

briefly of some of the other reminders in Washington that reaffirm the proposition that our country is founded on religious principles.

On the Washington Monument, one may read three Biblical quotations on the 24th landing. One was donated by the Sunday school children of the Methodist Church of Philadelphia who contributed a stone bearing an inscription from the Book of Proverbs which states:

Train up a child in the way he should go, and when he is old, he will not depart from it.

Another inscription on the Washington Monument, which was contributed by the Methodist Church of New York, is also taken from Proverbs and reads:

The memory of the just is blessed.

That comes from chapter 22 of Proverbs, verse 6.

And the third stone bears these words of Christ from the Book of Luke:

Suffer the little children to come unto me, and forbid them not, for of such is the kingdom of heaven.

Near the Washington Monument, of course, is the Lincoln Memorial. This massive shrine pays homage to the greatness of this simple and heroic man whose very life was offered on the altar of liberty. We know of his knowledge of the Bible and his gentleness, his power, his determination, and we know that determination of Lincoln came to us clearly through his features chiseled in granite by the sculptor.

We can almost hear Lincoln speak the words which are cut into the wall by his side. Mr. President, we need to get some stonemasons to go down to the Lincoln Memorial. If this judge with his pernicious ruling and if the atheists are successful in having these words stricken from this Chamber—"In God We Trust"—and from the Nation's currency, we will have to have a lot of new dollar bills printed and a lot of new coins. We have to strike those words "In God We Trust" now from the bills if these pernicious suits by atheists are upheld by some misguided judges, like the one who rendered this decision. We had better hire some stonemasons. That might be a pretty good job, come to think of it. Maybe I should just retire at the end of this term—I would be about 89 then—and then I can perhaps get myself a job as a stonemason. I could go down here to the Lincoln Monument—I would not do it—at least I could think in terms of being a stonemason and take these words off that Lincoln Memorial.

Listen to what Lincoln says, according to the inscription on the Lincoln Memorial. Can you just witness those stonemasons going down there and chipping with chisel and hammer, chipping out these words? Listen, these are words that are cut into the wall by the side of Lincoln on the Lincoln Memorial:

That this Nation under God—

Praise God, hallelujah, there they are. That is Lincoln, that is what he said.

That this Nation under God, shall have a new birth of freedom. . . .

Hear that, judges of the Ninth Circuit. Hear that, Judge Goodwin of the Ninth Circuit. I have a great judge in West Virginia named Goodwin. He is a Federal judge. He is Judge Goodwin. But I daresay he would not have rendered that kind of a foolish decision. Here are the words that are cut into the wall by the side of Lincoln:

That this Nation under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth.

In his second inaugural address, this great President—a Republican, by the way. See, I do not hold that against him—in his great second inaugural address, great President Lincoln made use of the words "God," "Bible," "prayer," "providence," "Almighty," and "divine attributes," and then his address continues:

As was said 3,000 years ago so it still must be said, [that] "the judgements of the Lord are true and righteous altogether."

That was Abraham Lincoln.

With malice toward none, with charity for all, with firmness in the right as God—

This is Lincoln talking, Abraham Lincoln talking—

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the brunt of the battle and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and all nations.

Before leaving Washington, a visitor might make a final stop at the National Cemetery in Arlington, VA. Here are the peaceful ranks of crosses, stars of David, other religious symbols reminding us that our Government has given its fallen men back to the God who gave them life. The Tomb of the Unknown Soldier stands for all those who have fallen in battle who could not be identified—members of all sects, faiths, and religions. And here, once more, we find the acknowledgment of God's divine power in the eloquent words:

Here lies in honored glory, an American soldier known but to God.

Can you imagine, we may have to someday get stonemasons to go over there and take hammers and chisels and take those words off that monument.

Thus, the connection between God and the United States of America is long established in the minds of most Americans. If we begin now to erase the connection between God and schoolchildren under the pretense of protecting the so-called constitutional rights of nonbelievers or atheists, as the Ninth Circuit did, will it not be necessary to go a little further, or perhaps a great deal further, in the future?

Will we next be forced to remove the name of God from all official docu-

ments, historic edifices, and patriotic events for fear of possibly offending what is a nonbelieving minority?

Must we do so when even the possibility of offending such a minority is, in the words of Judge Fernandez, picaresque?

What will the court crier say—"God save this honorable court"? He will have to stop there, will he not? He will have to say something else. Would he say, "President Bush save this honorable court?" Would he say, "President Clinton, save this honorable court?" One can see how silly such a decision was and how foolish it is to pursue that line in this country with all of its history.

Obviously, in establishing and maintaining a secular government, the American people never intended to foster an atheistic or a faithless society. In this light, in closing, I recite perhaps more sincerely than ever the prayer that climaxes one of our greatest national hymns:

Our fathers' God to Thee,
Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God our King.

INDEPENDENCE DAY

Mr. BYRD. Mr. President, the Nation will honor its birthday on the forthcoming July 4. That was the day on which, in 1826, both Thomas Jefferson and John Adams died. They both died on the same day, 50 years exactly from the date on which Thomas Jefferson wrote that Declaration of Independence and the Congress approved it. What a coincidence. God works in miraculous ways, his wonders to perform, does not he?

As I look forward to that Fourth of July, I know the Senate will not be in session. But before we depart, I want to talk about the event that Senators and Members of the other body will be celebrating next week back in their home States and districts: Independence Day.

As I think of Independence Day, I think of Henry Van Dyke's poem, "America For Me."

'Tis fine to see the Old World, and travel up
and down
Among the famous palaces and cities of re-
nown,
To admire the crumbly castles and the stat-
ues of the kings,—
But now I think I've had enough of anti-
quated things.
So it's home again, and home again, America
for me!
My heart is turning home again, and there I
long to be,
In the land of youth and freedom beyond the
ocean bars,
Where the air is full of sunlight and the flag
is full of stars.
Oh, London is a man's town, there's power in
the air;
And Paris is a woman's town, with flowers in
her hair;
And it's sweet to dream in Venice, and it's
great to study in Rome;

But when it comes to living there is no place like home.

I like the German fir-woods, in green battalions drilled;

I like the gardens of Versailles with flashing fountains filled;

But, oh, to take your hand, my dear, and ramble for a day;

In the friendly western woodland where nature has her way!

I know that Europe's wonderful, yet something seems to lack:

The Past is too much with her, and the people looking back.

But the glory of the Present it is to make the Future free,—

We love our land for what she is and what she is to be.

Oh, it's home again, and home again, America for me!

I want a ship that's westward bound to plough the rolling sea,

To the blessed Land of Room Enough beyond the ocean bars,

Where the air is full of sunlight and the flag is full of stars.

I will think of America in the context of Henry Van Dyke's beautiful poem, "America For Me." I am not referring to the movie of several years ago. No one will be battling any alien invasions. Rather, we will participate in that most American of all holidays, all birthdays certainly, celebrating the founding of this Nation on July 4, 1776. That was 226 years ago.

Our Nation's birthday party is a time for picnics, ice cream, parades, and fireworks. It is a time for family and friends to gather under the shade of the biggest and the oldest tree around, camped out in lawn chairs and on blankets with sweating glasses of cold drinks in hand, watching, laughing, as children run through the lawn sprinklers—ha, ha. What a joy that was, to run through those lawn sprinklers. These pages have enjoyed those things. We did not have lawn sprinklers when I was a boy, but I knew the joy of the summer rain.

So while these children are running through the lawn and enjoying the lawn sprinklers, our minds will shift to hotdogs. When the evening shadows gather and the fireflies begin their display, it is time to pull out the sparklers and watch the fireworks. Small children then, like my granddaughters, like my great granddaughter, will nestle against parents or grandparents or great grandparents. They are made timid by the loud booms and shrill shrieks of the big rockets, but their shyness is soon forgotten as the enormous chrysanthemum bursts of red, gold, green, and blue burst forth against the dark sky.

I can see it from McLean. I can look toward Washington and see these enormous chrysanthemums of fireworks, these bursts of gold, red, yellow, and blue as they burst against the dark sky. Only when the show is over do small heads and sticky hands hang limp against a parent's shoulder for a long, sleepy walk back to the car and then home.

Many holidays touch deep wellsprings of feeling in Americans.

Memorial Day and Veterans Day play upon our heartstrings like the melancholy sigh of a violin, calling up visions of heroism and sacrifice, of the tears and loss and suffering that are sadly necessary parts of defending our nation, our people, and our freedom. Columbus Day sounds a bright note of discovery and optimism, the shining promise of new worlds. Flag Day foreshadows the patriotism of Independence Day, but no other holiday brings out such affection and pride in our nation and the ideals upon which it is based. It is as if the July sun heats the deep strong current that flows through this nation and brings it to the surface, each year as strong and fresh as ever, as powerful as it was in 1776.

July 4, 1776 was probably much like July 4, 2002 will be: hot, sunny, sticky with humidity in the South and East, dry in the West, but in 1776, the air would have been thick with tension. The colonies' ties with England were tearing apart. The previous year, on July 6, 1775, the Congress had issued a "Declaration of the Causes and Necessity of Taking Up Arms," which detailed American grievances while explicitly denying any intention of separating from Great Britain. King George responded by proclaiming a state of rebellion in the colonies, and Parliament passed an act that cut off colonial trade.

Since January of 1776, everyone had been reading and talking about the then-anonymous pamphlet, "Common Sense," that so eloquently argued for independence. Rebel forces were fighting, and winning, battles against British forces at Lexington, Concord, Fort Ticonderoga, Breed's Hill, and around Boston. A lot of things going on around Boston. Unable to conscript sufficient forces, King George had resorted to hiring mercenary soldiers from Germany the "Hessians." In May, King Louis XVI of France secretly authorized arms and munitions shipments to the Americans. In June 1776 the Continental Congress appointed a committee to compose a declaration of independence.

On June 28, 1776, American forces in Charleston, South Carolina, fought off a British attack, but on July 2, British General Sir William Howe landed an army that would reach 32,000 troops, including 9,000 Hessian mercenaries, at Staten Island, New York. The same day, Congress voted for independence. Two days later in Philadelphia, on the evening of July 4, the Declaration of Independence was adopted when John Hancock, president of the Congress, signed the final draft copy.

Composed primarily by one man, Thomas Jefferson, with changes made by after debate among the Congress, parts of the Declaration of Independence are well known to many Americans. Many people can recite the opening words—"When, in the course of human events * * *"—and more can recite the first line of the second paragraph: "We hold these truths to be self-evident, that all men are created equal;

that they are endowed by their Creator with certain inalienable rights; that among these, are life, liberty, and the pursuit of happiness." After that, sadly, Americans' knowledge of the substance of the Declaration drops off sharply. I hope that perhaps some parents will read the Declaration of Independence to their children this July fourth. Or some children will read the Declaration of Independence to their parent, on this 4th. The litany of wrongs inflicted upon the colonists by the British crown, designed to incite rebellion, still retains the power to inflame our passions. The actual declaration that follows, in the last paragraph of the document, is by contrast, firm and solemn, a straightforward and almost lawyerly assertion of separation from the Crown.

At the signing of the Declaration, which occurred on August 2, 1776, John Hancock was reported to have urged unanimity, saying "There must be no pulling different ways. We must hang together." To which Benjamin Franklin, with his usual wit, is said to have retorted, "Yes, we must indeed all hang together, or most assuredly we shall all hang separately." Gallows humor aside, Franklin's words were true. Failure on the part of the signatories to make the Declaration of Independence a reality would, for these men, mean losing not just a war, but their homes, their possessions, and, in all likelihood, their lives. These men were committing treason. Think about that. These men were committing treason. They were putting their lives, their honor, their sacred honor, on the altar.

They were putting everything they had on the line. The final words of the Declaration could not have been lightly written: "And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor." In the months ahead, American defeats at the battles of Long Island, White Plains, and Fort Lee may have made a few signers wish that they had not been swayed by Hancock's plea. Indeed, by September of 1777, the British under Howe had driven Washington's army toward Philadelphia, forcing Congress to flee the city. On September 26, 1777, Howe's forces occupied the city where the Declaration of Independence was signed.

The Revolutionary War continued for six more difficult years, until a preliminary peace treaty was signed in Paris. Congress would not declare a formal end to the war until April 11, 1783. The Treaty of Paris formally ending the war was signed on September 3, 1783 and ratified by Congress in January 1784.

Mr. President, I think it is good to remind ourselves of these things from time to time. And remember those men who were willing to sign their names on the line, committing to the cause their lives—their lives, their fortunes,

and their sacred honor. What would you have given for their lives had they not won that war? They were putting their lives on the line. They were committing treason. What a chance they took—for us. For us!

It is difficult today, accustomed as we are to automobiles, air conditioning, electricity, mobile phones and instant communications, to imagine what those years of war must have been like. Weeks might pass before you heard or read, by candlelight on a hot summer's night, about a decisive battle in a spot that might take you weeks to reach on horseback. Imagine life as a Revolutionary soldier: a wool uniform if you were lucky, and some French powder and ammunition hanging at your waist while you walk in the middle of long, dust-covered column between battles, carrying your three-foot-long, very heavy musket over your shoulder. I can see those boys from Vermont, can't you? In the hills of New Hampshire, Boston—can't you see them, plodding along from Lexington on to Concord?

In the winter you might have a tent to protect you from the winter, not nearly enough to eat. You might get paid only sporadically. Most of us could not do that for a weekend, let alone for six years.

This Independence Day, America is at the beginning of what promises to be another kind war—a war against terrorism. It, too, will be fought on our territory as well as at points far distant from us. It will require the same kind of resolve and commitment, and the same reliance on the protection of Divine Providence, that our Founding Fathers showed. But next week, as we celebrate 226 years spent enjoying the inalienable rights of life, liberty, and the pursuit of happiness, of freedom from tyranny, I am confident that Americans will demonstrate the same fortitude and bravery that our Founding Fathers displayed. Our ideals are too deeply ingrained in us to be lightly given up.

I close with the words from Longfellow's poem, "The Building of the Ship":

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Where shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'T is of the wave and not the rock;
'T is but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee,—are all with thee!

THE PLEDGE OF ALLEGIANCE DECISION

Mr. THURMOND. Mr. President, I rise today to express my outrage at the decision reached by the Ninth Circuit Court of Appeals in *Newdow v. U.S. Congress*, in which a three-judge panel held that schoolchildren's recitation of the phrase "under God" in the Pledge of Allegiance violates the Establishment Clause of the Constitution. This case is the result of yet another attempt by the radical left to wipe away public references to God, and is an unconscionable act of judicial activism. I hope that the Ninth Circuit's decision will ultimately be reversed on appeal, allowing reason and common sense to prevail.

Simply put, there is no support in the law for this ruling, even in the Ninth Circuit's own jurisprudence. The phrase "under God" in the Pledge of Allegiance is very similar to the use of "In God We Trust" on currency and as the national motto, which has been repeatedly upheld by the courts. In *Aronow v. United States*, the Ninth Circuit Court of Appeals ruled that the phrase does not violate the Establishment Clause of the Constitution. The court said, "Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise." It also said that "it is quite obvious" that the phrase "has nothing whatsoever to do with the establishment of religion."

While the Ninth Circuit is the most relevant here because of Wednesday's ruling, other circuit courts have reached the same conclusion. The Tenth Circuit explained in *Gaylor v. United States* that the national motto "through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief." In cases such as *Lynch v. Donnelly*, the Supreme Court has indicated its approval of these rulings. Even Justice William Brennan, one of the most liberal Supreme Court justices of the modern era and one of the most strident advocates for the separation of church and state, indicated his support for this view, saying that Americans have "simply interwoven the motto so deeply into the fabric of our civil polity" as to eliminate constitutional problems.

The same reasoning applies to the phrase "under God" in the Pledge of Allegiance. The use of this phrase simply indicates the important role that religion plays in America, but it does not establish a religion or endorse a religious belief.

It is also significant that even when the Supreme Court ruled in *Engel v. Vitale* that organized prayer is unconstitutional in public schools, the Court made it clear that the case did not apply to patriotic slogans or ceremonial anthems that refer to God. While I have always viewed this case as misguided, and have for years introduced a constitutional amendment to reverse it, even this case supports the use of

phrases, such as "under God" and "God Bless America," as part of our civic vocabulary.

The fact is that religion is central to our culture and our patriotic identity as a nation. As the Supreme Court said in *Lynch v. Donnelly*, there is "an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life."

I am pleased my colleagues have denounced this ruling. Throughout the history of this great Nation, we have invoked the blessings of God without establishing religion. From prayers before legislative assembly meetings and invocations before college football games to the national motto on our currency, our Constitution has allowed references to God.

I would also like to say a few words about the Ninth Circuit. Several years ago, it was suggested that the Ninth Circuit be broken up. I think that it is time to reconsider that proposal. The Supreme Court reverses the Ninth Circuit at a much higher rate than other circuits, indicating the activist propensities of this circuit. Simply put, the Ninth Circuit is out of the mainstream, and the decision in *Newdow* underscores that fact. It is unhealthy for our democracy when one circuit routinely refuses to follow the law. During the last six years, the Supreme Court has reversed 80-90% of Ninth Circuit cases reviewed. While the Supreme Court corrects the Ninth Circuit often, it cannot do so on every questionable ruling, and this allows the establishment of dangerous precedents.

I am particularly concerned about Wednesday's ruling because one of the judges who joined in the majority opinion was Judge Stephen Reinhardt, whose own confirmation process was marked by controversy in 1980. I served as Ranking Member of the Judiciary Committee at the time, and I expressed serious concern over Judge Reinhardt's fitness to serve as a Federal judge. He was extremely active in politics and known for his very liberal views. Judge Reinhardt's major area of practice was labor law, and there was a question as to whether he had sufficient experience. His record, in my view, called into question his ability to serve as an impartial judge. During his tenure of the Ninth Circuit, Judge Reinhardt has been reversed an alarming number of times. He was reversed 11 times during the 1996-97 term, and he holds the record for unanimous reversals in one term.

I mention the matter of Judge Reinhardt's controversial past only to address his fitness as a Federal judge. This question is legitimate because circuit judges make important decisions that affect a lot of people. In the Ninth Circuit case, Judge Reinhardt helped create law that is dangerous in its precedent and unsound in its reasoning.

Mr. President, once again I want to state unequivocally that the Ninth Circuit made a poor decision in the *Newdow*