

Resolution 11, a concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

# SENATE CONCURRENT RESOLUTION 13—REGARDING A DISPLAY OF THE TEN COMMANDMENTS

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 13

Whereas Judge Roy S. Moore, a lifelong resident of Etowah County, Alabama, graduate of the United States Military Academy with distinguished service to his country in Vietnam, and graduate of the University of Alabama School of Law, has served his country and his community with uncommon distinction;

Whereas another circuit judge in Alabama, has ordered Judge Moore to remove a copy of the Ten Commandments posted in his courtroom and the Alabama Supreme Court has granted a stay to review the matter;

Whereas the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

Whereas the Ten Commandments set forth a code of moral conduct, observance of which is universally acknowledged to promote respect for our system of laws and the good of society: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in government offices and courthouses, of the Ten Commandments should be permitted.

Mr. SESSIONS. Mr. President, I rise to send a resolution to the desk on behalf of myself and my home state colleague Senator SHELBY.

Mr. President, this concurrent resolution we are introducing today expresses the sense of the Congress that the display of the Ten Commandments in government offices and courthouses should be permitted. This resolution is identical to House Concurrent Resolution 31, sponsored by my good friend, Representative ADERHOLT, which passed the House of Representatives on March 5, 295 to 125.

The Constitution guarantees freedom of religion. This resolution does not endorse any one religion but, rather, states that a religious symbol which has deep-rooted significance for our Nation and its history should not be excluded from public display.

Mr. President, the Founders wisely realized that in a free society, it is imperative that individuals practice forbearance, respect, and temperance. These are the very values taught by all the world's major religions. The Founders devised a Constitution that depended on religion serving as a civilizing force in societal life. John Adams, our second President, and one of the intellectual forces behind the formation of our Nation, said that "our Constitu-

tion was designed for a moral and religious people only. It is wholly inadequate to any other."

But strangely today, there are those who seem determined to drive all trace of religion from the public sphere. They ignore the religious traditions on which this great Nation was founded and work to drive religion and religious people out of public life.

Many of my colleagues are aware Judge Roy Moore, circuit court judge in Gadsden, AL, has been ordered to take down a two-plaque replica of the Ten Commandments displayed in his courtroom.

The irrationality of the action is highlighted by the fact that the judge's display is consistent with other displays involving religious symbols and art in our public property. In fact, a door to the U.S. Supreme Court bears two tablets numbered one to ten, which we interpret to represent the Ten Commandments. And yet a judge in a small Alabama town cannot hang a simple display of the Ten Commandments on the wall without being sued?

Mr. President, this resolution is not just about Judge Moore and it is not just about the display of the Ten Commandments in Gadsden, AL. This resolution provides a good opportunity to discuss this curious governmental hostility towards the display of these plaques that are important to our law, our Nation, and our culture.

The Ten Commandments represent a key part of the foundation of western civilization of our legal system in America. To exclude a display of the Ten Commandments because it suggests an establishment of religion is not consistent with our national history, let alone common sense itself. This Nation was founded on religious traditions that are an integral part of the fabric of American cultural, political, and societal life.

Mr. President, it is time for common sense. No member of this body, on either side of the aisle, should oppose the simple display of documents that are important to our law, to our Nation, and to our culture.

Mr. SHELBY. Mr. President, I rise today to express support for Judge Roy S. Moore. Judge Moore is a judge on the circuit court of the State of Alabama. Judge Moore is a lifelong resident of Etowah County, a graduate of the United States Military Academy, a distinguished veteran of the Vietnam War, and a graduate of the University of Alabama School of Law. Judge Moore has always and continues to serve his community, Alabama, and this country with distinction and principle.

It is because of his principles that Judge Moore has become an issue. Two years ago, Judge Moore was sued by the Alabama chapter of the American Civil Liberties Union because he opened his court with a prayer and because he displayed the Ten Commandments over his bench. A lower court judge enjoined Judge Moore from pray-

ing before court sessions and later barred his display of the Ten Commandments. The Supreme Court of Alabama has since issued a stay of the order barring display of the Ten Commandments.

Judge Moore has refused to acknowledge the orders which stop him from praying and displaying the Ten Commandments. I support Judge Moore in his actions. I do not believe that his convocation prayer or the presence of the Ten Commandments in the courtroom violates the Constitution.

As the Members of this body well know, a prayer, said from the floor of this Chamber, begins every day in which the Senate is in session. This practice is also followed in the House of Representatives. Furthermore, the Marshal of the Supreme Court, in calling each session to order, implores "God {to} save the United States and this honorable court." It has also become a tradition for Presidents to conclude their State of the Union Addresses with the simple prayer, "God Bless America." I believe these are just a few of the many instances where the Lord is invoked during civil ceremonies and occasions. I believe that these examples are entirely appropriate and in line with the provisions of the Constitution. I feel that our history teaches that the Founding Fathers were against government making efforts to promote specific religions at the expense of others. I do not think it was ever the view of the Founders that the government should adopt a position of Godless neutrality. It is constitutional, it is traditionally appropriate and it is just simply right for our leaders to request the assistance of God in their daily deliberations.

I believe that Judge Moore is also correct in refusing to remove the Ten Commandments from his courtroom. The Judge's display is consistent with other displays involving religious symbols and art in or on public property. In fact, a door to the Supreme Court of the United States bears two tablets numbered one to ten, which I interpret to represent the Ten Commandments. Moreover, there are friezes within the Supreme Court which depict Moses, King Solomon, Confucius, Mohammed, St. Louis and a figure called "Divine Inspiration." I believe that these symbolic representations, just like Judge Moore's, are appropriately placed within our public spaces. Their very presence provides guidance and inspiration for our Nation's leaders.

## AMENDMENTS SUBMITTED

### DECENNIAL CENSUS CONCURRENT RESOLUTION

#### ABRAHAM AMENDMENT NO. 24

(Ordered referred to the Committee on Governmental Affairs.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him

to the concurrent resolution (S. Con. Res. 12) expressing the sense of the Congress with respect to the collection on data on ancestry in the decennial census; as follows:

In the preamble, in the fifth clause, insert “, but is not intended to be used for racial preference programs” before the colon.

Mr. ABRAHAM. Mr. President, I rise today to offer my support as a co-sponsor to S. Con. Res. 12. This resolution expresses the sense of the Congress that the decennial census should collect data on the ancestral backgrounds of all Americans. Ours is a nation of immigrants, of people with many different ethnic origins and backgrounds. People came here from around the world to become a part of a nation of opportunity and freedom. They did not come here to forget who they are and where they came from.

The Census Bureau has collected information on ancestry and ethnic composition in the past two decennial censuses. Thus, it collects the only complete information on the ethnic makeup of the United States and provides very useful data pertaining to numbers, household income, and educational status of Americans from numerous backgrounds. This data, in turn, is used by a wide variety of people and organizations in both the public and the private sector—including researchers, businesses, community organizations, ethnic institutions, and policymakers.

It is important to note that the ancestry data does not relate in any way to questions of race as defined by civil rights statutes, and therefore is not utilized for preference programs. To make this point crystal clear, I have offered an amendment to S. Con. Res. 12 stating that this data is not intended to be used for racial preference programs.

When the Census Bureau approaches Congress for approval of its recommendations for the 2000 Census, I and my colleagues who co-sponsored this resolution hope that the ancestry question will be included in the recommendations and contained on the long form the Census Bureau asks Americans to fill out.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 19, 1997, at 2 p.m. on PRO-CODE (S. 377).

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 19, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

The Senate Committee on the Judiciary would request unanimous consent to hold a hearing on Wednesday, March 19, 1997, at 2 p.m. in room 226 of the Senate Dirksen Building, on “What Works: The Efforts of Private Individuals, Community Organizations, and Religious Groups to Prevent Juvenile Crime.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Food and Drug Administration reform, during the session of the Senate on Wednesday, March 19, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. NICKLES. The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the Disabled American Veterans. The hearing will be held on March 19, 1997, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 19, 1997, in open session, to review the status of acquisition reform in the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON COMMUNICATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 19, 1997, at 9:30 a.m. on universal service.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON READINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Wednesday, March 19, 1997, at 2 p.m. in open session, to receive testimony on the President's budget request for the operation and maintenance, spare parts, and ammunition accounts for fiscal year 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SEAPOWER

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Com-

mittee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 19, 1997, in open session, to receive testimony in review of the Defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Wednesday, March 19, 9:30 a.m., hearing room (SD-406), on the Intermodal Surface Transportation Efficiency Act [ISTEA] and environmental programs and statewide and metropolitan planning.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### FAMILY HERITAGE PRESERVATION ACT OF 1997

• Mr. BURNS. Mr. President, as a co-sponsor of S. 75, the Family Heritage Preservation Act, I urge my colleagues to support the immediate passage of this measure before more family businesses and farms are lost.

They say the only things that are certain in life are death and taxes. The Government has done a perverse job of combining the two in the Federal estate and gift taxes and the tax on generation-skipping transfers, known as the death taxes. These are the taxes assessed on assets passed from one generation to another, such as family businesses, ranches, and farms. The tax rate starts at 37 percent and quickly rises to a whopping 55 percent, often forcing the liquidation of assets just to pay the tax.

S. 75, introduced by Senator KYL, will repeal the death taxes. It is clear that these taxes do more harm than good, raising only 1 percent of Federal revenues but consuming 8 percent of annual savings. What's more, enforcement and compliance with these taxes takes up 65 cents for each dollar collected. The effects of the taxes on the economy are equally stark: Over an 8-year period without the taxes, the gross domestic product would have been \$80 billion higher and 228,000 more jobs would have been created.

These death taxes punish hard work and wealth accumulation and drive many family businesses into the ground by forcing them to sell assets to pay the tax. Family farms are hit especially hard—over 90 percent of farms and ranches are sole proprietorships or family partnerships, subjecting most to the taxes when ownership is transferred.

I want to note that S. 75 is endorsed by a broad range of small business groups as well as the American Farm Bureau Federation. I thank Senator KYL for his leadership on this issue. •