

the Supreme Court of the United States of America refused to take the case.

In a similar case in the city of Richmond, Indiana, in my own district, the county government has been sued by the local civil liberties union. The plaintiff in the case has requested that Wayne County, Indiana, remove the Ten Commandments from the courthouse lawn, commandments that have stood, Mr. Speaker, on the lawn of the Wayne County courthouse for over 4 decades.

Lawsuits like this are being brought before courts across the country. As I have said, Mr. Speaker, these cases come at a unique time in our Nation's history. I am greatly disappointed that the Supreme Court has refused to hear this case at such a time as this. Not only are these lawsuits to remove the Ten Commandments from our Nation's public buildings based on a flawed reading of the U.S. Constitution, but I assert it also reveals a profound misunderstanding of the foundations of our national government.

The first amendment to the Constitution reads, as we all know, that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." As scholars and average citizens know, until the 1960s, most Americans understood this to be the Establishment Clause. It was intended to allow Americans to worship freely and prevented the Federal Government from creating any official religion. The Establishment Clause was interpreted again and again by the Supreme Court to be a requirement that we as Americans accommodate in the public square the fact that we are, as one court wrote a "deeply religious peoples whose institutions presuppose a supreme being." In fact, on the very walls of this Chamber that read, in my presence, the phrase, "In God We Trust," on the very walls of the United States Supreme Court hang the Ten Commandments themselves, this is proven out.

Beginning with the Supreme Court's decision in *Everson v. Board of Education*, our courts have reinterpreted the meaning of the Establishment Clause, and now many Americans believe the phrase, "wall of separation of church and State" actually appears in our Constitution.

Chief Justice William Rehnquist said, and I am quoting now, "There is simply no historical foundation for the proposition that the Framers intended to build a 'wall of separation'" as expressed in the *Everson* case. "The 'wall of separation' between church and State is a metaphor based," the Chief Justice said, "on bad history, a metaphor which has proved useless as a guide to judging."

With the phrase "bad history," the Chief Justice points out, perhaps the greatest problems with those like the civil liberty lawyers who would remove all vestiges of religion from public life, a lack of understanding about the founda-

tions of our Nation and our national laws. As I said, Mr. Speaker, the reality is that as evidenced on these walls, as evidenced as I look up in this Chamber and am looked down upon by the very gaze and likeness of Moses himself, the reality is that the Ten Commandments represent not just the cornerstone of the three great religions of planet Earth, but also they are the inconvenient cornerstone of western civilization. They are, however inconvenient to the modernists and the liberals of our day, they are the cornerstone of our moral and legal and governmental institutions in Western Civilization.

So for the court to have missed an opportunity this week to reframe our constitutional law to once again accommodate the religious expression of good people, the good people of Indiana, the good people of Wayne County, Indiana, is deeply saddening to me and to many millions of Americans.

Therefore, next week, Mr. Speaker, I will do what I can in this Chamber to reset the legal dial to join this national debate. I will introduce legislation known as the Ten Commandments Defense Act that will allow States to determine the appropriate display of this inconvenient cornerstone of Western Civilization.

TRIBUTE TO PROFESSOR HAKI MADHUBUTI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today as we continue to celebrate the achievements and milestones that comprise black history. Indeed, my remarks proclaim how far we have come and chronicle the lives of historical individuals of preceding generations. There are trailblazers today as well, and I appreciate the opportunity to pay tribute to my friend, Professor Haki Madhubuti.

In August 2001, Professor Madhubuti was appointed Distinguished Professor by Chicago State University, the first African American male to obtain this distinction in Chicago State University's 135-year history.

Born Donald Luther Lee in Little Rock, Arkansas, in 1951, Haki Madhubuti is an influential poet, essayist, activist, and editor. As a child, he moved to Chicago and later attended the University of Illinois, Roosevelt University, and earned his Master's of Fine Arts from the University of Iowa.

According to Professor Madhubuti, "Ideas are important. The writing of ideas, the publishing of ideas, and the purveying of ideas. So at 17 years old, I got into the idea business: thinking them, writing them, and later on at publishing them."

Consequently, he is the author of more than 20 books, including "Heart Love: Wedding & Love Poems";

"Groundwork and Selected Poems of Haki R. Madhubuti Don L. Lee"; "Killing Memory, Seeking Ancestors; Earthquakes and Sunrise Missions: Poetry and Essays of Black Renewal"; "Book of Life"; and "Directionscore: Selected and New Poems."

These ideas shaped black literature and history and have helped to make Professor Madhubuti an important part of our intellectual landscape. He has developed his own new concept private school which he and his wife have made a citadel of learning opportunities.

Professor Haki Madhubuti has indeed distinguished himself as an important intellectual, writer, lecturer, poet and, yet, has a spirit of humility as he walks among kings and queens and yet has not lost the common touch. A man of distinction, I am pleased to recognize his contribution.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes. (Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FEDERAL LAW ENFORCEMENT AGENCIES ARE OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rose yesterday to discuss in a 5-minute Special Order about the horrendous miscarriage of justice that occurred in a case involving a man named Joseph Salvati in Massachusetts who was kept in prison for more than 30 years, despite the fact that the FBI and the Justice Department knew all along, from the beginning, that he was an innocent man. And even worse than keeping a totally innocent man in prison for more than 30 years, a man with a wife and four small children at the time he went into prison who had, through all of those years, to visit him in prison; even worse, the Justice Department was doing that to protect a man in the witness protection program named Joe "The Animal" Barboza, one of the leading figures in organized crime, who, listen to this, was responsible, according to the FBI and the Justice Department and law enforcement officials, who was responsible for 26 murders.

Mr. Speaker, I mentioned yesterday that I spent 7½ years as a criminal court judge in Tennessee prior to coming to Congress; and I tried the felony criminal cases, the murders, the rapes, the armed robberies, the burglary cases, the most serious cases. I have been a strong supporter of law enforcement. But it seems to me that we have allowed a government to get so big that it just gets totally out of control and then the government can somehow rationalize or justify almost anything.

Now, the Justice Department has convinced the President to stand behind a claim of executive privilege and refuse to release documents about this Salvati case, even though it has been on "60 Minutes," even though it has been publicized all over the world, to keep these documents covered up, in spite of repeated requests or demands from the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform. I want to say how much I admire and respect the courage of the gentleman from Indiana (Chairman BURTON) in continuing to hold a series of hearings in regard to this Salvati case and other abuses by the FBI and the Justice Department, especially in regard to this witness protection program.

I mentioned here yesterday that Chairman BURTON's statement that he has now made twice in hearings before the Committee on Government Reform was to me the most shocking statement I have heard in a congressional hearing since I have served in the Congress. I am in my 14th year. I serve on three different committees, five different subcommittees. I have participated in hundreds, possibly even several thousand committee and subcommittee hearings; and I think the statement that I am about to read was the most shocking statement I have ever heard a chairman or any Member, really, give in this Congress. Chairman BURTON has said now at two of our hearings this statement: "The United States Department of Justice allowed lying witnesses to send men to death row. It stood by idly while innocent men spent decades behind bars; it permitted informants to commit murder; it tipped off killers so that they could flee before they were caught; it interfered with local investigations of drug dealing and arms smuggling; and then when people went to the Justice Department with evidence about murders, some of them ended up dead."

This Salvati case, while I hope it is the worst example, is just the tip of the iceberg.

I can tell my colleagues this: there needs to be some reforms within the Justice Department and the FBI. I think the problem has come about because we have expanded those agencies so much and given them so much money that they do not know what to do with all of it.

Forbes Magazine, in 1993, had a cover article in which they said that we had quadrupled the Justice Department between 1980 and 1993 and that there were Federal prosecutors falling all over themselves trying to come up with cases to prosecute because they had so little to do, and that they were prosecuting businessmen and women who had violated obscure rules and regulations that they did not even know were in existence.

We need to be funneling our law enforcement assets to the local law enforcement people who are fighting the real crime, the street crime that people

want fought. Some of these Justice Department and FBI officials here in Washington never see a real criminal unless they are mugged on their way to their cars after work. But this idea, or this case, of keeping a man in prison for more than 30 years, even though they knew from the start of his innocence, they did not find out he was innocent after he had been in jail 25 years or so, they knew from the start that he was innocent. To do that to protect a man that had committed 26 murders is just, to me, mind-boggling. It is unbelievable.

They told in this hearing that Barboza's defense lawyer was given great assistance by the Federal Government while the prosecutors were snubbed when they asked for help. A murder weapon in one case was conveniently lost by the FBI. Barboza's own lawyer called him one of the worst men on the face of the Earth.

□ 1200

When asked about the short prison term that Barbosa got in one case, one murder that he committed after he was in the witness protection program, his lawyer said that that was amazing, he figured out that must be how it worked when you had friends in the FBI.

I can tell the Members, the people of this country need to know that we desperately need reforms at the Justice Department and the FBI. Joseph Califano, a former Cabinet member under President Carter and adviser to President Clinton, wrote in a Washington Post column a few days ago, "In the war on terrorism, we need not to overlook the alarming rise in Federal police power that is going on, and not create some type of Federal police state that will abuse citizens in horrible ways."

The SPEAKER pro tempore (Mr. SWEENEY). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

(Mr. MCGOVERN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY FEBRUARY 27, 2002 AT PAGE H564

OKLAHOMA SECRETARY OF STATE,
Oklahoma City, OK, January 14, 2002.

Hon. JEFF TRANDAHL,
House of Representatives, The Capitol,
Washington, DC.

DEAR MR. TRANDAHL: Pursuant to Enrolled Senate Bill 7X from the 1st Extraordinary Session of the 48th Legislative Session, and due to the resignation of Steve Largent, United States House of Representatives, effective February 15, 2002, I herewith certify the election results of the Special General Election held on January 8, 2002 for the Office of United States House of Representatives District 1, as certified by the Oklahoma State Election Board this 14th day of January, 2002.

Also, enclosed is a copy of the official notice of resignation from Steve Largent, Congressman of the First District of Oklahoma; and a copy of Enrolled Senate Bill 7X.

If our office can be of further assistance, please do not hesitate to contact Kathy Jekel at 405-522-4564.

Sincerely,

MIKE HUNTER,
Secretary of State.

OFFICE OF THE SECRETARY OF STATE OF
OKLAHOMA

CERTIFICATE OF ELECTION FOR UNEXPIRED
TERM

This is to certify that on the 8th day of January, 2002, John Sullivan was duly chosen by the qualified electors of the State of Oklahoma as United States Representative, District Number 1, as Representative for the unexpired term ending at noon on the 3rd day of January, 2003, to fill the vacancy in the representation from said State in the United States House of Representatives caused by the resignation of Steve Largent.

Witness: His Excellency our Governor Frank Keating, and our Seal hereto affixed at Oklahoma City, Oklahoma this 14th day of January, 2002.

By the Governor:

Frank Keating, Governor.
Mike Hunter, Secretary of State.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SANDLIN (at the request of Mr. GEPHARDT) for today on account of family matters.

Mr. GILMAN (at the request of Mr. ARMEY) for February 26 and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

(The following Members (at the request of Mrs. JO ANN DAVIS of Virginia)