

S. 2690

passed and would have passed overwhelmingly. Now we do not have a prescription drug bill for senior citizens, all because of the way this floor has been managed over the last year or so.

I have to tell you I think it is going to be virtually impossible to pass it next year, especially if we are in a conflict with Iraq. That will have to take precedence and the spending for that will have to take precedence. Everybody knows that. Everybody knew those were the facts. This was the year to get that job done, and we had it done. I believe we could have gotten it through the House.

As somebody who has been on the passing end of a lot of legislation over the last 26 years, I think I can speak with authority. We could have gotten it through the House as well, and it would be law today.

So I, for one, think we have lost a tremendous opportunity, mainly because of politics and the hoped-for advantage that one side might have had over the other. Our side would have supported the tripartisan bill, and I think a considerable number of Democrats would have, too. But we don't control the floor and we were not able to get that bill up. I am disappointed because I think we should have done that.

There are a lot of other things I wish we could have done during this year. Had we had a budget, we might have been able to. Had we had appropriations bills, we might have been able to. I just wish all our colleagues well. At the end of this session I have good will towards every person in this Chamber. I care for every Member of this body, and I will tell the public at large that most everybody in the Congress I know happens to be a good person who is trying to do the job to the best of their ability.

But occasionally politics gets in the way and we do not get things done that should be done. This year has been a prime example of that, in my humble opinion.

But I wish everybody well. With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

REAFFIRMING THE REFERENCE TO ONE NATION UNDER GOD IN THE PLEDGE OF ALLEGIANCE

Mr. HATCH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2690, which is at the desk.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

Congress finds the following:

(1) On November 11, 1620, prior to embarking for the shores of America, the Pilgrims signed the Mayflower Compact that declared: "Having undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia,".

(2) On July 4, 1776, America's Founding Fathers, after appealing to the "Laws of Nature, and of Nature's God" to justify their separation from Great Britain, then declared: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness".

(3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled "Notes on the State of Virginia" wrote: "God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.".

(4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: "If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!".

(5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River, which declared: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.".

(6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington to proclaim a National Day of Thanksgiving for the people of the United States by declaring, "a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.".

(7) On November 19, 1863, President Abraham Lincoln delivered his Gettysburg Address on the site of the battle and declared: "It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that Government of the people, by the people, for the people, shall not perish from the earth.".

(8) On April 28, 1952, in the decision of the Supreme Court of the United States in *Zorach v. Clauson*, 343 U.S. 306 (1952), in which school children were allowed to be excused from public schools for religious observances and education, Justice William O. Douglas, in writing for the Court stated: "The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concern or union or dependency one on the other. That is the common sense of the matter. Other-

wise the State and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; 'so help me God' in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: 'God save the United States and this Honorable Court.'".

(9) On June 15, 1954, Congress passed and President Eisenhower signed into law a statute that was clearly consistent with the text and intent of the Constitution of the United States, that amended the Pledge of Allegiance to read: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.".

(10) On July 20, 1956, Congress proclaimed that the national motto of the United States is "In God We Trust", and that motto is inscribed above the main door of the Senate, behind the Chair of the Speaker of the House of Representatives, and on the currency of the United States.

(11) On June 17, 1963, in the decision of the Supreme Court of the United States in *Abington School District v. Schempp*, 374 U.S. 203 (1963), in which compulsory school prayer was held unconstitutional, Justices Goldberg and Harlan, concurring in the decision, stated: "But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so.".

(12) On March 5, 1984, in the decision of the Supreme Court of the United States in *Lynch v. Donnelly*, 465 U.S. 668 (1984), in which a city government's display of a nativity scene was held to be constitutional, Chief Justice Burger, writing for the Court, stated: "There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found in the statutorily prescribed national motto 'In God We Trust' (36 U.S.C. 186), which Congress and the President mandated for our currency, see (31 U.S.C. 5112(d)(1) (1982 ed.)), and in the language 'One Nation under God', as part of the Pledge of Allegiance to the American flag. That pledge is recited by many thousands of public school children—and adults—every year . . . Art galleries supported by public revenues display religious paintings of the 15th and 16th centuries, predominantly inspired by one religious faith. The National Gallery in Washington, maintained with Government support, for example, has long exhibited masterpieces with religious messages, notably the *Last Supper*, and paintings depicting the Birth of Christ, the Crucifixion, and the Resurrection, among many others with explicit Christian themes and

messages. The very chamber in which oral arguments on this case were heard is decorated with a notable and permanent—not seasonal—symbol of religion: Moses with the Ten Commandments. Congress has long provided chapels in the Capitol for religious worship and meditation.”

(13) On June 4, 1985, in the decision of the Supreme Court of the United States in *Wallace v. Jaffree*, 472 U.S. 38 (1985), in which a mandatory moment of silence to be used for meditation or voluntary prayer was held unconstitutional, Justice O'Connor, concurring in the judgment and addressing the contention that the Court's holding would render the Pledge of Allegiance unconstitutional because Congress amended it in 1954 to add the words “under God,” stated “In my view, the words ‘under God’ in the Pledge, as codified at (36 U.S.C. 172), serve as an acknowledgment of religion with ‘the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.’”

(14) On November 20, 1992, the United States Court of Appeals for the 7th Circuit, in *Sherman v. Community Consolidated School District 21*, 980 F.2d 437 (7th Cir. 1992), held that a school district's policy for voluntary recitation of the Pledge of Allegiance including the words “under God” was constitutional.

(15) The 9th Circuit Court of Appeals erroneously held, in *Newdow v. U.S. Congress*, (9th Cir. June 26, 2002) that the Pledge of Allegiance's use of the express religious reference “under God” violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Pledge of Allegiance is unconstitutional.

(16) The erroneous rationale of the 9th Circuit Court of Appeals in *Newdow* would lead to the absurd result that the Constitution's use of the express religious reference “Year of our Lord” in Article VII violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Constitution itself would be unconstitutional.

SEC. 2. ONE NATION UNDER GOD.

(a) REAFFIRMATION.—Section 4 of title 4, United States Code, is amended to read as follows:

“§4. Pledge of allegiance to the flag; manner of delivery

“The Pledge of Allegiance to the Flag: ‘I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.’, should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove any non-religious headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.”

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Pledge for decades.

SEC. 3. REAFFIRMING THAT GOD REMAINS IN OUR MOTTO.

(a) REAFFIRMATION.—Section 302 of title 36, United States Code, is amended to read as follows:

“§302. National motto

“‘In God we trust’ is the national motto.”

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall make no change in section 302, title 36, United States Code, but shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Motto for decades.

Mr. HATCH. I ask unanimous consent the Senate agree to the House amend-

ment, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

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

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COST TO TAXPAYERS OF PRESIDENT BUSH'S CAMPAIGN TRAVEL

Mr. REID. Mr. President, at the same time President Bush is telling us that because of severe budget constraints there is no money for important programs, he, Vice President CHENEY, and other members of the administration are spending taxpayer dollars to jet around the country for political fundraisers and campaign events.

Many people wonder why President Bush is traveling around the country so much for political reasons, to give political speeches regarding political candidates, when our Nation is at war on terrorism and we are facing what he called an imminent and serious threat to our national security posed by Iraq.

Many people believe it is improper for President Bush to be racing from one campaign event to another—raising record amounts of campaign cash for Republican candidates—instead of spending time solving America's severe economic problems. I agree with them.

I, too, wish the President would focus on the issues that we in Nevada—and I believe all Americans—are concerned about, such as jobs, Social Security, pension protection, corporate scandals, stock market declines, high cost of health care, access to affordable quality education, and other priorities.

I understand that President Bush has a role. He is not only the Commander in Chief, but also the Republican Party's cheerleader in chief. I understand and accept that. What I don't accept is this constant campaigning being paid for by taxpayers. If he decides to campaign 100 percent of the time for Republican House and Senate candidates, or gubernatorial candidates, whatever he chooses, that is his business. But it should not be at the expense of taxpayers in Nevada and in other places. That is what it is. Flying this corporate entourage around is very expensive, whether it is the President or Vice President. Flying that big jet—I am glad the President has it, and I was here when we paid for it for President Reagan. It is important they have that airplane, but it should be for the business of the people, not for the business of the Republican Party or the Democratic Party.

I wrote to Mitch Daniels and said I want to know how much this costs. Of course, I received no answer. I guess the letter is in the mail. It has been

weeks. So I have asked the General Accounting Office to find out. The Vice President met with them during the establishment of a so-called national energy policy, and they even took the GAO to court so they would not have to disclose who they met with, when, or what they talked about. The courts will decide that. We are going to find out how much this cost. It should not be paid for by taxpayers. It should be paid for by the Republican National Committee, or whatever Republican arm they believe should pay for it.

If we have a Democratic President, the same thing should apply. But this has to stop. People have a right, if they are President, to make campaign speeches, but they should be paid for by their political parties, political fundraisers; but the President seems to be devoting an excessive amount of time on these activities. He has scheduled the last 14 consecutive days for campaign travels, every day from next Monday to the election on Tuesday. The taxpayers are paying for that. That is wrong. They have a little program where they have incidental expenses paid for by the local people—maybe extra police or something. But that won't do the trick. That is not right, fair, or equitable.

I think that rather than spending—this is my personal opinion—14 days on the campaign trail, he should be spending 14 days trying to do something about this economy, which is stumbling, staggering, faltering. That is what he should be doing. Given the amount of staff and transportation resources required for Presidential travel, the President's fundraising trips are costing the taxpayers not a few hundred dollars or a few thousand dollars but millions of dollars.

Why should the taxpayers foot the bill for that? They should not. The scheduling of these trips is largely driven by the administration's political agenda of electing more Republicans. Mr. President, I repeat: If he wants to spend 24 hours a day campaigning, he is the President and he can do that. I think it is wrong, but he has that right. It should not be paid for by taxpayers.

President Bush pledged that his administration would do business differently, that there would be a new atmosphere in Washington. I would think that spending taxpayer money on political campaigning and fundraising is the type of frivolous spending he vowed to curb. According to newspaper articles and TV reports, the President has traveled more to political fundraisers than any past President.

On September 26, almost 3 weeks ago, I sent a letter to Mitch Daniels. No answer. I have asked the GAO to investigate the President's campaign travel, including the expenses charged to the taxpayers. The President said he wanted to change the atmosphere in Washington. The American people took him at his word. They didn't realize it would change for the worse. This is an example. I think it is wrong.