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The Committee approves your request that the gift be deposited with the Secretary of the Senate for official use, and further approves your request that the official use of this gift shall be its display and use in your Senate office. Because this gift remains the property of the United States, you must advise this Committee and the office of the Secretary of the Senate of any proposed change in the use or location of the gift.

The Foreign Gifts and Decorations Act requires that the painting be returned to the Secretary of the Senate within thirty days after terminating the approved "official use". The Act also requires that the "official use" will be deemed to have been terminated upon your leaving the Senate, or upon the use of the gift for a purpose other than that specifically approved by this Committee.

Sincerely,

VICTOR BAIRD,
Staff Director and Chief Counsel.●

MORGAN VILLAGE MIDDLE SCHOOL STUDENTS VISIT TO WASHINGTON, D.C.

● Mr. LAUTENBERG, Mr. President, on Friday, May 19, 1995, a group of students from Camden, NJ, visited Washington, DC, to learn about their Government in our Nation's capital. Approximately 100 of my constituents, from Morgan Village Middle School, traveled from my home State of New Jersey and met with representatives from my office and other agencies. Unfortunately, only half of this group was able to visit the U.S. Senate gallery to personally witness a historic vote and observe the procedures of the Senate.

I regret that I was unable to meet with these future leaders myself, and I very much regret some of them could not get into the Senate gallery. I encourage all of them to continue pursuing their interest in government and politics, for their involvement will determine the future of our country. I am gratified to know that young people are learning about the important issues facing our country and the world today. They should be commended for their concern about the impact today's legislation will have on the future. We must all recognize that the views and concerns of our youth are of the utmost importance, and I hope they will continue to share them with their elected representatives as they grow older.●

IN HONOR OF RICHARD S. LUM, RETIRING PROFESSOR OF MUSIC, EMERITUS, AT THE UNIVERSITY OF HAWAII

● Mr. AKAKA, Mr. President, it is a pleasure and a privilege for me to rise today on the floor of the Senate to honor my dear friend and college classmate, Prof. Richard "Dick" S. Lum, on his retirement from the University of

Hawaii after a lifetime of dedicated service to the students and people of Hawaii. He retires after a distinguished 25-year tenure as director of bands at the university and professor of music, emeritus.

Professor Lum's contribution to concert and band music has brought him many well-deserved accolades and honors. In the span of his long musical career, he has earned and garnered more awards and has been recognized by more organizations than any other person I can think of. Mahalo, Dick, for your complete commitment to music.

Professor Lum has been rightfully credited for building our State's concert and marching bands into nationally recognized organizations. He laid the foundation for the McKinley High School Band to gain national prominence and is the person primarily responsible for the growth of band programs in Hawaii. His vision, hard work, and grooming of young band directors made possible the tremendous growth of the many fine programs that exist today.

Dick served as president of the Hawaii Music Educators Association and is the founder and past president of the Oahu Band Directors Association. He was also State chairman of the College Band Directors National Association and the National Band Association. He has guest conducted the United States of America Armed Services Bicentennial Band from Ft. Meade, MD, the University of Tennessee Band, the Arizona State University Band, and other outstanding university bands. In 1971, Richard was invited to membership in the American Bandmasters Association, and in 1973, was inducted into the prestigious Phi Beta Mu as honorary national member. In 1978, he was selected by the School Musician Magazine as one of the outstanding conductors in the United States and Canada for the school year 1974-75. In 1979, he was selected by the All-American magazine as Band Director of the Year.

Mr. President, I ask my colleagues to join me, his family, friends, and peers in honoring Prof. Richard S. Lum for this outstanding contribution to music in our State and country. Mahalo, Dick, for everything you have done for music in your lifetime, and your excellence in service. Thank you for a job well-done and may God's blessing be with you and your family.●

RELIGION IN SCHOOLS

● Mr. SIMON, Mr. President, on May 17 the Christian Coalition announced its "Contract With the American Family," a cornerstone of which is a constitutional amendment to allow "communal prayer in public places, such as schools, high school graduation ceremonies, and courthouses."

The coalition's "communal prayer" proposal will surely provide the basis for some spirited debate in Congress in the upcoming months. Before this debate begins, however, I think it is cru-

cial for people on both sides of these issues to understand fully the current state of the law regarding prayer in schools and other public places. Only by understanding what is and is not allowed under current Supreme Court cases involving the Constitution's religion clauses and under other laws regarding religion can we intelligently determine whether the proposed changes to these laws make sense.

In the hopes of beginning this educational process, I will ask to have printed in the RECORD a short report entitled "Religion in the Public Schools: A Joint Statement of Current Law." This publication, prepared with the endorsements of 35 organizations, sets forth in a detailed and clear way the state of the law regarding numerous religion/school issues: from the question of what types of student prayer are constitutionally protected, to the question of whether students may be exempted from wearing particular types of gym clothing that they regard, on religious grounds, as immodest.

As the preface to this report states: "On some of the issues discussed in this summary, some of the organizations, have urged the courts to reach positions different than they did." However, the 35 organizations that have issued this report agree that the statements on the law included in the report provide an accurate overview of the law regarding religion in schools. Given this agreement, the report provides a valuable service to those of us striving to understand these important and highly charged issues.

At the outset of the debate, I have heard a lot about how our courts have kept and continue to keep religion out of our schools. It is my hope that this report will help demonstrate that the relationship between religion and education is in fact a far more complex one that cannot be described in absolute terms. Religion and education co-exist today in a delicate balance, and if we choose to disrupt this balance, we should understand exactly what we are doing. This report is an important step in the direction of understanding, and I urge each of my colleagues to devote some time to it in the upcoming weeks.

I ask that the report be printed in the RECORD.

The report follows:

RELIGION IN THE PUBLIC SCHOOLS: A JOINT STATEMENT OF CURRENT LAW, APRIL 1995

The Constitution permits much private religious activity in and about the public schools. Unfortunately, this aspect of constitutional law is not as well known as it should be. Some say that the Supreme Court has declared the public schools "religion-free zones" or that the law is so murky that school officials cannot know what is legally permissible. The former claim is simply wrong. And as to the latter, while there are some difficult issues, much has been settled. It is also unfortunately true that public school officials, due to their busy schedules, may not be as fully aware of this body of law as they could be. As a result, in some school districts some of these rights are not being observed.

The organizations whose names appear below span the ideological, religious and political spectrum. They nevertheless share a commitment both to the freedom of religious practice and to the separation of church and state such freedom requires. In that spirit, we offer this statement of consensus on current law as an aid to parents, educators and students.

Many of the organizations listed below are actively involved in litigation about religion in the schools. On some of the issues discussed in this summary, some of the organizations have urged the courts to reach positions different than they did. Though there are signatories on both sides which have and will press for different constitutional treatments of some of the topics discussed below, they all agree that the following is an accurate statement of what the law currently is.

STUDENT PRAYERS

1. Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive. Because the Establishment Clause does not apply to purely private speech, students enjoy the right to read their bibles or other scriptures, say grace before meals, pray before tests, and discuss religion with other willing student listeners. In the classroom students have the right to pray quietly except when required to be actively engaged in school activities (e.g., students may not decide to pray just as a teacher calls on them). In informal settings, such as the cafeteria or in the halls, students may pray either audibly or silently, subject to the same rules of order as apply to other speech in these locations. However, the right to engage in voluntary prayer does not include, for example, the right to have a captive audience listen or to compel other students to participate.

GRADUATION PRAYER AND BACCALAUREATES

2. School officials may not mandate or organize prayer at graduation, nor may they organize a religious baccalaureate ceremony. If the school generally rents out its facilities to private groups, it must rent them out on the same terms, and on a first-come first-served basis, to organizers of privately sponsored religious baccalaureate services, provided that the school does not extend preferential treatment to the baccalaureate ceremony and the school disclaims official endorsement of the program.

3. The courts have reached conflicting conclusions under the federal Constitution on student-initiated prayer at graduation. Until the issue is authoritatively resolved, schools should ask their lawyers what rules apply in their area.

OFFICIAL PARTICIPATION OR ENCOURAGEMENT OF RELIGIOUS ACTIVITY

4. Teachers and school administrators, when acting in those capacities, are representatives of the state, and, in those capacities, are themselves prohibited from encouraging or soliciting student religious or anti-religious activity. Similarly, when acting in their official capacities, teachers may not engage in religious activities with their students. However, teachers may engage in private religious activity in faculty lounges.

TEACHING ABOUT RELIGION

5. Students may be taught about religion, but public schools may not teach religion. As the U.S. Supreme Court has repeatedly said, "[i]t might well be said that one's education is not complete without a study of comparative religion, or the history of religion and its relationship to the advancement of civilization." It would be difficult to teach art, music, literature and most social studies without considering religious influences.

The history of religion, comparative religion, the Bible (or other scripture)-as-lit-

erature (either as a separate course or within some other existing course), are all permissible public school subjects. It is both permissible and desirable to teach objectively about the role of religion in the history of the United States and other countries. One can teach that the Pilgrims came to this country with a particular religious vision, that Catholics and others have been subject to persecution or that many of those participating in the abolitionist, women's suffrage and civil rights movements had religious motivations.

6. These same rules apply to the recurring controversy surrounding theories of evolution. Schools may teach about explanations of life on earth, including religious ones (such as "creationism"), in comparative religion or social studies classes. In science class, however, they may present only genuinely scientific critiques of, or evidence for, any explanation of life on earth, but not religious critiques (beliefs unverifiable by scientific methodology). Schools may not refuse to teach evolutionary theory in order to avoid giving offense to religion nor may they circumvent these rules by labeling as science an article of religious faith. Public schools must not teach as scientific fact or theory any religious doctrine, including "creationism," although any genuinely scientific evidence for or against any explanation of life may be taught. Just as they may neither advance nor inhibit any religious doctrine, teachers should not ridicule, for example, a student's religious explanation for life on earth.

STUDENT ASSIGNMENTS AND RELIGION

7. Students may express their religious beliefs in the form of reports, homework and artwork, and such expressions are constitutionally protected. Teachers may not reject or correct such submissions simply because they include a religious symbol or address religious themes. Likewise, teachers may not require students to modify, include or excise religious views in their assignments, if germane. These assignments should be judged by ordinary academic standards of substance, relevance, appearance and grammar.

8. Somewhat more problematic from a legal point of view are other public expressions of religious views in the classroom. Unfortunately for school officials, there are traps on either side of this issue, and it is possible that litigation will result no matter what course is taken. It is easier to describe the settled cases than to state clear rules of law. Schools must carefully steer between the claims of student speakers who assert a right to express themselves on religious subjects and the asserted rights of student listeners to be free of unwelcome religious persuasion in a public school classroom.

a. Religious or anti-religious remarks made in the ordinary course of classroom discussion or student presentations are permissible and constitute a protected right. If in a sex education class a student remarks that abortion should be illegal because God has prohibited it, a teacher should not silence the remark, ridicule it, rule it out of bounds or endorse it, any more than a teacher may silence a student's religiously-based comment in favor of choice.

b. If a class assignment calls for an oral presentation on a subject of the student's choosing, and, for example, the student responds by conducting a religious service, the school has the right—as well as the duty—to prevent itself from being used as a church. Other students are not voluntarily in attendance and cannot be forced to become an unwilling congregation.

c. Teachers may rule out-of-order religious remarks that are irrelevant to the subject at

hand. In a discussion of Hamlet's sanity, for example, a student may not interject views on creationism.

DISTRIBUTION OF RELIGIOUS LITERATURE

9. Students have the right to distribute religious literature to their schoolmates, subject to those reasonable time, place, and manner or other constitutionally-acceptable restrictions imposed on the distribution of all non-school literature. Thus, a school may confine distribution of all literature to a particular table at particular times. It may not single out religious literature for burdensome regulation.

10. Outsiders may not be given access to the classroom to distribute religious or anti-religious literature. No court has yet considered whether, if all other community groups are permitted to distribute literature in common areas of public schools, religious groups must be allowed to do so on equal terms subject to reasonable time, place and manner restrictions.

"SEE YOU AT THE POLE"

11. Student participation in before- or after-school events, such as "see you at the pole," is permissible. School officials, acting in an official capacity, may neither discourage nor encourage participation in such an event.

RELIGIOUS PERSUASION VERSUS RELIGIOUS HARASSMENT

12. Students have the right to speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. But school officials should intercede to stop student religious speech if it turns into religious harassment aimed at a student or a small group of students. While it is constitutionally permissible for a student to approach another and issue an invitation to attend church, repeated invitations in the face of a request to stop constitute harassment. Where this line is to be drawn in particular cases will depend on the age of the students and other circumstances.

EQUAL ACCESS ACT

13. Student religious clubs in secondary schools must be permitted to meet and to have equal access to campus media to announce their meetings, if a school receives federal funds and permits any student non-curricular club to meet during non-instructional time. This is the command of the Equal Access Act. A non-curricular club is any club not related directly to a subject taught or soon-to-be taught in the school. Although schools have the right to ban all non-curriculum clubs, they may not dodge the law's requirement by the expedient of declaring all clubs curriculum-related. On the other hand, teachers may not actively participate in club activities and "non-school persons" may not control or regularly attend club meeting.

The Act's constitutionality has been upheld by the Supreme Court, rejecting claims that the Act violates the Establishment Clause. The Act's requirements are described in more detail in *The Equal Access Act and the Public Schools: Questions and Answers on the Equal Access Act**, a pamphlet published by a broad spectrum of religious and civil liberties groups.

RELIGIOUS HOLIDAYS

14. Generally, public schools may teach about religious holidays, and may celebrate the secular aspects of the holiday and objectively teach about their religious aspects. They may not observe the holidays as religious events. Schools should generally excuse students who do not wish to participate in holiday events. Those interested in further details should see *Religious Holidays in*

*the Public Schools: Questions and Answers**, a pamphlet published by a broad spectrum of religious and civil liberties groups.

EXCUSAL FROM RELIGIOUSLY-OBJECTIONABLE LESSONS

15. Schools enjoy substantial discretion to excuse individual students from lessons which are objectionable to that student or to his or her parent on the basis of religion. Schools can exercise that authority in ways which would defuse many conflicts over curriculum content. If it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance the school would be legally required to excuse the student.

TEACHING VALUES

16. Schools may teach civic virtues, including honesty, good citizenship, sportsmanship, courage, respect for the rights and freedoms of others, respect for persons and their property, civility, the dual virtues of moral conviction and tolerance and hard work. Subject to whatever rights of excusal exist (see ¶15 above) under the federal Constitution and state law, schools may teach sexual abstinence and contraception; whether and how schools teach these sensitive subjects is a matter of educational policy. However, these may not be taught as religious tenets. The mere fact that most, if not all, religions also teach these values does not make it unlawful to teach them.

STUDENT GARB

17. Religious messages on T-shirts and the like may not be singled out for suppression. Students may wear religious attire, such as yarmulkes and head scarves, and they may not be forced to wear gym clothes that they regard, on religious grounds, as immodest.

RELEASED TIME

18. Schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on premises during the school day.●

INDIVIDUAL RIGHTS AND DOMESTIC TERRORISM

● Mr. DORGAN. Mr. President, the tragedy that took place on April 19 at the Federal building in Oklahoma City was an unspeakable horror. This was a cowardly and heinous act by deranged people whose obsessions led to the killing of innocent men, women, and children. I want the people who perpetrated this act to be hunted down and to be appropriately, quickly, and harshly dealt with by our criminal justice system.

The tragic bombing at Oklahoma City has sparked a debate in our country about how to prevent a tragedy of this type from occurring again. It is important to understand that in a free country it is virtually impossible to provide any ironclad protection against the violent acts of deranged people. But part of being free is the requirement to ensure civil order. That is the job that we ask our law enforcement officials to do.

The question we must now ask ourselves is how can we protect Americans without infringing on the liberties guaranteed by the Constitution. People

have a constitutional right to criticize their government and the institutions of this Nation. This right not only applies to people we like—our neighbors and our friends—it also applies to people we do not like and associations we do not care for. This right must be preserved.

The Oklahoma City bombing has also sparked a debate about militia groups in our country. People have every right to join organizations. However, I have heard some militia leaders say the Federal Government is their avowed enemy when they have been interviewed on television programs. Some of them talk in terms of violence and battles. I think that is an unhealthy attitude and I think that thinking can lead to violence.

I want to emphasize my commitment to preserving the fundamental freedoms that are guaranteed to all Americans under our Constitution. But I also want to emphasize that I join those in our country who want to send a message to the people who cross the line between criticizing our government and advocating or resorting to violence or terrorism. There is no constitutional right to commit violence in our country. There is no constitutional right to kill innocent men, women, and children. And those who do should be dealt with aggressively by our law enforcement agencies.

It is important that we discuss these issues in a thoughtful, reasonable, and constructive way. In America, we can disagree without being disagreeable. We can have a debate without shouting. And we can work together to fix things that are wrong in this country and to make this a better place. Most importantly, we should protect and cherish our constitutional rights. One of those rights is to live in a free country—free from the unspeakable horrors that were perpetrated on innocent people in Oklahoma City.●

IN HONOR OF ABBA EBAN

● Mr. LAUTENBERG. Mr. President, I rise this morning to honor a great statesman on the occasion of his 80th birthday.

Abba Eban—statesman, diplomat, scholar, and author—was born in South Africa on February 2, 1915. As a young man growing up in London, Mr. Eban learned fluent Hebrew and became an active member of the Zionist movement.

He studied at Cambridge University, and became a lecturer in Hebrew, Arabic, and Persian literature.

Mr. Eban served in World War II, where he was assigned to Jerusalem as liaison officer of Allied Headquarters. After the war, he entered the service of the Jewish agency in Jerusalem. In 1947, he became the agency's liaison officer with the U.N. Special Commission on Palestine.

In 1948, Mr. Eban was appointed as Israel's representative to the United Nations and in this capacity, he ap-

peared before the General Assembly to plead successfully for his country's admission to the United Nations.

In 1950, Abba Eban was appointed Israel's Ambassador to the United States. At 35, he was the youngest person to hold such a high rank in Washington's diplomatic corps.

In 1959, after returning to Israel, Mr. Eban was elected to the Israeli Knesset as a member of the Labor Party. He joined the Cabinet as Minister Without Portfolio, was appointed Minister of Education and Culture in 1960, and in 1963, he became Deputy Prime Minister under Prime Minister Levi Eshkol.

In 1966, Mr. Eban became Israel's Minister for Foreign Affairs, a position he held until June 1974.

Through the years, Mr. Eban has been recognized in numerous arenas for his diplomatic prowess and his contributions to the state of Israel. He holds honorary doctorates from several universities, including New York University, Boston University, the University of Maryland, and the University of Cincinnati. He is a fellow of the World Academy of Arts and Sciences, and the only living member of the Orator's Hall of Fame.

Mr. Eban recently served as host and narrator of "Israel: A Nation is Born," a five-part historical television miniseries, documenting 40 years of Israel's history.

Mr. President, the Israeli people have been fortunate to count Mr. Eban among their leaders. He has consistently represented the Jewish state with dignity, with strength and with aplomb. As he celebrates this birthday, we should all take this opportunity to celebrate his many accomplishments.●

HYDROGEN—AN ENERGY SOURCE FOR THE FUTURE

● Mr. HARKIN. Mr. President, I have long advocated greater investment in the development of sustainable hydrogen energy. Hydrogen has a tremendous potential to be the energy carrier of the future. It is an ideal energy source as it is plentiful, efficient and clean burning. An excellent article describing the many advantages of hydrogen as an energy source appeared in the March 19, 1995 edition of the Los Angeles Times Magazine. I urge all of my colleagues to read this article and I ask that the text of the article be printed in the RECORD.

The article follows:

[From the Los Angeles Times Magazine, March 3, 1995]

HARNESSING THE BIG H

HYDROGEN SEEMS THE IDEAL ENERGY SOURCE—PLENTIFUL, EFFICIENT AND CLEAN. CAN SOMETHING THIS PERFECT BE REAL? JUST ASK THE JAPANESE

(By Alan Weisman)

West of Denver, Interstate 70 enters Golden, Colo., and begins to curl through the foothills of the Rockies. There is bisects an unassuming clump of brick buildings—the National Renewable Energy Laboratory.