

and appointed to the Supreme Court by James Madison. He founded Harvard Law School; he wrote 286 opinions while serving as a justice as well as several legal essays published under the title, "Commentaries on the Constitution of the United States." In this work, Story argues that the first amendment was not intended to separate religion from civil government:

The First Amendment is "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." . . . We are not to attribute this prohibition of a national religious establishment to an indifference to religion in general, and especially to Christianity, which none could hold in more reverence than the framers of the Constitution. . . . Indeed, the right of a society or government to [participate] in matters of religion will hardly be contested by any persons are intimately connected with the well being of the state and indispensable to the administration of civil justice. . . . At the adoption of the Constitution and the [first] amendment to it . . . the general, the general, if not the universal, sentiment in America was, that Christianity ought to receive encouragement from the State. . . . An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.

Vidal v. Girard's Executors—This was a case that came before the Supreme Court in 1844. Stephen Girard in his will left \$7 million dollars to the city of Philadelphia and asked that a school be started for the benefit of orphans and needy children but stipulated that ministers be prohibited from serving on the faculty. The court ruled that ministers could be excluded but that did not necessarily exclude the teaching of religion from public schools. In the opinion, written by Justice Story, the court asked:

Why not the Bible, and especially the New Testament . . . be read and taught as a divine revelation in the [school]—its general precepts expounded, its evidence explained, and its glorious principles of morality inculcated? . . . Where can the purest principles of morality be teamed so clearly or so perfectly as from the New Testament? Where are benevolence, the love of truth, sobriety and industry, so powerfully and irresistibly inculcated as in the Sacred Volume?

In our Nation today, at the first hint of a mixing of church and state, at the mere suggestion of a correlation between religion and civil law, there erupts from certain factions outrage and indignation, followed by claims of an impending right-wing conspiracy.

These people have made sacred the quest to keep religion out of public schools and out of our Government. They believe any attempt to do otherwise is in direct conflict with the intentions of our founding fathers.

But as I have shown you, these founding fathers were absorbed with religion, namely Christianity, and understood its fundamental role in government and society.

Even Thomas Jefferson, who intentionally kept his religious beliefs obscure to the public, never once admitting to an acceptance of Christianity, nor altogether denying its truth, even Jefferson wrote that in the pure and untainted teachings of Christ can be found the "most sublime and benevolent code of morals which has ever been offered to man."

Why have we conceded to the ridiculous idea that religion has no place in government, that the creators wanted strict separation of church and state? These are not ideas founded upon reason but on the ignorance of atheism, ideas promoted by those who would like to see an end to religion.

As our government is founded on self-evident and unalienable rights, so to is it founded upon divine Law—these are one in the same. For a discussion of morality without God ultimately becomes absurd. Indeed, there is no government without religion.

PAYING TRIBUTE TO FRANK KOGOVSEK

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Frank Kogovsek, who sadly passed away recently at the age of 91. Frank was a pillar of the Pueblo community and, as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

Frank was born to Frank and Mary Kogovsek in April of 1911. Coming of age in the middle of the Great Depression, Frank's childhood tested his resolve and forged his character. The death of Frank's father from Black Lung disease in the late 1920s was a particularly hard blow to the family. And it was these defining trials that made Frank Kogovsek into the generous and wise man whose ability to reach out and minister to his family and community has touched the lives of so many.

From a young age, Frank was adept at woodworking, while also showing a particular skill at the art of dancing. It was this second talent that lead Frank to meet his future wife, Mary Blatnick, at a dance in the Arcadia Ballroom. They fell in love and were married in St. Mary's Church on June 24, 1938. Frank and Mary reared an active and large family, with seven sons and a daughter, Mary Joy. As an employee of the Colorado Fuel and Iron Corporation since the age of 16, the post-war years were a boom time for Frank and his young family. Between overtime at work and his service at the Church of St. Francis Xavier, Frank's many commitments to others never came before his love for his family; by their own admission, Frank was a generous man to his children.

Mr. Speaker, it is my honor to pay tribute to the life of Frank Kogovsek, a man whose character and impact on others is evident in the lives of all who have crossed his path. It is with admiration, respect and a sense of sadness that I recount Frank's 91 years of life before this body of Congress. Although Frank has left us, his good-natured spirit lives on through the lives of those he has touched. In particular, the character of Frank's son Ray, who so ably represented the 3rd District of Colorado in this House from 1979 to 1985, is a testament to the inspirational life lead by Frank Kogovsek. I would like to extend my thoughts and deepest sympathies to Frank's family and friends during this difficult time.

UKRAINIAN ELECTIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to bi-elections in three parliamentary districts of Ukraine that will take place on July 14.

Ukraine's parliamentary elections were held on March 31 of this year. The House of Representatives closely observed developments related to those elections; on March 20 we passed a resolution urging the government of Ukraine to meet its commitments on democratic elections as delineated in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE).

Conditions surrounding the March 31 elections were far from free and fair. There were hundreds of documented instances of fraud, intimidation of voters, and blocked access to the media. A few races were declared invalid, which is why bi-elections will be held on July 14.

Mr. Speaker, unfortunately it appears that these bi-elections are being run no better than the parliamentary elections; in fact they may be worse. There are reports that local officials are under pressure of losing their jobs to guarantee that candidates loyal to the President win. This seems to be the case particularly for incumbent Alexander Zhyr. As the former head of the parliamentary committee that investigated the murders of Ukrainian journalists, including Georgiy Gongadze, Zhyr is not favorable to the party of power.

Mr. Speaker, Ukraine has expressed its desire to become a full partner in Western institutions. To do so, it must uphold its commitment, as a member of the OSCE, to democratic values and human rights, including free and fair elections. I urge the Government of Ukraine to conduct these bi-elections in accordance with international standards, and to grant unfettered access to all election observers, foreign and domestic.

HAITI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. TOWNS. Mr. Speaker, as our Nation turns its focus toward a full-scale battle against worldwide terrorism, there are some international human rights issues that are evading the scope of U.S. policymakers. This should be of great concern to those in this country who have long been concerned with the welfare of all humanity, be it in Asia, Africa, or in the Caribbean. Unbeknownst to many in this country, one of the hungriest and most neglected nations in the world lies not only in this hemisphere, but also in our own Caribbean backyard. The situation in Haiti is worsening by the day while international financial institutions refuse to provide development assistance, and the role of the U.S. is still unclear. What is certain is that a double standard has been created regarding Haiti, and that rather than being helped, the population is being further driven into the ground.

Andrew Blandford, Research Associate at the Washington-based Council on Hemispheric Affairs (COHA), has recently authored a press memorandum entitled "As Catastrophe Approaches in Haiti, the U.S. Continues to Block International Loans." This important analysis, which was released on June 13, will shortly appear in a revised form in the upcoming issue of that organization's estimable biweekly publication, *The Washington Report on the Hemisphere*. Blandford's research findings spotlight the developing Haitian tragedy and examine the role played by units of our own government in orchestrating the withholding of over \$500 million in loans and grants to our poverty-stricken neighbors.

Following weeks of floods and increased potable water shortages in Haiti, residents are forced to spend, on average, nearly a tenth of their meager U.S. \$1 a day income on such a fundamental staple as water. As a result of its scarcity and inflated price, less than half of Haiti's population consumes potable water, compounding the nation's abysmal health standards. Over 4% of Haiti's populace is infected with HIV/AIDS while only 1 in 10,000 has access to a physician.

The sanctions against Haiti include the withholding of a \$146 million loan from the Inter-American Development Bank that was intended to fund education, healthcare and infrastructure projects. Because the IDB loans have already been approved, we have the ironic situation where Haiti must continue to pay interest on money it does not receive. While U.S. dollars flow in record amounts to such undemocratic nations as Saudi Arabia and Pakistan, our Caribbean neighbors live in abject poverty. We must recognize the injustice of withholding, international development assistance to a country previously ruled by the U.S.-supported Duvalier family dictatorship which distorted the country's institutions while running up record debts.

COHA researcher Blandford calls for action through the passage of H.C.R. 382, sponsored by our colleague Representative BARBARA LEE and the Congressional Black Caucus. This resolution would urge the President to end the virtual embargo on development assistance to Haiti. Consequently, the article is of great relevance since the need to constructively engage Haiti is likely to grow in importance in the coming months, given the precedent for Haitian refugees to attempt to escape to Florida by means of a perilous sea passage when famine and destitution become unbearable at home, even though they face automatic interdiction and are forced to return to the island.

AS CATASTROPHE APPROACHES IN HAITI, THE U.S. CONTINUES TO BLOCK INTERNATIONAL LOANS

Less than a decade after the United States triumphantly pronounced the restoration of democracy in Haiti with the return of President Jean-Bertrand Aristide, the international community has financially repudiated the island nation. Only two years before its bicentennial, the unrest which has characterized much of Haiti's two centuries of independence has returned to the poverty-stricken nation. A loose and disparate opposition coalition of mainly tiny rightist factions, the Democratic Convergence, due to its tight links to conservative Washington powerbrokers, has been able to undermine the Aristide administration both abroad and at home.

THE DEVELOPING HAITIAN TRAGEDY

In recent weeks, in addition to Haiti's routine political and economic woes, its popu-

lace has been forced to spend, on average, nearly a tenth of their meager U.S. \$1 a day income on water alone due to a lethal shortage of supplies. Because of its scarcity and price inflation, less than half of Haiti's population consumes potable water.

Dr. Paul Farmer, a Harvard medical professor and director of Haiti's celebrated Zanmi Lasante clinic, notes the close connection between contaminated water and the cataclysmic HIV epidemic that affects 4% of the island's population. Dr. Farmer has of late witnessed the number of untreated patients in Haiti multiply at an unprecedented pace: "I had worried about 60-70,000 patients for the year. Now it'll likely be well over 120,000. The blocked \$146 million in IDB [Inter-American Development Bank] loans are for health, water, and education. It's insane for the richest country in the world to hold up financing of these projects in one of the poorest." Dr. Farmer's invaluable role in spearheading the battle against AIDS, nevertheless, is thus far a losing effort. Currently there is only one physician for every 10,000 Haitians. The Pan-American Health Organization's director, George Alleyne, laments that 74 Haitian babies die per every 1,000 live births and that life expectancy on the island is among the lowest in the Americas. To him the cause is clear: "It is poverty."

THE U.S. ROLE IN HAITI'S PLIGHT

Due to the U.S. Treasury Department's virtual veto power over the IDB, a low interest loan of \$54 million meant to improve Haiti's access to clean water cannot be disbursed, despite the fact that the bank's charter specifically forbids such political meddling. The IDB claims that no loans can be sent to Haiti because the country is in arrears, but the State Department has made it clear that international pressure will be removed only when the strict demands on the U.S. agenda are met. At June's OAS General Assembly in Barbados, U.S. Secretary of State Colin Powell asserted that Haiti needs the assistance of the international financial community . . . but it is difficult to provide that kind of aid until there is political stability." Despite Aristide's democratic authenticity, the Convergence's provocations have effectively cut off international resources to Haiti while billions of U.S. dollars flow to authoritarian nations such as Saudi Arabia and Pakistan.

In January 2001, Ira Kurzban, the Aristide administration's general counsel in the U.S., claimed that the IRI facilitated the allocation of \$3 million of NED funds to the Convergence. Shortly thereafter, in a February 2 article, *The Washington Post* substantiated the IRI's connection to the origins of the Convergence. In effect, the IRI has arranged for the Convergence to have a de facto veto power over Aristide's constitutional mandate.

The Convergence essentially delivered an ultimatum to the Haitian president when it called for the annulment of the results of the May 2000 election, which its leaders insisted were flawed. Aristide agreed over a year ago to fire the seven senators whose votes were contested and to move up the elections despite the fact that an American delegation led by Congressman John Conyers (D-MI) of the Congressional Black Caucus (CBC) witnessed the balloting and characterized it as "the democratic process working, exceptionally well." The Convergence, however, still stonewalls negotiations, choosing instead to advance its policy of economic asphyxiation of the government.

The Republican leadership argues that USAID already delivers sufficient funding to Haiti. According to remarks made by Secretary of State Powell, the U.S. only provided \$73 million in aid last year for emergency rations, but this figure will be slashed

to \$20 million for Fiscal Year 2002. Moreover, a USAID official in Haiti recently told visitors "79 cents of every USAID dollar worldwide is actually spent in the U.S."

THE OAS-SPONSORED NEGOTIATIONS

A total of \$500 million in approved international loans and grants have been withheld as a result of demands made by Aristide's political enemies that a consensus be reached between the democratically-based Aristide administration and the Convergence's questionable bona fides. Few analysts see any grounds for optimism as an OAS negotiation team is in the country on its twentieth visit in an attempt to produce a peace accord. Like Aristide, the OAS has been unable to accomplish its goal due to a lack of political and financial assets. Section nineteen of the OAS Inter-American Commission on Human Rights Report specifically cites a lack of resources as the leading cause behind Haiti's inefficient judicial institutions and the OAS has displayed a particular lack of ability to operate independent of State Department dictates.

At a June 28 Haiti Symposium in Washington, the leader of the OAS peace initiative, Assistant Secretary General Luigi Einaudi, fresh from the island, agreed that it is now "the absolute critical time" to move forward and set a deadline for negotiations. This step would thwart the Convergence's strategy of issuing perpetual ultimatums. Einaudi stressed, "There is not one nation—certainly not one of the 34 in the OAS—which disputes Aristide's presidency." The problem, as he explained it, is that the international community will not sign onto the process of renewing development support until Aristide and his administration's opposition reach an agreement. "I hate sanctions," Einaudi griped, "they're easy to put on and hard to take off."

Since a consensus in Haiti is far from assured, Representative Barbara Lee (D-CA) and the CBC introduced in April H.C.R. 382, "New Partnership for Haiti," which calls for an end to U.S.-influenced sanctions on the island, regardless of the Convergence's obstinacy. However, while the resolution remains stalled in committee, and with Congress sharply divided along party lines, it is doubtful whether the legislation will reach the House floor. Furthermore, Haitian advocacy groups stress that a resumption of international development assistance is only the first step in addressing Haiti's dire condition. Once the Haitian government is able to establish its authority and marshals the necessary resources, it will have to begin to create solid institutions and reform its judicial process in order to effectively serve the nation.

H.R. 4954, THE MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 4954, the fraudulent Republican Medicare bill.

Prescription medicine coverage is one of the most important issues facing our nation today. Since it was created in 1965, Medicare has been the bedrock of health security for America's senior citizens. However, Medicare is incomplete without prescription medicine coverage. I support a plan that is simple, comprehensive, and without gaps in coverage.