

management intern for the Committee on Foreign Affairs Committee, be given floor privileges during the debate on the Moscow Treaty.

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

CORRECTED VERSION OF S. RES.  
71 AS PASSED ON MARCH 4, 2003

Whereas a 3-judge panel of the Ninth Circuit Court of Appeals has ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause when recited voluntarily by students in public schools;

Whereas the Ninth Circuit has voted not to have the full court, en banc, reconsider the decision of the panel in *Newdow*;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government establishing a religion;

Whereas the Pledge of Allegiance was written by Francis Bellamy, a Baptist minister, and first published in the September 8, 1892, issue of the *Youth's Companion*;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for almost 50 years included references to the United States flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in *Newdow*, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

*Resolved*, That the Senate—

(1) strongly disapproves of a decision by a panel of the Ninth Circuit in *Newdow*, and the decision of the full court not to reconsider this case en banc; and

(2) authorizes and instructs the Senate Legal Counsel either to seek to intervene in the case to defend the constitutionality of the words "under God" in the Pledge, or to file an amicus curiae brief in support of the continuing constitutionality of the words "under God" in the Pledge.

HONORING MR. FRED MCFEELY  
ROGERS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 16 submitted ear-

lier today by Senators SANTORUM and SPECTER.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) honoring the life and work of Mr. Fred McFeely Rogers.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to Mr. Fred Rogers, the beloved host of the Public Broadcasting Service, PBS children's television program, *Mister Rogers' Neighborhood*.

For more than 30 years, America has been fortunate to have one of the most caring and dedicated neighbors in Mr. Rogers. His soft-spoken and patient manner put viewers at ease and allowed Mr. Rogers to courageously address adult topics such as death, divorce, and anger. The neighborhood of make believe residents helped to illustrate differences in people and teach children the importance of cooperation. From King Friday and Queen Sara Saturday to Henrietta Pussycat and Daniel Stripped Tiger, diversity, tolerance, and problem solving were not only taught, but celebrated.

Mr. Rogers is a role model for people and parents everywhere. His ability to communicate with children offered them a place, every morning, where they felt accepted and understood. Mr. Rogers, dressed in his signature cardigan sweater and tying his tennis shoes, often sang the song "You Are Special" in which he said, "You are my friend. You are special to me. You are the only one like you. Like you, my friend, I like you." I cannot think of a more important lesson to teach children than the lesson of self-esteem. Mr. Rogers taught self-esteem, but he was never limited in his lessons. Just as importantly, he helped his viewers explore subjects they were curious about and develop their own sense of self and creativity through imagination, all the while helping to teach self-discipline.

Mr. Rogers was much more than simply a great neighbor. Born in Latrobe, PA, on March 20, 1928, Fred Rogers began his television career in New York City in 1951. With a music composition degree from Rollins College, Mr. Rogers served as an apprentice at NBC managing the musical selections for some of the network's earliest shows. In 1953, after marrying college sweetheart Sara Joanne Byrd, Mr. Rogers returned to Pennsylvania to develop programming at WQED in Pittsburgh. It was at WQED that Mr. Rogers' *Neighborhood* really flourished. After working as a puppeteer, Mr. Rogers had the opportunity to develop his own 15 minute segment that eventually became the *Mister Rogers' Neighborhood* that America knows and loves today. Over thirty years and almost 900 episodes later, the messages that Mr. Rog-

ers delivered are as vital now as they were in 1960.

Mr. Rogers' accomplishments reach far beyond the boundaries of the neighborhood. Ordained by the Pittsburgh Presbytery in 1962, Mr. Rogers was active in child and family advocacy on all levels. In 1972, Mr. Rogers formed Family Communications, Inc. to produce educational entertainment for children and families and resources for teachers. Mr. Rogers most recently partnered with the Western Pennsylvania Caring Foundation to establish the Caring Place for grieving children in an effort to make sure that children who experienced a loss did not feel so alone.

During his career of service to children, families, and communities, Mr. Rogers was the recipient of two George Foster Peabody Awards, four Emmys, and two "Lifetime Achievement Awards" from the National Academy of Television Arts and Sciences and the TV Critics Association. In July 2002, Mr. Rogers was awarded the Presidential Medal of Freedom—the Nation's highest civilian honor—for his dedication to the well-being of children and for a career that demonstrates the importance of kindness, compassion, and learning. All of these awards added to the 30 honorary degrees that Mr. Rogers received throughout the years.

Mr. Rogers was no stranger to Capitol Hill. After testifying before the Senate in 1969, Mr. Rogers made an almost annual visit to Capitol Hill to express how deeply he believed in the importance of education. I was honored to have Mr. Rogers as a guest in my office during his many visits to the Senate. While walking around the U.S. Capitol with him, my Senate colleagues and their staff flocked to Mr. Rogers as if he were royalty, which he most certainly was. Always kind enough to stop and say hello or pose for a picture, Mr. Rogers truly epitomized the quintessential teacher, father, friend, guide, and neighbor.

Mr. Rogers' ability to talk about the things that really matter in childhood have made him an inspiration to two generations of children already, and to countless generations to come. Our nation's children are better today for having had the counsel and wisdom of Pittsburgh's own Mr. Rogers. All of us were truly fortunate to have had the best neighbor in Mr. Rogers.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas Fred Rogers was born in Latrobe, Pennsylvania, in 1928;

Whereas Fred Rogers earned a degree in music composition, studied child development at the University of Pittsburgh, attended Pittsburgh Theological Seminary, and was ordained a Presbyterian minister;

Whereas Fred Rogers created "Mr. Rogers' Neighborhood" in 1966, and hosted the program through the Public Broadcasting Service (PBS) from 1968 through 2000;

Whereas "Mr. Rogers' Neighborhood" is the longest-running program on PBS;

Whereas "Mr. Rogers' Neighborhood" was created and filmed in Fred Rogers' hometown of Pittsburgh, Pennsylvania;

Whereas Fred Rogers' caring, genuine spirit reflects the values shared by the people of southwestern Pennsylvania and by so many neighborhoods throughout the country;

Whereas "Mr. Rogers' Neighborhood" continues to be a nurturing, educational program for children emphasizing the value of every individual and helping children understand how they fit into their families, communities, and country;

Whereas Fred Rogers was appointed Chairman of the Forum on Mass Media and Child Development of the White House Conference on Youth in 1968;

Whereas "Mr. Rogers' Neighborhood" won 4 Emmy Awards, "Lifetime Achievement" Awards, and 2 George Foster Peabody Awards;

Whereas Fred Rogers won every major award in television for which he was eligible;

Whereas Fred Rogers was inducted into the Television Hall of Fame in 1999;

Whereas President George W. Bush awarded Mr. Rogers the Presidential Medal of Honor in 2002;

Whereas Fred Rogers was also a prolific songwriter and author; and

Whereas Fred Rogers was presented with over 40 honorary degrees from colleges and universities; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the Congress recognizes and honors Mr. Fred McFeely Rogers for—

(1) dedicating his career to the educational and imaginative children's program "Mr. Rogers' Neighborhood";

(2) the accomplishments of this influential program and the emphasis it places on the value of each individual within his or her community; and

(3) the compassionate, moral example he set for millions of American children for over 30 years.

#### SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to Mrs. Joanne Rogers.

#### MEASURE INDEFINITELY POSTPONED—S. CON. RES. 12

Mr. BENNETT. Mr. President, I ask unanimous consent that S. Con. Res. 12 be indefinitely postponed.

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

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Oregon (Mr. SMITH) as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 108th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Alabama (Mr. SESSIONS) as Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 108th Congress.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Mississippi (Mr. COCHRAN) as Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress.

#### ORDERS FOR THURSDAY, MARCH 6, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, March 6. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for morning business until the hour of 10 a.m., with the time equally divided between Senators HAGEL and DORGAN. I further ask unanimous consent that at 10 a.m., the Senate return to executive session and resume consideration of the nomination of Miguel Estrada to be a Circuit Court Judge for the DC Circuit, and that the time until the hour of 10:30 a.m. be equally divided between the chairman and the ranking member of the Judiciary Committee or their designees; provided further, that at 10:30 a.m., the Senate proceed to the vote on the motion to invoke cloture on the Estrada nomination.

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

#### PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, tomorrow morning the Senate will be in a period for morning business until 10 a.m. Following morning business, the Senate will return to the Estrada nomination. At 10:30 a.m., the Senate will vote on the motion to invoke cloture on this important nomination. If cloture is not invoked on the nomination, the Senate will then resume consideration of the Moscow Treaty. Additional amendments are expected to the resolution of ratification and, therefore, Senators should anticipate votes throughout the day. The Senate will complete action on the Moscow Treaty this week.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Thursday, March 6, 2003, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate March 5, 2003:

##### DEPARTMENT OF STATE

ROLAND W. BULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

WAYNE E. NEILL, OF NEVADA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

STEPHEN D. MULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

##### DEPARTMENT OF JUSTICE

DIANE M. STUART, OF UTAH, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE. (NEW POSITION)

##### THE JUDICIARY

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE MORTON I. GREENBERG, RETIRED.

RICHARD C. WESLEY, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE PIERRE N. LEVAL, RETIRED.

STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE JOHN S. MARTIN, JR., RETIRED.

P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE LAWRENCE M. MCKENNA, RETIRED.

SAMUEL DER-YEGHAIYAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE MARVIN E. ASPEN, RETIRED.