



Legislative Bulletin.....June 27, 2002

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**H.Res. 459— Expressing the Sense of the House of Representatives that
Newdow v. U.S. Congress was erroneously decided and for other
purposes (Sensenbrenner/Pickering)**

Order of Business: The House will pass a rule allowing for special consideration of H.Res.459 under suspension of the rules today, Thursday, June 27, 2002.

Summary: H.Res.459 is in response to the June 26, 2002, Ninth Circuit Court of Appeals decision that claimed the Pledge of Allegiance is “unconstitutional” under the Establishment Clause because it includes the phrase “under God.” The resolution states that the Ninth Circuit Court of Appeals should reconsider this ruling “en banc,” with an 11-judge panel (Yesterday’s ruling was a 2-1 decision of the 3-judge panel.)

The resolution has seven findings including:

- Whereas this ruling treats any religious reference as inherently evil and is an attempt to remove such references from the public arena.
- The Pledge of Allegiance is not a religious service or a prayer, but it is a statement of historical beliefs. The Pledge of Allegiance is a recognition of the fact that many people believe in God and the value that our culture has traditionally placed on the role of religion in our founding and our culture.
- The Pledge of Allegiance is not a prayer or a religious practice, the recitation of the pledge is not a religious exercise.

- The United States Congress recognizes the right of those who do not share the beliefs expressed in the Pledge to refrain from its recitation.

And states that the House is resolved that:

- The Pledge of Allegiance, including the phrase “One Nation, under God,” reflects the historical fact that a belief in God permeated the Founding and development of our Nation;
- The Ninth Circuit’s ruling is inconsistent with the U.S. Supreme Court’s First Amendment jurisprudence that the Pledge of Allegiance and similar expressions are not unconstitutional expressions of religious belief;
- **The phrase “One Nation, under God,” should remain in the Pledge of Allegiance; and**
- **The Ninth Circuit Court of Appeals should agree to rehear this ruling en banc in order to reverse this constitutionally infirm and historically incorrect ruling.**

Additional Information:

In 1954, Congress officially added the words "under God" to the Pledge, which currently reads:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

To read a copy of the Ninth Circuit Decision go to:

<http://news.findlaw.com/wp/docs/conlaw/newdowus62602opn.pdf>

A History of the Pledge of Allegiance can be found at:

<http://www.foxnews.com/story/0,2933,56320,00.html>

The Judge who wrote the opinion, Alfred T. Goodwin, is a President Nixon appointee. Judge Stephen Reinhardt, a President Carter appointee, joined him in the decision. Judge Ferdinand F. Fernandez, a judge appointed by former President Bush, partially concurred and partially dissented.

The First Amendment to the United States Constitution:

(“Establishment Clause” bolded in blue)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the

press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Cost to Taxpayers: The resolution has no cost.

Does the Bill Create New Federal Programs or Rules: No.

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Motion to Instruct Conferees on H.R. 3295 (Help America Vote Act) (Langevin)

Order of Business: On Thursday, June 27th, Mr. Langevin of Rhode Island is expected to offer a motion to instruct conferees on H.R. 3295, the “Help America Vote Act.”

Summary: The Langevin motion would instruct House conferees to recede from disagreement with the provisions in the Senate bill (Subparagraphs A and B of Section 101(a)(3)) requiring that by January 1, 2007, all states:

- Implement a voting system that is “accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;” and
- Use “at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.”

Additional Background: For detailed information on H.R. 3295 as it passed the House, visit these websites:

<http://www.house.gov/burton/RSC/electionreform.PDF>

<http://www.house.gov/burton/RSC/ElectionRefMgrsAmnd.PDF>

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H.Con.Res. 424—Commending the patriotic contributions of roofing professionals involved in the rebuilding of the Pentagon (Velazquez)

Order of Business: The resolution was considered on Tuesday, June 25th, under a motion to suspend the rules and pass the bill. The recorded vote requested on the measure will be taken today.

Summary: H.Con.Res. 424 resolves that “the House of Representatives commends the patriotic contributions [the] roofing professionals have made to the rebuilding of the Pentagon, damaged by a terrorism attack on September 11, 2001.”

Additional Background: According to the resolution, the fire from the September 11th attack destroyed more than an acre of slate roofing over the Pentagon in addition to the section of the structure that was damaged. Roofing professionals, mostly small businesses, from across the United States banded together to **volunteer** their time, labor, and materials worth about a half-million dollars to rebuild this section of roof (at no cost to the government).

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 3034—Frank Sinatra Post Office Building Designation Act (*Menendez*)

Order of Business: The resolution was considered on Tuesday, June 25th, under a motion to suspend the rules and pass the bill. The recorded vote requested on the measure will be taken today.

Summary: H.R. 3034 would redesignate the Hoboken (New Jersey) Main Post Office as the “Frank Sinatra Post Office Building,” after the world-famous singer who was born in Hoboken in 1915 and died there in 1998.

Cost to Taxpayers: As with most federal building designations, this bill would authorize insignificant expenditures (costs of changing signs, etc.)

Does the Bill Create New Federal Programs or Rules?: The bill would rename a post office.

Constitutional Authority: Though a committee report citing constitutional authority is unavailable, Article I, Section 8, Clause 7 grants Congress the power to “establish Post Offices and post Roads.”

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