

to live a life of adventure. As a young boy, he joined the Boy Scouts. Luke's Scout leader, and the man who would later serve as his high school principal, John Posila, remembers Luke as "an exceptional kid and very, very intelligent. From the time Luke was in Scouting, he had an interest in the military."

In every aspect of his life, Luke sought out new experiences. His boyhood friend, Josh Brooks, said that "you would get a million stories with Luke. Every time you hung out with him, there would be some kind of story." Along with memorable stories, spending time with Luke also meant that much laughter would ensue. Luke had a great sense of humor, according to everybody who knew him. Friends contend that there was no one who told worse jokes. He told jokes that were so bad, according to his friends, that you couldn't help but crack up. Although he was everything that you would expect from a future Army Ranger—tough, disciplined, smart, and courageous—he was also riotously funny.

Throughout his time at Conneaut High School, Luke knew that he wanted to serve in the military on the front lines. Upon graduation in 1999, he immediately enlisted in the Army and trained to join that elite fighting force, the Army Rangers. Given his discipline and desire, it is no surprise that he was successful. As a paratrooper in the 3rd Ranger Battalion, Luke joined in the hunt for Osama bin Laden in Afghanistan.

Luke's experience with the Rangers was a perfect opportunity for him to demonstrate his extraordinary bravery and toughness—toughness that was legendary among his family and friends. Luke's stepfather, Eldridge Smith, remembers a remarkable story. While parachuting for a mission, Luke broke two bones in his foot. He was slated to be airlifted to a medical hospital in Germany for treatment. However, just before the plane was scheduled to leave with him, he walked away and hitchhiked across three countries to rejoin his company. You see, Luke felt a profound sense of duty and—broken foot or not—he would never abandon his mission or his men.

Luke's experience in the military also revealed the way he lived his whole life, which was by a personal code of honor. Josh Brooks remembers his friend as a man of principle. On two separate occasions, Luke turned down—yes, turned down—a Purple Heart, saying he didn't deserve the award. Josh says that both that broken foot and Iraqi shrapnel he later took in his body would qualify him for the honor. But for Luke it was simple. Josh recalled, "He didn't feel that he earned [the medals]. He did things his own way." Luke respected the medals and what they symbolized enough to refuse them.

After having served two tours of duty in both Iraq and Afghanistan, Luke left the military in late 2003. After a brief

period doing security work at a Virginia nuclear powerplant, Luke accepted an offer in 2004 to work for Blackwater Security Consulting. Blackwater specializes in providing security and support to the military, Government agencies, law enforcement groups, and civilians operating in hostile regions. Luke wanted to get back to work in Iraq, and Blackwater would give him that opportunity.

While Luke was always full of stories, he was careful to focus on the good he was doing. He would rather talk about the good than the danger and destruction around him. His friend, Chuck Lawrence, had this to say about Luke's return to Iraq: "I talked to him just about every day. He loved his job and had no regrets. He never regretted his decision to go over there [to Iraq]. He was doing what he loved."

Luke's mother, Diana Spencer, agreed, saying that "he enjoyed his work. He was very focused, very patriotic, and felt he was protecting his country."

Luke's time at Blackwater whetted his appetite for more service in the military. He told his family in one of his last e-mails home that he wanted to become a Navy SEAL. His stepfather said that Luke "missed special operations work [and that] he had a warrior's heart and had to do what he loved."

Tragically, though, Luke would not get the chance to become a Navy SEAL. On April 21, 2005, he boarded a helicopter flight bound for Tikrit. He was going there to provide security detail for American diplomats. His helicopter was shot down by insurgents a few miles north of Baghdad. Luke and the 10 other civilian passengers and flight crew were killed.

A memorial service was held for Luke on Saturday, May 7, 2005, at the First United Methodist Church in his hometown of Conneaut. Pews were packed with mourners, from former schoolmates to friends, family, and his fellow Rangers. Atop the casket was an American flag and a flower arrangement reading "Ranger." All those closest to Luke agreed that this was certainly fitting.

His mother Diana tearfully recalled that a plaque that Luke received after his discharge from the Army Rangers summed up his character. It reads: "To a friend, a mentor, and the living embodiment of the Ranger creed." As Diana put it; "That says everything about Luke."

The service provided an opportunity for all of Luke's friends to reflect on how much he meant to them and how much he had taught them both through word and deed. Chuck Lawrence remembers his essential decency, saying that "anyone who came in contact with Luke was better off for it. I never met anyone more genuine." Childhood friend, C.J. Welty says that "Luke taught me [that] there is a lot to learn, and to do as much as you can in the short time [you have] here on Earth."

In observance of Arbor Day, the Conneaut Tree Commission hosted a tree planting ceremony at Malek Park Arboretum to honor local men and women serving in Iraq. A red oak tree was planted in Luke's memory. It serves as a symbol of life and strength. That is how Luke should be remembered—as a vital, happy young man.

In a beautiful letter to me, Luke's stepfather Eldridge wrote that "I am having a life celebration for Luke and the way he lived his life, where the good memories will far outweigh the oppressive grief."

My wife Fran and I keep all of Luke's family and friends in our prayers. Luke Petrik will never be forgotten.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

POSTSECONDARY EDUCATION

Mr. ALEXANDER. Mr. President, today in North Carolina, the Secretary of Education, Margaret Spellings, delivered remarks that announced her intention to create a commission to take a comprehensive look at postsecondary education in the United States. I am here to say that Secretary Spellings is on exactly the right track with her new commission. The idea is an excellent one and long overdue. While the United States has been conducting a lot of debates—many in this Chamber—about outsourcing jobs, we have been very successfully insourcing brain power. Insourcing brain power has been our secret weapon for job growth. It is the main reason we have 5 percent of the world's population and about one-third of the world's money. Our unrivaled system of colleges and universities, together with our national research laboratories, have been our magnet for attracting and keeping home the best minds in the world who have, in turn, helped provide the new jobs produced by science, who have, in turn, helped provide half the new jobs since World War II. The National Academy of Sciences estimates that one-half of our new jobs since World War II have come from advances in science and technology. This secret weapon for jobs' growth is at risk if we do not take several urgently needed steps. Taking a comprehensive look at the Federal role in higher education is a good first step. This should have happened years ago. In fact, my greatest regret, as Secretary of Education under the first President Bush, is that I did not volunteer to be the point person in higher education in the Federal Government. Almost every Federal agency regulates some aspect of higher education. Last year, the Federal Government, all

across the board, spent about \$63 billion on all forms of postsecondary education. That includes grants, as well as what call the Pell grants, student loans, money for research, the cost to the Federal taxpayers of the student loans I mentioned. But despite that great interest and despite the fact that nearly every Federal agency is involved, not just the Department of Education, there is no one Federal official charged with giving the President an overview of higher education.

There was a time 12 years ago—and the Presiding Officer, because of his interest in higher education, may remember this—that the Department of Defense was concerned about being overcharged by many of the universities in the amount of overhead the universities were spending in order to do Department of Defense-sponsored research. That was a legitimate concern, but someone other than the Secretary of Defense should have been in the room advising the President about that because these universities, which were having to cough up money to pay back the Federal Government, which perhaps they should have, we needed to make sure, in our national interest, that we did not damage these great research universities that we have because those great research universities have been a major part of giving us the science and technology edge that gives us our standard of living. That is what I mean by saying there has been no one person in the Federal Government appointed by the President to look at the whole range of activities in postsecondary higher education, and there should be.

I am chairman of the Energy Subcommittee, a committee upon which the Presiding Officer serves. With the consent of our committee chairman, Senator DOMENICI, Senator JEFF BINGAMAN and I—Senator BINGAMAN is the ranking Democrat on the Energy Committee—have asked the National Academy of Sciences to recommend steps that the Nation should take over the next 10 years so that we can keep our edge in science and technology while we are grappling with tough budget issues. Those hearings will begin in October. The hearings that Senator BINGAMAN and I intend to conduct on keeping our edge in science and technology should complement the work of the commission that Secretary Spellings has established to take a comprehensive overview of higher education.

Our colleges and universities are at risk for several reasons. I am not suggesting that we suddenly have an emergency crisis. I am suggesting that we would be wise to look down the road to make sure we don't have a crisis. I believe we not only have the best colleges and universities in the world. I believe we have almost all of the best colleges and universities in the world. When you add to that the unique national research laboratories which we have, such as the Oak Ridge laboratory or

Sandia or a couple of dozen of those that we have, we have an unparalleled research capacity.

Here are the reasons our colleges and universities may be at risk if we don't pay close attention:

No. 1, State funding, the principal basis of support for higher education traditionally grew only 6.8 percent during the last 5 years. State Medicaid costs are squeezing State budgets. If this trend continues, the result will be lower quality higher education and much higher student tuition. I brought with me two charts to illustrate what I am talking about. Here is a chart on trends in higher education nationally over the last 5 years since 2000. State spending on Medicaid is up 35.6 percent over those 5 years. State spending on higher education is up 6.8 percent over the 5 years. And tuition at a 4-year public university is up 38 percent over the 5 years. That is the State picture.

At the same time, the Federal Government has been doing pretty well. Federal spending on all forms of postsecondary education over those last 5 years has risen 71.8 percent. So the picture has been that in the States, State spending on Medicaid is up. State spending on higher education is flat, pretty flat. And tuition at 4-year public universities is up, way up.

In my own State of Tennessee, the situation is even more pronounced. Tennessee's spending on Medicaid in the last 5 years is up 71 percent. State spending on higher education during that time is only up 10 percent. Tuition at a 4-year public university in Tennessee over those 5 years is up 43 percent. Medicaid spending is way up, and State spending on higher education is fairly flat. Tuition at 4-year public universities is way up. That is a bad trend, if it continues over the next 10 years.

A second reason that our university system may be at risk is that even though Federal funding for all forms of postsecondary education has been generous over the last 5 years, up 71.8 percent, that kind of increase is not likely to continue as Medicaid, Medicare, and Social Security costs put new pressures on the Federal budget. That is one reason Senator BINGAMAN and I have asked the National Academy of Sciences to suggest to us the 8 or 10 things we must be sure to do to keep our edge in science and technology over the next 10 years. Because while we are grappling with the budget to try to restrain the growth in spending, we want to make sure we don't squeeze out investments in science and technology that give us the standard of living we enjoy today.

The next reason that higher education may be at some risk is national security. Tight visa rules and other national security restrictions are making it harder for the more than one-half million foreign students and additional researchers who now come to our universities and laboratories. More importantly, scientific conferences are being held overseas. We have taken for grant-

ed that we have been insourcing brains. The brightest students and researchers from China, the brightest from India, from France, from Germany, where do they want to go? They want to come to the United States.

When we were Governors of Tennessee and Virginia, we would sometimes hear complaints from students who were being taught by graduate students who did not speak English very well. But the fact is, these brilliant people from around the world, more than a half million of them, have come here to do the kind of work that helps us create our high standard of living. Sixty percent of our postdoctoral students are foreign students. One-half of our graduate students in computers, engineering, and in sciences are foreign students.

In a way, it is a little like our natural gas problem. We are going to be importing liquefied natural gas from overseas to try to keep our prices down. We are already importing brainpower from overseas to keep our standard of living up. And while we need to put a focus on homegrown brainpower over the next 10 years, we also need to make sure that our universities and colleges continue to be a magnet for the brightest people from around the world.

At the same time, we have something else happening. Many countries, including India, China, Germany, and Great Britain, are reorganizing and improving funding for their universities and creating incentives to keep their most talented students and researchers home. They are asking themselves: Why should we send our brightest minds overseas to help the Americans create a higher standard of living for themselves when they can do it right here at home?

So we are going to be facing more competition from the Indian Government. Chancellor Schroeder, who was visiting with us a few weeks ago, was talking about the amount of new dollars Germany is putting into its universities. They believe they have become overregulated, that they have become bureaucratized, and that they have become, in some cases, mediocre. He knows that if Germany wants to compete and wants to have a higher standard of living, they are going to have to have better universities that are magnets for keeping home their brightest students and researchers and attracting the best from around the world.

There is one red flag I would like to wave, in conclusion, about the early reports on Secretary Spellings' decision to create a higher education commission to take a comprehensive look at the Federal role in postsecondary education. Some have pointed out that our system of higher education in the United States is very decentralized, and it may be for that reason that we are not taking a comprehensive look at higher education.

I, for one, believe that our decentralized system of higher education in the

United States is one of its greatest possible strengths. The model we use for higher education is a very simple one. It is a marketplace model. We have more than 6,000 institutions—public, private, for-profit, nonprofit. They are autonomous, and we respect their autonomy.

We have generous Federal funds that follow 60 percent of our students to the institutions they choose with Federal grants or Federal loans. We have peer-reviewed research that goes to the very best institutions. So I do not want to see any Federal commission that sends a signal that we may need some Federal centralization of our control over higher education. In fact, we need to be doing just the reverse.

I introduced earlier this year legislation that would help to deregulate higher education, and a number of those provisions have been incorporated into the Higher Education Act that was reported by our Health, Education, Labor, and Pensions Committee. I believe our higher education system is the best in the world because it is decentralized, because institutions are autonomous, the Federal Government has been generous, and the money follows the students to the institutions of the students' choice.

I commend the Secretary of Education today for her attracting such outstanding persons—for example, the former Governor of North Carolina, Jim Hunt, to be a member of this commission; Charles Miller, former chairman of the Board of Regents of the

University of Texas, to be chairman of the commission.

I cannot think of more important work to do. We not only need to insource brainpower, we need to home grow a lot more of our brainpower, and if we do not, we will not enjoy this standard of living that we have had.

I can recall last year a meeting in the majority leader's office that Senator FRIST and the Senator from Texas, KAY BAILEY HUTCHISON, hosted. It was an opportunity for several of the Senators to meet the former President of Brazil, Mr. Cardoso. He had spent a semester here in residence at the Library of Congress. I remember Senator HUTCHISON's last question to President Cardoso. She said: Mr. President, when you go back to Brazil, what will you take back home with you about the United States of America?

President Cardoso didn't hesitate a minute. He said: The excellence of the American university. There is nothing in the world like it.

That is a great compliment to our country and to our system of higher education from one of the most erudite men in the world, the former President of Brazil.

But the yellow flags and red flags are waving because as we look ahead over the next 10 years, our system of higher education and, therefore, our standard of living is at risk because of a flat State funding, because of upcoming pressures on the Federal budget, because of tight visa rules and other national security concerns, which are understandable but will have this effect,

and because other countries in the world are recognizing there is no reason in the world why the Americans should have 5 percent of the people and a third of the money. They have the same brains we have in India, in China, in Germany, so we will just keep our smarter people at home, they are saying, and we will create that standard of living for ourselves.

I look forward to working with Secretary Spellings. I would like, 10 years from now when the majority leader invites the former President of Brazil or any other President of a country to the office and we turn around and say to that person, Mr. President, what will you take home about the United States? I would like for that President of another country to be able to say to us: The American university. There is nothing like it in the world.

I believe that is true, but I believe we have some work to do over the next 10 years to keep that truth.

Mr. President, I ask unanimous consent to print in the CONGRESSIONAL RECORD two charts that I referred to in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHER EDUCATION: TRENDS IN STATE SPENDING AND TUITION INCREASES

Tennessee since 2000:
Tennessee state spending on Medicaid up 71.1 percent.
Tennessee state spending on higher education up 10.5 percent.
Tuition at a 4-year public university up 43.4 percent.

	Federal spending (fiscal years)					Percent increase/decrease				Cumulative change (percent (2000 to 2004)
	2000	2001	2002*	2003	2004	2000	2001	2002	2003	
						to 2001	to 2002	to 2003	to 2004	
State Spending:										
Tennessee: Total State Higher Education Appropriations (000's)	\$984,858	\$1,039,373	1,071,515	\$1,106,889	\$1,008,681	5.5	3.1	3.3	− 1.6	10.5
Tuition—The University of Tennessee	3,104	3,362	3,784	4,056	4,450	8.3	12.6	7.2	9.7	43.4
Tennessee: State-Funded Medicaid Spending (000's)	1,556,000	1,901,000	2,241,000	2,381,000	2,663,000	22.2	17.9	6.2	11.8	71.1
Federal Spending:										
Federal Spending on all Higher Education (all postsecondary education) (000's)**	36,668,849	40,436,408	50,309,676	58,676,287	62,983,202	10.3	24.4	16.6	7.3	71.8

*2002 is President Bush's first Budget covering the fiscal year beginning October 1, 2001.
**Includes Pell Grants, Other Student Aid (aid that passes through institutions or states; for example LEAP—Leveraging Education Assistance Partnerships and SEOG—Supplemental Educational Opportunity Grant), Administrative costs of loan programs, Other Postsecondary Programs (e.g., Dept. of Veterans Affairs (Montgomery GI Bill), Dept. of HHS (NIH training grants), Dept. of Defense (tuition assistance for military personnel and operation of service academies), and Federally Funded Research at Postsecondary Institutions.

HIGHER EDUCATION: TRENDS IN STATE SPENDING AND TUITION INCREASES

Nationally since 2000:

State spending on Medicaid up 35.6 percent.

State spending on higher education up 6.8 percent.

Tuition at a 4-year public university up 38.2 percent.

	Funding levels (fiscal years)					Percent increase/decrease				Cumulative change (percent) (2000 to 2004)
	2000	2001	2002*	2003	2004	2000 to 2001	2001 to 2002	2002 to 2003	2003 to 2004	
STATE SPENDING										
Total State Higher Education Appropriations (000's)	\$56,845,018	\$60,690,779	\$62,745,981	\$62,155,526	\$60,694,185	6.8	3.4	—0.9	—2.4	6.8
Average Tuition—Public 4-Year Institutions	3,362	3,508	3,766	4,098	4,645	4.3	7.4	8.8	13.3	38.2
Total State-Funded Medicaid Spending (000's)	77,561,000	85,620,000	96,346,000	101,807,000	105,168,000	10.4	12.5	5.7	3.3	35.6
FEDERAL SPENDING										
Federal Spending on all Higher Education (all postsecondary education) (000's) **	36,668,849	40,436,408	50,309,676	58,676,287	62,983,202	10.3	24.4	16.6	7.3	71.8

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Mr. ALEXANDER. Mr. President, I would also like to follow my remarks with this information from the American Council on Education that sheds additional light on the comparison of State and Federal spending.

In 1995, the State spent \$2.16 on higher education for every Federal dollar spent on higher education. In 2000, States contributed \$1.55 for every Federal dollar spent on higher education. In 2005, States spent 94 cents on higher

education for every Federal dollar spent.

So very quietly, we are seeing a major shift in how we finance higher education. States are doing less, the Federal Government is continuing to

be generous, and students are asked to do more. The insidious part of this is that traditionally, States have been the largest part of funding for higher education. So very quietly we see States go from spending \$2.16 for every dollar spent, which was the case in 1995, to less than \$1 spent for every Federal dollar spent, which is the case 10 years later in 2005.

That is a major shift in funding, and we in the Congress and Secretary Spellings' new commission and the work Senator BINGAMAN and I are doing with the National Academy of Sciences need to take note of this and ask what will happen if we have 10 more years of these financing trends.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from the Commonwealth of Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. ALLEN. Mr. President, before I get into the third branch of Government, I want to remark and associate myself with many of the comments that were stated by Senator ALEXANDER of Tennessee. I do believe this country, for its long-term competitiveness, must interest and encourage more young people to get involved in science, engineering, and technology.

The fact is, 40 to 50 percent of our students in engineering schools are from overseas. That is good. America ought to be a magnet for the best brains in the world. I want this country to be the world capital of innovation, and to be the world capital of innovation, we need more young people interested in engineering, technology, and science.

I have a great concern that we are not matriculating sufficient numbers of students in this country in areas where new inventions and innovations and intellectual property will be created. We have about—and I think the Senator from Tennessee will corroborate this—50,000 engineers graduating every year. India has about 150,000 engineers graduating every year. The People's Republic of China has 250,000 engineers graduating every year.

There are a variety of things we must do in this country to be more competitive, to make sure young people are getting a good quality education and also develop an interest in science, technology, and engineering. These are great-paying jobs that are important for the security of this country, our standard of living, and our competitiveness. Until we reverse these trends, I believe it is going to be a problem for us in the long term. Indeed, the Senator from Tennessee and I have worked together on a variety of issues, including upgrading the technology capability of minority-serving institutions, whether they are historically Black colleges or Hispanic-serving institutions or tribal colleges.

We also have to recognize in our engineering schools that about 15 percent of the students are women, about 6 percent are African American, and only about 6 percent are Latinos. We need to get more of our country interested in engineering. Meanwhile, of course, we should be attracting more students from overseas because if they come to this country for education—and higher education. It is vitally important for our future and the future of the young people, for these graduates to stay in this country which I hope they do. That will continue to make this country a leader in innovation in the transformative technologies of the future. Whether it is nanotechnology, which is a multifaceted discipline or life sciences or microelectronics or energy applications to also materials engineering.

I associate myself with the remarks and sentiment of Senator ALEXANDER who, of course, more important than being Secretary of Education, was also president of the University of Tennessee. Senator ALEXANDER understands how our very diverse and multifaceted higher education systems in all the different States of the Union are really crown jewels. We must work with our colleges and universities to attract more young people—people of all ages—into technology, engineering, and science, and also be conducive to people coming from overseas.

I recall in our formulations hearing, when Dr. Rice was before us, one of the points I talked with her about getting student visas working better. Students are too queued up overseas. Visa requirements are another impediment for students coming from countries in Europe, Asia, or anywhere else in the world. If they are all queued up, they think, they are not welcome in this country, it is too bureaucratic. Hopefully the State Department will work with our Homeland Security people to make sure quality, well-qualified people from overseas can matriculate to our universities.

ROBERTS NOMINATION

Mr. ALLEN. With that diatribe or statement on innovation and invention completed, I switch to a place where I do not like invention, and that is in the judiciary. We have entirely too many judges in this country who invent the law rather than apply the law. I speak on this subject that is very timely because the Judiciary Committee is now considering—I know the Presiding Officer has been involved in those hearings—on Judge John Roberts, whom I sincerely hope will soon be on the floor for a vote, and confirmed to be our next Chief Justice of the Supreme Court of the United States.

When I met with Judge Roberts in my office last month, I relayed to him my concern about Federal judges acting as a superlegislative body, acting as legislators. There are judges who

seem to be interpreting the laws passed by the elected representatives in a way that they think they know better than the elected people.

This country is a republic. The people of this country are the owners of the Government. Their views, their values, their aspirations are represented by those they elect. Sometimes it is at the local level, whether it is a county, city, or parish in Louisiana, or it will be a State legislature or for national, Federal laws, the people they elect to Congress and, obviously, Governors, as well as mayors, and the President of the United States in this representative democracy.

In so many cases we see Federal judges who are appointed for life making decisions that completely negate and have very little respect for the will of the people as expressed through their legislative bodies.

We see Federal courts striking down parental consent or parental notification laws. These are laws that States passed—we did it while I was Governor of Virginia, and so have other States. These laws say that if an unwed minor daughter is going through the trauma of an abortion, a parent ought to be involved. It makes sense. For ear piercing, tattoos, taking an aspirin, one needs parental consent. Certainly for this surgery, it makes sense, and many legislatures and the people in the States said the parents ought to be involved. Federal judges struck down that law.

There are those who believe parameters ought to be placed on late-term, partial-birth abortion. That law was passed by the Congress and by various States. Federal judges struck that down.

We find Federal judges allowing attacks on the Boy Scouts. We see some judges, not necessarily Federal judges yet, but some judges redefining marriage. We see judges time after time making these decisions. Some folks wonder what is an activist judge. I did not get into specific cases with Judge Roberts when I was talking with him, but one of the prime examples was this Ninth Circuit Court of Appeals that was striking down the will of the people in California in certain counties where the Pledge of Allegiance is said in their public schools every day.

The Ninth Circuit struck that down and said, no, the Pledge of Allegiance cannot be recited in public schools in California because of the words "under God" being in the pledge. This is a prime example of judicial activism, contrary to the will of the people of these counties in California.

That case got to the Supreme Court. They avoided the decision, saying that the plaintiff did not have standing. That is a way for the U.S. Supreme Court to avoid making a decision.

Just last week we had another Federal district court judge in California striking down or saying that the Pledge of Allegiance cannot be recited in public schools in California because