H. Res. 557: Mr. BALDACCI.
H. Res. 559: Mr. CANTOR.

PETITIONS, ETC.

Under clause 3 of rule XII,

74. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 543 petitioning the United States Congress to express gratitude to Congressman Benjamin Gilman for his many years of public service; which was referred to the Committee on House Administration.

ADMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2690

OFFERED BY: MR. ADERHOLT

AMENDMENT NO. 1: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government. The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment (See Everson v. Board of Education Hamilton, 330 U.S. 1, 14-16, and Cantwell v. Connecticut, 310 U.S. 296). The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States. The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is among the powers reserved to the States respectively. The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

S. 2690

OFFERED BY: MR. HAYES

AMENDMENT NO. 2: At the end of section 1, insert the following:

(17) In the Chambers of the House of Representatives are displayed twenty-three marble relief portraits of ''lawgivers'' who were selected by a special committee for their work in establishing the principles that underlie American law. The relief of Moses, who delivered the Ten Commandments from Mount Sinai more than 3000 years ago, is the only relief that is full faced rather than in profile. The relief of Moses is positioned directly opposite the Speaker's rostrum, overseeing the proceedings of the House. In the building housing the Supreme Court of the United States there are multiple depictions of the Ten Commandments, including one located on the lower half of the doors leading into the chamber and another in the chamber itself above the bench from which the Justices preside. Even the entry to the National Archives of the United States, where the Constitution and the Declaration of Independence are publicly displayed, is adorned with the Ten Commandments. The Supreme Court, most notably in Lynch v. Donelly, 465 U.S. 668 (1984), has cited such displays when upholding the constitutionality of other religious displays by municipal governments. The depiction of Moses and the Ten Commandments in the Capitol of the United States, the Supreme Court of the United States, and the National Archives is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

OFFERED BY: MR. SHIMKUS

AMENDMENT NO. 3: At the end of section 1, insert the following:

(17) Beginning in 1774, the Continental Congress adopted the procedure of opening its sessions with a prayer offered by a paid chaplain. The First Congress of the new Republic continued this tradition when, in April of 1789, both the House of Representatives and the Senate appointed committees to consider the election of chaplains. In April and May of that same year, the Senate and House respectively elected their first chaplain and in September legislation was enacted providing for the payment of these chaplains. In the 1850s the Senate considered ''sundry petitions praying Congress to abolish the office of Chaplain'' (S.Rep. No. 376, 32d Cong., 2d Sess.), ultimately concluding, however, that the practice did not violate the Establishment Clause. In 1854, the Committee on the Judiciary of the House of Representatives also examined the issue of taxpayer-funded chaplains and, in a report titled ''Chaplains in Congress and in the Army and Navy'', stated, ''What is an establishment of religion? It must have a creed, defining what a man must believe; it must have rites and ordinances, which believers must observe; it must have ministers of defined qualifications, to teach the doctrines and administer the rites; it must have tests for the submissive, and penalties for the non-conformist. There never was an established religion without these.''. In 1983, the Supreme Court of the United States heard arguments as to whether or not a similar practice of opening the Nebraska State Legislature with prayer offered by a paid chaplain violated the Establishment Clause of the First Amendment to the Constitution (Marsh v. Chambers, 463 U.S. 783 (1983)). The Supreme Court found that such a practice is not in fact unconstitutional. Other public bodies also open their proceedings with prayers or invocations to God, including the Supreme Court of the United States, which opens its proceedings with an announcement that concludes, ''God save the United States and this Honorable Court.''. The practice of opening meetings of the House of Representatives, the Senate, and the Supreme Court with prayer (including those offered by taxpayer-supported chaplains), references to God, and invocations of blessing is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 4: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution secures the rights of all Americans to freely exercise their religion and thus ''mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.'' Lynch v. Donnelly, 465 U.S. 668, 673 (1983). In 2000, the Commonwealth of Virginia enacted legislation mandating that each school division in the State establish a ''minute of silence'' in its classrooms so that ''each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice,'' Va. Code Ann. 22.1-203. On July 24, 2001, the United States Court of Appeals for the Fourth Circuit held that the statute did not violate the First Amendment to the Constitution as applied to the several States through the Fourteenth Amendment. See Brown v. Gilmore, 258 F.3d 265 (4th Cir. 2001). Writing for the majority, Justice Niemeyer wrote, ''In sum, establishing a minute of silence, during which students may choose to pray or to meditate in a silent and nonthreatening manner, Virginia has introduced at most a minor and nonintrusive accommodation of religion that does not establish religion.'' Id. at 278. Justice Niemeyer further wrote, ''Recognizing that the Religion Clauses of the Constitution are intended to protect religious liberty, Virginia's minute of silence is no more than a modest step in that direction by providing a non-intrusive and constitutionally legitimate accommodation.'' Id. On October 29, 2001, the Supreme Court of the United States let stand the ruling of the Fourth Circuit in Brown v. Gilmore. See Brown v. Gilmore, 122 S. Ct. 465 (2001). The Virginia statute mandating a ''minute of silence'' protects and advances this right for public school students in a constitutionally permissible manner. Indeed, in Wallace v. Jaffree, the Supreme Court of the United States distinguished Alabama's moment of silence statutes from a statute which, similar to Virginia's, protects ''every student's right to engage in voluntary prayer during an appropriate moment of silence during the school day.'' 472 U.S. 38, 59 (1985). Students enrolled in public school in the other several States should be accorded a similar protection of their First Amendment rights as extended to students in the Commonwealth of Virginia. The several States have within their powers, as reserved under the Tenth Amendment to the Constitution, the power to enact statutes similar to the Virginia ''minute of silence'' statute.