

EXPRESSING THE SENSE OF CONGRESS THAT THE GEORGE WASHINGTON LETTER TO TOURO SYNAGOGUE IN NEWPORT, RHODE ISLAND, WHICH IS ON DISPLAY AT THE B'NAI B'RITH KLUTZNICK NATIONAL JEWISH MUSEUM IN WASHINGTON, DC, IS ONE OF THE MOST SIGNIFICANT EARLY STATEMENTS BUTTRESSING THE NASCENT AMERICAN CONSTITUTIONAL GUARANTEE OF RELIGIOUS FREEDOM

JULY 17, 2001.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H. Con. Res. 62]

The Committee on the Judiciary, to whom was referred the concurrent resolution (H. Con. Res. 62) expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, DC, is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom, having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution be agreed to.

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The amendment is as follows:

In the preamble after the sixth clause insert the following:

Whereas the text of George Washington's letter to Touro Synagogue states:

"Gentlemen:

"While I receive with much satisfaction, your Address replete with expressions of affection and esteem, I rejoice in the opportunity of answering you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of Citizens.

"The reflection on the days of difficulty and danger which are past, is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good Government, to become a great and a happy people.

"The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support.

"It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity. May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.";

PURPOSE AND SUMMARY

The purpose of H. Con. Res. 62 is to express the sense of Congress that George Washington's letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, DC, is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom. H. Con. Res. 62 also calls for the text of the letter to be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

BACKGROUND AND NEED FOR THE LEGISLATION

The Touro Synagogue in Newport, Rhode Island is the oldest Jewish house of worship in the United States. When it was dedicated in December 1763, Jewish families had already resided in Newport for over 100 years. These families were drawn to the American colonies, and Rhode Island in particular, by the promise of starting a new life where they could practice their religious beliefs freely and without persecution. They chose Rhode Island, in part, because of its tradition of religious freedom. Rhode Island was founded by Roger Williams, who is described as one of "the first of his era to espouse the principle of religious freedom."¹ In 1641, its Legislature ordered that "none be accounted a delinquent for doctrine," making Rhode Island—similar to Virginia—an example of

¹ *Marsh v. Chambers*, 463 U.S. 783, 788 n.5 (1983).

how American colonies secured religious freedom for their residents.²

As George Washington commenced his term as the first President of the United States of America, Moses Seixas, warden of Touro Synagogue, sent what has become the most famous of congratulatory notes to the new President. In August 1790, Washington responded to the Synagogue's letter:

The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights.³

Washington's letter then repeated the following statement made by Seixas in the Synagogue's letter to Washington: "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support."⁴ The President concluded: "May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid."⁵

H. Con. Res. 62 recognizes that the Washington letter is "one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom" and is, therefore, "an important tool for teaching tolerance to children and adults alike." This understanding of Washington's letter is consistent with the understanding of the First Amendment's guarantee of religious liberty revealed by the acts and statements of those who drafted the Bill of Rights—many of whom were still active in government at the time of Washington's letter.

When Washington authored his letter in August 1790, it had been less than a year since final agreement had been reached on the language of the Bill of Rights, including the First Amendment.⁶ The same day that language was approved, the House of Representatives "resolved to request the President to set aside a Thanksgiving Day to acknowledge 'the many signal favors of Almighty God.'"⁷ Three days before that language was approved, Congress authorized the appointment of paid chaplains to open each session with prayer.⁸ When placed within this historical context, George Washington's letter reflects the intent of the Framers

²Michael W. McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409, 1426. However, Virginia's efforts to secure religious liberty for its residents are considered to be more analogous to the First Amendment's religious liberty provisions because article 16 of its 1776 Declaration of Rights is considered to be the precursor to both the Free Exercise and Establishment Clauses. See *Chambers*, 463 U.S. at 788 n.5.

³President George Washington, *George Washington Letter to the Touro Synagogue*, Aug. 1790 (on file with the Subcomm. on the Constitution of the House Comm. on the Judiciary).

⁴*Id.*

⁵*Id.*

⁶*Chambers*, 463 U.S. at 788. Agreement was reached on Sept. 25, 1789. *Id.*

⁷*Chambers*, 463 U.S. at 788 n.9.

⁸*Id.* James Madison, one of the leading advocates of religious freedom in the colonies who participated in drafting the Establishment Clause, was appointed to the Senate committee created to "take under consideration the manner of electing Chaplains" and voted for the bill authorizing payment of the chaplains. *Id.* n.8.

of the Bill of Rights—that the First Amendment nurture a society within which religious beliefs and practices would flourish while at the same time vigorously protect the freedom of conscience of all citizens.

HEARINGS

No hearings were held on H. Con. Res. 62.

COMMITTEE CONSIDERATION

On June, 28, 2001, the Committee met in open session and ordered favorably reported the bill H. Con. Res. 62 with amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes. An amendment offered by Mr. Hostettler passed by voice vote. The amendment inserts the text of the Washington letter into the concurrent resolution language. The bill was ordered reported favorably by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

H. Con. Res. 62 does not authorize funding. Therefore, clause 3(c) of rule XIII of the Rules of the House is inapplicable.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee estimates that the bill will have no cost for the current fiscal year, and that there will be no cost incurred in carrying it out over the next five fiscal years.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 18 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The first preambular clause provides that George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790.

The second preambular clause provides that Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national historic site, was dedicated in December 1763, and that Jewish families had been in Newport for over 100 years before that date.

The third preambular clause provides that these Jewish families, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution.

The fourth preambular clause provides that these Jewish families were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty.

The fifth preambular clause provides that the letter sent to George Washington from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations.

The sixth preambular clause provides that Seixas articulated the following principle, which Washington repeated in his letter: "For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support."

The seventh preambular clause includes the text of George Washington's letter to Touro Synagogue.

The eighth preambular clause provides that this was the first statement of such a principle enunciated by a leader of the new United States Government.

The ninth preambular clause provides that this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries.

The tenth preambular clause provides that the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, DC

The eleventh preambular clause provides that Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges.

The resolved clause provides that it is the sense of the House of Representatives, with the Senate concurring, that

(1) the George Washington letter sent to Touro Synagogue in Newport, Rhode Island, in August 1790, which is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, DC, is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; and

(2) the text of the George Washington letter should be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

MARKUP TRANSCRIPT

BUSINESS MEETING

THURSDAY, JUNE 28, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:35 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., Chairman of the Committee, presiding.

Chairman SENSENBRENNER. The Committee will be in order. Without objection, the Chair is given the authority to grant or call recesses at any point in today's markup. A working quorum is present.

Pursuant to notice, I now call up the concurrent resolution, H. Con. Res. 62 for purposes of markup, and move its favorable recommendation to the full House. Without objection, the concurrent resolution will be considered as read and open for amendment at any point.

[The bill, H. Con. Res. 62, follows:]

107TH CONGRESS
1ST SESSION

H. CON. RES. 62

Expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2001

Mr. KENNEDY of Rhode Island (for himself, and Mr. LANGEVIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

Whereas George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790;

Whereas, although Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national his-

toric site, was dedicated in December 1763, Jewish families had been in Newport for over 100 years before that date;

Whereas these Jews, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution;

Whereas they were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty;

Whereas the letter from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations;

Whereas Seixas articulated the following principle, which Washington repeated in his letter: "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support";

Whereas this was the first statement of such a principle enunciated by a leader of the new United States Government;

Whereas this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries;

Whereas the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C.; and

Whereas Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of

the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges: Now, therefore, be it

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

3 (1) the George Washington letter sent to Touro
4 Synagogue in Newport, Rhode Island, in August
5 1790, which is on display as part of the permanent
6 collection of the B'nai B'rith Klutznick National
7 Jewish Museum in Washington, D.C., is one of the
8 most significant early statements buttressing the
9 nascent American constitutional guarantee of reli-
10 gious freedom; and

11 (2) the text of the George Washington letter
12 should be widely circulated, serving as an important
13 tool for teaching tolerance to children and adults
14 alike.

○

Chairman SENSENBRENNER. I will yield myself 5 minutes. H. Con. Res. 62 expresses the sense of Congress that the George Washington letter to the Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum here in Washington, DC, is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom. And it calls for the text of the letter to be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

The Touro Synagogue in Newport, Rhode Island is the oldest Jewish house of worship in the United States. It was dedicated in December 1763, at which point Jewish families had resided in Newport for over 100 years. These families were drawn to the American colonies and to Rhode Island in particular by the promise of starting a new life where they could practice their religious be-

liefs freely and without persecution. Founded by Roger Williams, who was among the first of his era to espouse the principle of religious freedom, Rhode Island, like Virginia, is looked upon as an example of how the American colonies secured religious liberty and freedom of conscience for its residents.

As George Washington commenced his term as the first President of the United States, Moses Seixas, warden of the Touro Synagogue, sent what became the most famous of congratulatory notes to the new President. In August 1790, Washington responded to the synagogue's letter as follows. Quote: "The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy, a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it was by the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights," unquote.

Washington's letter then repeated the following statement made by Seixas in the synagogue's letter to Washington. Quote: "For happily the Government of the United States which gives to bigotry no sanction, to persecution no assistance, and requires only that they live under its protection, should demean themselves as good citizens, and giving at all occasions their effectual support," unquote.

The President concluded, quote: "May the children of the stock of Abraham who dwell in this land, continue to merit and enjoy the goodwill of the other inhabitants while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid," unquote.

H. Con. Res. 62 expresses the sense of the House of Representatives that the Washington letter is one of the most significant early statements buttressing the American constitutional guarantee of religious freedom, and is, therefore, an important tool for teaching tolerance to children and adults alike. Such an understanding of Washington's letter is consistent with the understanding of the First Amendment's guarantee of religious liberty that is revealed by the contemporaneous acts and statements of those who drafted and approved the Bill of Rights, many of whom were still active in government at the time of Washington's letter. When Washington authored his letter in August 1790, it had been less than a year since the final agreement had been reached on the language of the Bill of Rights including the First Amendment. Three days before agreement was reached on the language, Congress authorized the appointment of paid chaplains to open each session with prayer, and less than a week later the House of Representatives resolved to request the President to set aside a Thanksgiving Day to acknowledge the many signal favors of Almighty God.

When placed in this historical, George Washington's letter reflects the intent of the Framers of the Bill of Rights that the First Amendment vigorously protect the freedom of conscience of all citizens, while at the same time nurture communities within which religious beliefs and practices would flourish.

I, therefore, urge the Committee to approve Congressman Kennedy's resolution, and yield back the balance of my time.

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, let me explain that our Ranking Member is busy at this point testifying on important matters in the Senate and hopes to join us as soon as possible. We appreciate your giving prompt attention to that resolution. As someone whose district borders the State of Rhode Island, I know how important this tradition, this beginning of the tradition of opposing bigotry is in Rhode Island. It's very important to—to Jewish people as one of the earliest examples of the principle of freedom from religious discrimination. So we appreciate your giving this such prompt treatment, and I yield back the balance of my time.

Chairman SENSENBRENNER. Without objection, all Members may insert statements in the record at this point.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I thank you for holding the markup of H Con Res. 62, a resolution that recognizes one of the most significant statements on religious understanding and equality made in early America. I thank Representatives Kennedy and Langevin for their work on introducing this bill and for bringing our attention to this letter. It is undoubtedly no coincidence that we discuss this bill on the same day we discuss HR 7, Faith-Based and Community Initiatives bill.

This letter, which is now on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C. In August, 1790, George Washington sent this letter to the Touro Synagogue, a national historic site in Newport, Rhode Island and the oldest Jewish house of worship in the United States, today operating as an Orthodox synagogue; it was previously known as Yeshuat Israel, meaning "the salvation of Israel." Washington affirmed that our government "gives to bigotry no sanction, to persecution no assistance." This phrase has captured the hearts and souls of the different races and religions in the United States. The letter is read every year at the synagogue in a ceremony of reminder of the nation's commitment to the freedom of worship.

As many of you may recall from your history lessons, Rhode Island has a tradition of religious liberty, as it began as a refuge for those who sought haven from religious persecution. Roger Williams founded Rhode Island after he was banished from Puritan Massachusetts Bay Colony. Williams himself eloquently stated that "No man should be molested for his conscience."

Sephardic Jews then settled Newport with roots in Spain and Portugal. Many were Jews who had to covert to Christianity in Europe to avoid persecution, people such as Arthur Lopez, who remarried in accordance with the Jewish tradition after he immigrated to Newport.

It is this spirit of the freedom of worship that today permits Jews to display their mezuzahs on their doorways and yalmukes on their heads with little fear of retribution for displaying the symbols of their religious beliefs. And this freedom of worship is what constitutionally protects all religious worship from government interference. As we discuss HR 7, we must keep these principles in mind.

Chairman, I soundly support this resolution and encourage my colleagues do join me. Thank you.

Chairman SENSENBRENNER. Are there amendments?

Mr. WATT. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Watt.

Mr. WATT. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. Thank you, Mr. Chairman. I want to be very, very, very, extremely careful in how I say this. I've been put in this position many times. When I was in the State legislature we used to pass laudatory resolutions, praising people, and when we were in the State legislature, we could just get up and take a walk when we were feeling uncomfortable. And I'm not going to vote against

this resolution today. I think I'm going to exercise my right to get up and take a walk.

But for us to be applauding statements discussing bigotry that were written by a person who owned slaves is a little bit more than I can, without a churning stomach, be able to tolerate. I mean, I—it's the same standard I applied in the State legislature. I used to always ask, "Did this guy used to own slaves?" And I'm sure he did magnificent things and wonderful things, and I don't want to denigrate the value of the purpose that you are trying to achieve here. I think it's a laudable purpose. This letter can be used as a—as a method of demonstrating to young people the value of tolerance, but we should also keep in context the reality that there is—there is substantial pain still among many of the people in our country about this chapter in our history, and to honor words that were written that apparently didn't have the—the substance that the words themselves suggest that they would have, is a little bit more than I can do. So I'm just going to excuse myself and pretend that—

Mr. FRANK. Would the gentleman yield?

Mr. WATT. I'm happy to yield to my colleague.

Mr. FRANK. I appreciate the gentleman yielding. I must say that I am a little chagrined that I had not thought about it in this context. I think he's absolutely right. I wish this resolution had been reworded, and perhaps maybe it can be before it gets to the floor, to talk about the sentiments without giving the false impression that they were unduly followed excessively, and I thank the gentleman for making what I think is a very profound point.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. WATT. Yes. Yes, I yield back.

Chairman SENSENBRENNER. Are there amendments?

Mr. HOSTETTLER. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, I want to thank you.

Chairman SENSENBRENNER. You have an amendment?

Mr. HOSTETTLER. I've got an amendment at the desk.

Chairman SENSENBRENNER. Clerk will report the amendment.

The CLERK. Amendment to H. Con. Res. 62 offered by Mr. Hostettler, In the preamble after the sixth clause, insert the following.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read, and the gentleman's recognized for 5 minutes.

[The amendment to H. Con Res. 62 offered by Mr. Hostettler follows:]

AMENDMENT TO H. CON. RES. 62
OFFERED BY MR. HOSTETTLER

In the preamble after the sixth clause insert the following:

Whereas the text of George Washington's letter to Touro Synagogue states:

"Gentlemen:

"While I receive with much satisfaction, your Address with replete with expressions of affection and esteem, I rejoice in the opportunity of answering you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of citizens.

"The reflection on the days of difficulty and danger which are past, is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good Government, to become a great and a happy people.

"The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of con-

science and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support.

“It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity. May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.”;

Mr. HOSTETTLER. Mr. Chairman, I want to thank you for bringing this bill as the start of our markup here today. I think it is the most appropriate way to begin our session. This resolution recognizes the wisdom of our founding fathers in establishing our great Nation in order to form, not possibly a perfect union at that time, but a more perfect union. All my amendment does is to insert the text of the Washington letter into the bill's language. I think it is

appropriate to include what was actually said as we pay tribute to our first President's wisdom.

Thank you, and I yield back the balance of my time.

Chairman SENSENBRENNER. The question is on the adoption of the amendment offered by the gentleman from Indiana, Mr. Hostettler. Those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it and the amendment is agreed to. Are there further amendments?

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I just want to say that the real import of the letter from George Washington to the Touro Synagogue that we are commemorating today, is of course a statement of religious freedom, a statement of the basic philosophy behind the First Amendment, where it says that Congress shall make no law respecting an establishment of religion, nor prohibiting the free exercise thereof. And where he says in his letter, "It is now no more that toleration is spoken of as if it was by the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights." Everyone has freedom. Minority religious groups have freedom on the same level as the majority religious groups. It's not that the majority tolerates the minority. Of course, I think most of us share those sentiments, and we are right to applaud those sentiments.

I find it ironic that we are going to applaud this letter in the same markup session in which we are going to, apparently, approve a bill designed to do violence to the First Amendment, designed to do violence to the very religious freedom provisions of the First Amendment that we are celebrating here, because make no mistake, when you have—and I'll get into this more, I suppose, when we debate the bill in a few minutes—but what you're really saying with this charitable choice bill, is that there should be religious programs for worthy purposes, drug detoxification, whatever, using religious propaganda, religious proselytization, in the service of a worthy social goal in which a drug addict perhaps of a minority religious view may be tolerated, may feel that he can walk out of the room when they do the religious proselytization, may go to another program, although I note the provision that there has to be a secular alternative is watered down in the manager's amendment, but this bill that we're going to be doing in a few minutes really is an expression of the feeling that religious minority rights are to be tolerated, but if people are made uncomfortable or are discriminated against on the basis of religion, that's all right, as long as we have a proper social goal involved, even with the use of Federal funds.

So I find it very ironic that—that we're using this perfectly good resolution to express sentiments that are mocked by the bill we're going to do, and I suspect the majority has gone so far as to move a Patrick Kennedy bill, even though we know that he's been blacklisted by the majority leadership because they were so des-

perate for some gesture to mask or to ameliorate the violence we will be doing to religious freedom and religious toleration in this markup today.

Chairman SENSENBRENNER. Would the gentleman yield?

Mr. NADLER. So I support—

Chairman SENSENBRENNER. Would the gentleman yield?

Mr. NADLER. In one moment, sir. So I support the resolution. I question why it's on the agenda—I don't question why it's on the agenda. I know why it's on the agenda today. I wish we weren't being so disingenuous.

Yes, I will yield.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. NADLER. Yes. I said I'll yield.

Chairman SENSENBRENNER. The reason it's on the agenda today is because Mr. Kennedy approached me in the Republican cloakroom on Tuesday and asked me to put it on the agenda promptly, and I am happy to accommodate him.

Mr. NADLER. Then in that case, I wish to—reclaiming my time, I wish to commend the Chairman for breaking with the otherwise uniform policy of not allowing any Patrick Kennedy bill and resolution to be considered by any Committee in this House. I yield back.

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. If the gentleman will further yield, I hope that he will return the bipartisanship in a few minutes.

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentlewoman from Texas seek recognition?

Ms. JACKSON LEE. I'd like to strike the last word.

Chairman SENSENBRENNER. The gentlewoman's recognized for 5 minutes.

Ms. JACKSON LEE. This is a unique time in this Committee today in the juxtaposing of these two legislative initiatives. But I'd like to comment—I know there will be sufficient time to comment on H.R. 7—I would like to comment on H. Con. Res. 62. The reason is because in the time that I've been in this Committee, certainly not senior to many Members here, I've had the experience of participating in proceedings that involve religious implications such as the Davidian issue in 1995. And I can see when the question of religion in this country comes to the forefront, enormous amount of emotions can generate antagonisms that should not be the basis, or were not the basis, or hopefully were not the intentions of the founding father. I've always noted that there were no founding mothers that were listed in that time frame.

I think this resolution is appropriate at this time to reaffirm that this Nation is a nation founded upon the ability to worship privately and separately as you please, and to establish the separation of church and state, which does not in any way negate the fact that we of so many faiths can practice that faith without intimidation by the government. And sometimes our intent to be able to embrace and to compete with each other as to who can embrace the religious community more, sometimes causes us to overlook the very values upon what this Nation was built.

I do want to give acknowledgement to the words that I find very striking that Washington affirmed, that this government gives to bigotry no sanction, to persecution no assistance. That is the value

of this resolution in restating our principles. Might I also, however, thank the gentleman from North Carolina for reminding us that we are still in an imperfect union, and really to call upon the religious community and to acknowledge the travesty and the devastation of the various holding of slaves throughout the world, in particular here in the United States, but we know that slavery was prevalent throughout the world. And I imagine that sometimes we overlook, where it is uncomfortable to challenge what slavery actually meant.

Mr. Chairman, I hope that we will have the opportunity in the future to address the question of Mr. Conyers' reparation legislation. I've begun to call it compensation, even though that is possibly a stretch from our debate today. I think it all goes to making this Nation and this room representative of a perfect union. That was the start of our Declaration of Independence, that we as a people would move toward creating a perfect union. We have far to go. We have come far.

And so I support the resolution with the recognition that we still in this room, the holder of the Constitution of the United States in terms of the Committee's jurisdiction, have work to do that can help make this country a better country and to be able to respond to some of the deep and abiding concerns that still prevail in this Nation.

With that, Mr. Chairman, I yield back the balance of my time.

Chairman SENSENBRENNER. For what purpose does the gentleman from California, Ms. Waters, seek recognition?

Ms. WATERS. To strike the last word, Mr. Chairman.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I think the point has been made that this Committee is sending a strange signal to the public by taking perhaps two very different actions here today. On the one hand, the resolution is designed to confirm this Nation's so-called belief in separation of church and state and tolerance of religious views. And on the other hand, we are going to be debating, perhaps, in my estimation, the greatest possibility of a violation of separation of church and state as we move with the so-called faith-based amendment.

I think politicians oftentimes get a bad name because we send these kind of dual messages. You know, I'm tolerant enough to say if you believe the faith-based initiative and what it's attempting to do, vote for it, stand up and have the guts to say you believe in it and fight for it. But don't send this mixed message that somehow you believe in separation of church and state and then move forthwith to violate separation of church and state. What are we doing?

I would hope that the Chairman would use his leadership and authority as the Chair of this Committee, to remove this resolution from the agenda today, and let's get on with the business of discussing charitable choice. Let's get on with the business of discussing the role of government—what role government is going to play with our religious organizations, but let's not try and trick the public, let's not try and fool people. Let's stop sending these kind of messages that on the one hand we believe a certain way, but then we act differently. I just think it's time to stop playing the games. There's no reason why this resolution should be on this

agenda today. I think it is a contradiction to those who are going to be involved in supporting charitable choice.

Mr. Chairman, I see somebody's trying to get my attention.

Mr. CANNON. Would the gentlelady yield?

Ms. WATERS. Yes, I will yield.

Mr. CANNON. It seems to me that this may have been one of the more clever things that our colleague, Congressman Kennedy has done. He knew that we would be dealing with this issue today, and asked the Chairman, I suspect, to get this on because he wanted it on. The criticism of the majority seems to be to me misplaced.

Ms. WATERS. Reclaiming my time?

Mr. CANNON. Certainly.

Ms. WATERS. I don't care if it's Mr. Kennedy or anybody else. I don't believe—and I can be corrected—I don't believe that the Chairman of the Committee consulted the minority about this, but again, whether it's Mr. Kennedy or Mr. Sensenbrenner or anybody else, I believe that it is confusing, and improper to do this. So it doesn't make any difference whether it was initiated by Mr. Kennedy. Mr. Sensenbrenner is in charge, and he has the opportunity to do what I'm asking.

I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Arkansas, Mr. Hutchinson.

Mr. HUTCHINSON. Move to strike the last word.

Chairman SENSENBRENNER. You're recognized for 5 minutes.

Mr. HUTCHINSON. I thank the Chairman, and I just wanted to take the liberty of referring to a conversation I had with the Chairman earlier, whenever we were talking about the agenda for today, and I was asking him, you know, whether anything was going to be considered besides the charitable choice issue, and he said that there was a resolution by Mr. Patrick Kennedy, that in which Mr. Kennedy had requested a markup on, and that he was being responsive to that request by scheduling this. And I really am puzzled somewhat that whenever the minority side wishes to have a markup and there's a request for legislation to be considered by this Committee that is sponsored by a Member of the minority, that then whenever it is offered, even though it's a Member not of this Committee, that there is a challenge that perhaps it is inappropriate, perhaps it should be withdrawn, and I really am confused by that. And it seems to me to be appropriate. It seems that this resolution is offered, not by a Member of the majority to make a point, but it is offered by a very distinguished Member of the minority, Mr. Patrick Kennedy, who believes that this is something that's worth expressing, that it is something that not only the Judiciary Committee should consider, but the House of Representatives as a whole should consider, and as you know, this is a necessary stop to come through this Committee. And so if it's not going to be considered by this Committee, it's not going to be considered by the House as a whole, and it just seems very appropriate that we try to respond whenever the minority has a request for a markup.

And so I just want to refer—I think the Chairman is being very genuine in trying to accommodate the request of the minority for a markup, and I applaud him for that effort, and I yield back.

Chairman SENSENBRENNER. The question is on the motion to report H. Con. Res. 62 favorably as amended. A reporting quorum is present. All those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it, and the motion to report favorably is adopted.

Mr. WATT. Mr. Chairman.

Chairman SENSENBRENNER. Without objection, the bill will be—do you wish a rollcall?

Mr. WATT. No. I just wanted to make sure—I wanted to insert in the record my abstention from this vote.

Chairman SENSENBRENNER. Without objection. Without objection the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute, incorporating the amendment adopted here today. Without objection the Chairman is authorized to move to go to conference pursuant to House rules. Without objection the staff is directed to make any technical and conforming changes, and all Members will be given 2 days, as provided by House rules, in which to submit additional dissenting, supplemental or minority view.

