tradition of long standing, not only in American law but in the British law as well, dating back to the Magna Carta in 1215 A.D. But Fletcher refers to jury nullification as "obstruction of justice," equivalent to overt sedition against the Government.

Fletcher is consistent and even condemns the black left for endorsing this notion that juries have some type of veto power over bad legislation. Several professors from the left now advise that injury nullification can and should be used in certain cases to repeal unjust laws when they are specifically targeted against African-Americans, such as with drug laws. Obviously, this veto power of the people should be used to nullify unjust laws in general, not just against black Americans.

What the New Republic and Fletcher fail to recognize is that this is a technique that could have been successfully used in the fifties and the sixties in the civil rights struggle, with a lot less violence resulting.

The thought that the people retain enough sovereignty and authority to veto our legislative bodies threatens Fletcher and other "big government" proponents.

The Fully Informed Jury Association, a movement of well known significance today, must be having an impact on our society, or why would we all of a sudden see a systematic attack on this concept?

This attack is not limited to the New Republic. The New York Times has chimed in as well, expressing deep concerns about this dangerous notion that people ultimately have a say about the constitutionality of legislation.

If Fletcher had his way, he would argue that the people's only recourse to bad law is strictly limited to the ballot box, while excluding the jury box. The boldness with which Fletcher attacks the original intent of the Constitution is frightening, but also helpful in getting us to understand exactly what the goal is of the supporters of the new Constitution.

The fundamental flaw in the old Constitution, according to Fletcher, is, "The original Republic, the one for which our forefathers fought face to face, hand to hand, exists only in the minds of academics and fundamentalist patriots. The Republic of 1789 is long gone. It died with 600,000 Americans killed in the Civil War. That conflict decided once and forever that the people and States do not have the power to