

In response to the terrorist attacks of September 11, the patriotism of the American people can be seen everywhere. The American flag is being flown all across our country, from homes and cars to schools and playing fields. Patriotic songs are being sung with a renewed enthusiasm at all public places.

One such patriotic song is "God Bless America," which was written during World War I and became part of American life. Members of Congress spontaneously sang it on the steps of the Capitol the night of the attacks, and it has been played countless times across the country in recent weeks.

The outpouring of unity and love that our Nation has expressed is inspiring. It is truly a fitting response to the terrorists. After all, their goal was to tear us apart, but what they have actually done is bring us together.

One small expression of unity came from Breen Elementary School in Rocklin, California, which posted the phrase "God Bless America" on a marquee in front of the school.

Given the patriotism all across our country, this small expression of resolve would not seem to be newsworthy. After all, these words are part of the history and fabric of our country. These words demonstrate the spirit of America.

Unfortunately, there are a few who do not agree, and do not support Breen Elementary's display of patriotism. The American Civil Liberties Union has demanded that the school remove the slogan, saying that the school is clearly violating the Constitution. It even referred to the display of "God Bless America" as "hurtful" and "divisive."

To say that "God Bless America" is "hurtful" and "divisive" is absolutely ridiculous. The phrase is also in no way unconstitutional. I have disagreed with the ACLU many times over the years, but their response here is even hard for me to believe. It simply wrong for the ACLU to try to bully this school into supporting its extreme interpretation of the Constitution.

Fortunately, the school is not intimidated. Rocklin Unified School District Superintendent Kevin Brown has made it plain that the school is standing firm in its decision to keep "God Bless America" posted. It is a decision that is principled, appropriate, and entirely in keeping with the Constitution. We all should be proud of the school for taking this courageous stand.

Simply put, the ACLU has no support in the law for its position. While there does not appear to be any Federal cases ruling on the phrase "God Bless America," various challenges have been made to a similar slogan, "In God We Trust." The Ninth Circuit Court of Appeals, arguably the most liberal federal appeals court, held in *Aronow v. United States* that the use of this phrase on

currency and as the national motto 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 the school is located in California, 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, even 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 Breen Elementary's use of "God Bless America." Both of these phrases show the important role that religion plays in America, but they are not an establishment of religion or endorsement of religious belief.

It is also significant that even when the Supreme Court ruled that organized prayer in public schools was unconstitutional in *Engel v. Vitale*, it made it clear that the case did not apply to patriotic 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 Breen Elementary School.

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."

This is not something we should ignore or hide. I have never understood why some have desperately tried to remove any acknowledgment of religion from American life.

Just the opposite should be the case. It is only fitting that we would turn to these expressions in times of great difficulty.

I hope that my colleagues will join me in supporting the patriotism displayed in Rocklin, California. 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 embedded on our currency, our Constitution has allowed references to God. During this time of national tragedy and recovery, we should not allow extreme interpretations of the Constitution to dampen our patriotism and resolve.

This is an important matter that deserves our attention during these difficult times. A resolution very similar to this one has been introduced in the House by my friend, Representative HENRY BROWN. We should support Breen Elementary School and others like it as they personify the spirit of America.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on October 18, 2001, in SR-328A at 11 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Dr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, to conduct a hearing on "The Failure of Superior Bank, FSB, Hinsdale, Illinois."

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., to conduct a hearing to review the Federal Emergency Management Agency's response to the September 11, 2001, attacks on the Pentagon and the World Trade Center. The hearing will be held in SD-406.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, October 16, 2001, following the first vote of the day for a business meeting to consider pending committee business, including the nomination of Mark Everson, to be Controller, Office of Federal and Financial Management, Office of Management and Budget.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, October 16, 2001, at 3 p.m.

Agenda: Markup of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; S. 727, a bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; an original bill dealing with mental health and terrorism; and the nomination of Jean Scalia to be Solicitor General of the Department of Labor.

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

COMMITTEE ON SMALL BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a confirmation hearing on the nomination of Thomas M. Sullivan to be Chief Counsel for Advocacy at the U.S. Small Business Administration on Tuesday, October 16, 2001, beginning at 10:15 a.m., in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, for a hearing on the Department of Veterans Affairs' Fourth Mission: Caring for Veterans, Servicemembers, and the Public Following Conflicts and Crises. The meeting will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., on Emergency 911.

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

SUBCOMMITTEE ON READINESS AND
MANAGEMENT

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on

Tuesday, October 16, 2001, at 2 p.m., in closed session to receive testimony on security of Department of Defense ammunition shipments.

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Youth Violence be authorized to meet to conduct a hearing on Tuesday, October 16, 2001, at 10:30 a.m., in Dirksen 226.

"Defending America's Transportation Infrastructure" panel: The Honorable Mike Parker, Assistant Secretary for the Army (Civil Works), Department of the Army, Washington, DC; Brian M. Jenkins, Senior Advisory to the President, RAND Corporation, Santa Monica, CA; Donald E. Brown, Chair of the Department of Systems Engineering, University of Virginia, Charlottesville, VA; Jeffrey K. Beatty, President and CEO, Total Security Services International, Marietta, GA; and Tony Chrestman, President, Ruan Transport, Des Moines, IA.

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

NOTICE—REGISTRATION OF MASS
MAILINGS

The filing date for 2001 third quarter mass mailings is October 25, 2001. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 452 through 463 and the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF ENERGY

Linton F. Brooks, of Virginia, to be Deputy Administrator for Defense Nuclear Non-

proliferation, National Nuclear Security Administration.

DEPARTMENT OF DEFENSE

William Winkenwerder, Jr., of Massachusetts, to be an Assistant Secretary of Defense.

AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Brubaker, 0000
Col. Michael W. Corbett, 0000

ARMY

The following named officer for appointment as the Assistant Judge Advocate General, United States Army and for appointment to the grade indicated under title 10, U.S.C. section 3037:

To be major general

Brig. Gen. Michael J. Marchand, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. John M. Le Moyne, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry R. Jordan, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Paul J. Kern, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph R. Inge, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John P. Abizaid, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Maj. Gen. George W. Casey, Jr., 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624: