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Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 11/13/2002 [S. 2690] [771606]

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771606

FG006-01

Barcode Scanning Sheet



Collection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9470 NARA # 9361 BOX 6
FOLDER 1A BILL FILE RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - NOV 13 02 ENROLLED BILL S.
2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE
OF ALLEGIANCE AND THE NATIONAL MOTTO**



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APPROVED

NOV 13 2002

November 6, 2002

THE DIRECTOR

THE PRESIDENT HAS SEEN

11/13/02

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 2690 - Reaffirming the Language of the Pledge of Allegiance
and the National Motto
Sponsors - Sen. Hutchinson (R) Arkansas and 35 cosponsors

Last Day for Action

November 15, 2002 - Friday

Purpose

Reaffirms the Pledge of Allegiance, including the phrase "under God," and the national motto, "In God we trust".

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Discussion

In 1942, the Pledge of Allegiance to the flag of the United States was enacted into law. In 1954, the law was amended to incorporate into the Pledge the phrase "under God." In 1956, the phrase "In God we trust" was enacted into law as the national motto.

On June 26, 2002, a three-judge panel of the United States Court of Appeals for the Ninth Circuit held in *Newdow v. U. S. Congress* that both the 1954 Act that added the words "under God" to the pledge and a California school district's practice of beginning each school day with a teacher-led classroom recitation of the Pledge were unconstitutional because they violate the Establishment Clause of the First Amendment. The following day, the Court issued an order to stay the judgment (i.e., stop the ruling from taking immediate effect), pending the resolution of any petitions for a rehearing. In its enrolled bill views letter, Justice notes that it has sought a rehearing of the decision.

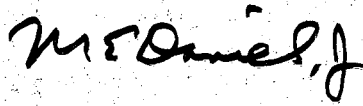
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In addition, the enrolled bill would amend the portion of the current law description of the preferred manner of delivery of the Pledge that states that men not in uniform should remove "any headdress" to read that they should remove "any non-religious headdress."

Conclusion and Recommendations

In its views letter, the Department of Justice advises that "[t]he President's approval of S. 2690 would reaffirm the Administration's disagreement with the Ninth Circuit and its belief that the current versions of the Pledge and the motto are constitutional and appropriate."

We join Justice in recommending approval of S. 2690, which passed the House by a vote of 401-5 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To reaffirm the reference to one Nation under God in the Pledge of Allegiance.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. FINDINGS.

Congress finds the following:

(1) On November 11, 1620, prior to embarking for the shores of America, the Pilgrims signed the Mayflower Compact that declared: "Having undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia,".

(2) On July 4, 1776, America's Founding Fathers, after appealing to the "Laws of Nature, and of Nature's God" to justify their separation from Great Britain, then declared: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness".

(3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled "Notes on the State of Virginia" wrote: "God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.".

(4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: "If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!".

(5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River, which declared: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.".

(6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington

THE WHITE HOUSE

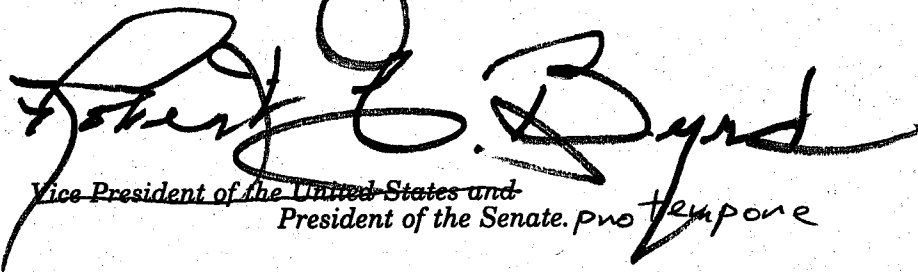
"§ 302. National motto

"'In God we trust' is the national motto."

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall make no change in section 302, title 36, United States Code, but shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Motto for decades.



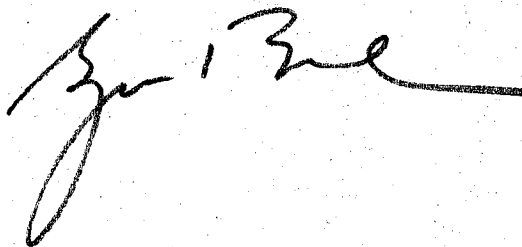
Speaker of the House of Representatives. pro tempore.



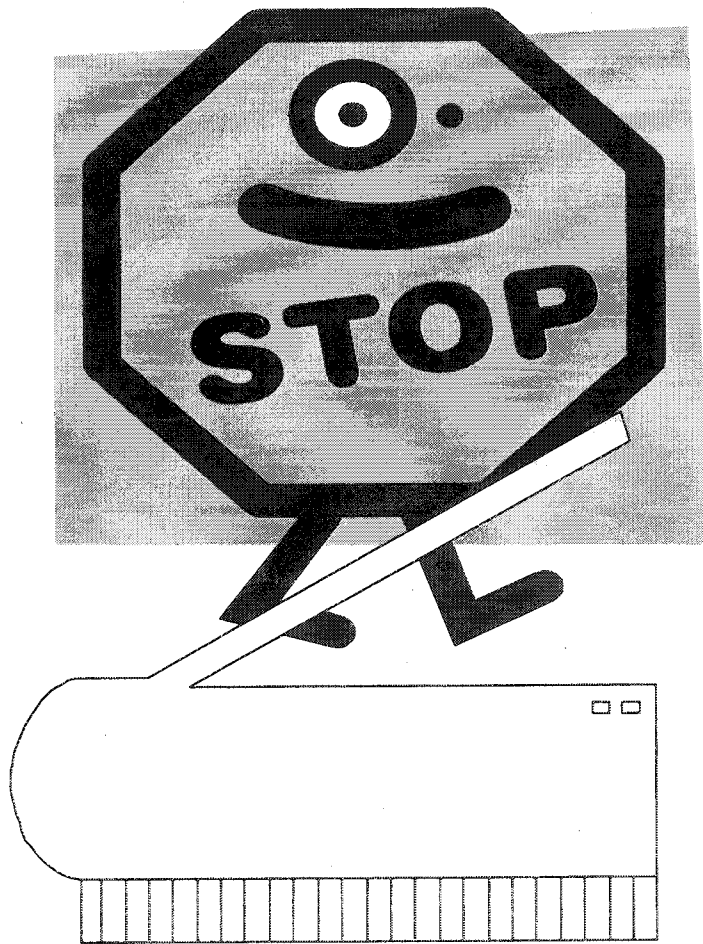
*Vice President of the United States and
President of the Senate. pro tempore*

APPROVED

NOV 13 2002



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Scanning insert sheet



Remainder of case not scanned

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>concur</i>	☒	☐	HUBBARD <i>ok</i>	☒	☐
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BARTLETT <i>n/c</i>	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN <i>✓</i>	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO <i>ok</i>	☒	☐	RICE	☒	☐
CONNAUGHTON <i>nc</i>	☒	☐	RIDGE <i>nc</i>	☒	☐
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GERSON	☐	☐	CLERK	☐	☒
GONZALES <i>n/c</i>	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148 BY NOON, FRIDAY, NOVEMBER 8, 2002, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



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WASHINGTON, D.C. 20503

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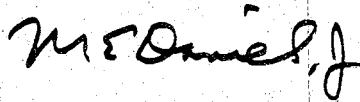
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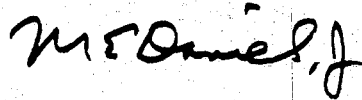
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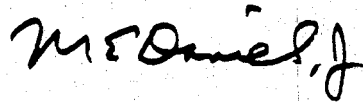
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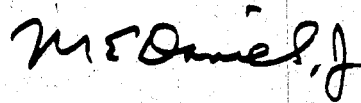
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U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

October 23, 2002

The Honorable Mitchell Daniels
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Justice Department on the enrolled bill S. 2690, "An Act to reaffirm the reference to one Nation under God in the Pledge of Allegiance." The Justice Department recommends that the President approve the bill.

S. 2690 responds to the decision of the United States Court of Appeals for the Ninth Circuit in *Newdow v. U.S. Congress*, 292 F.3d 597 (9th Cir. 2002). In *Newdow*, the Ninth Circuit held that 4 U.S.C. § 4, which sets forth the Pledge of Allegiance, violates the Establishment Clause of the First Amendment to the United States Constitution because it includes the words "under God." S. 2690 would make no substantive changes to Federal law but merely reaffirm the existing language in the Pledge of Allegiance statute as well as 36 U.S.C. § 302, which establishes our national motto as "In God we trust." We agree with the Congress that the *Newdow* decision misinterpreted the First Amendment and we have sought rehearing of this decision. The President's approval of S. 2690 would reaffirm the Administration's disagreement with the Ninth Circuit and its belief that the current versions of the Pledge and the motto are constitutional and appropriate.

Thank you for the opportunity to present our views. Please feel free to call upon us if we may be of additional assistance.

Sincerely,

Joseph Gibson /DAAG

For Daniel J. Bryant
Assistant Attorney General

Memo to the Record

Date: 02/24/2017

Collection: Executive Clerk, Office of

Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 11/13/2002 [S. 2690] [771606]

RE: 107th Congress 2d Session House of Representatives Report 107–659

A copy of the report entitled “TO REAFFIRM THE REFERENCE TO ONE NATION UNDER GOD IN THE PLEDGE OF ALLEGIANCE” is included at this location in this folder.

It was not scanned. It can be viewed at <https://www.congress.gov/107/crpt/hrpt659/CRPT-107hrpt659.pdf>. If this link is broken, please contact the George W. Bush Presidential Library archives for additional information regarding this item.



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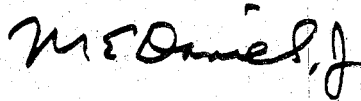
S. 2690 would reaffirm the Pledge of Allegiance, including the words "under God," and reaffirm "In God we trust" as the national motto. The enrolled bill would require the Office of the Law Revision Counsel of the U.S. House of Representatives to show in the historical and statutory notes of the U.S. Code that the 107th Congress reaffirmed the exact language that has appeared in the Pledge and the Motto "for decades."

In addition, the enrolled bill would amend the portion of the current law description of the preferred manner of delivery of the Pledge that states that men not in uniform should remove "any headdress" to read that they should remove "any non-religious headdress."

Conclusion and Recommendations

In its views letter, the Department of Justice advises that "[t]he President's approval of S. 2690 would reaffirm the Administration's disagreement with the Ninth Circuit and its belief that the current versions of the Pledge and the motto are constitutional and appropriate."

We join Justice in recommending approval of S. 2690, which passed the House by a vote of 401-5 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



521830

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 2690 - Reaffirming the Language of the Pledge of Allegiance
and the National Motto
Sponsors - Sen. Hutchinson (R) Arkansas and 35 cosponsors

Last Day for Action

November 15, 2002 - Friday

Purpose

Reaffirms the Pledge of Allegiance, including the phrase "under God," and the national motto, "In God we trust".

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Discussion

In 1942, the Pledge of Allegiance to the flag of the United States was enacted into law. In 1954, the law was amended to incorporate into the Pledge the phrase "under God." In 1956, the phrase "In God we trust" was enacted into law as the national motto.

On June 26, 2002, a three-judge panel of the United States Court of Appeals for the Ninth Circuit held in *Newdow v. U. S. Congress* that both the 1954 Act that added the words "under God" to the pledge and a California school district's practice of beginning each school day with a teacher-led classroom recitation of the Pledge were unconstitutional because they violate the Establishment Clause of the First Amendment. The following day, the Court issued an order to stay the judgment (i.e., stop the ruling from taking immediate effect), pending the resolution of any petitions for a rehearing. In its enrolled bill views letter, Justice notes that it has sought a rehearing of the decision.

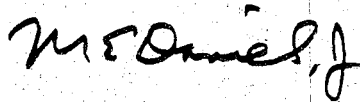
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November 6, 2002

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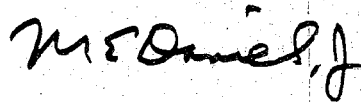
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Mitchell E. Daniels, Jr.
Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1455
 CONNECTION TEL 66212
 CONNECTION ID
 ST. TIME 11/07 04:56
 USAGE T 01'06
 PGS. SENT 3
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOON

ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF
 Subject: ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148 BY NOON,
 FRIDAY, NOVEMBER 8, 2002 WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
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BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUMDate: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
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BLAKEMAN	☐	☐	LINDSEY	☒	☐
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BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
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BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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CARD	☒	☐	IRASTORZA	☐	☐
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BOLTEN	☒	☐	MARBURGER	☐	☐
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CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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Assistant to the President
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Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1450
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 11/07 04:35
 USAGE T 01'06
 PGS. SENT 3
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOON

ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF
 Subject: ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1448
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 11/07 04:34
 USAGE T 01'07
 PGS. SENT 3
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOON

ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF
 Subject: ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1446	
CONNECTION TEL		67090
CONNECTION ID	ADMIN	
ST. TIME	11/07 04:23	
USAGE T	01'09	
PGS. SENT	3	
RESULT	OK	

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOON

ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF
 Subject: ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
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HAWKINS	☒	☐	_____	☐	☐

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1454
 CONNECTION TEL 69720
 CONNECTION ID
 ST. TIME 11/07 04:51
 USAGE T 01'07
 PGS. SENT 3
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOON

Subject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF
ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
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FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
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GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1452	
CONNECTION TEL		62710
CONNECTION ID	CEQ	
ST. TIME	11/07 04:39	
USAGE T	01'06	
PGS. SENT	3	
RESULT	OK	

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOON

ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF
 Subject: ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
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DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
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GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148 BY NOON, FRIDAY, NOVEMBER 8, 2002, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUMDate: **11-07-02 2:45 PM** ACTION / CONCURRENCE / COMMENT DUE BY: **11-08-02 NOON**Subject: **ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO**

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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No comment

RESPONSE:

LZ for Carl Buchholz

Harriet E. Mills
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

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RESPONSE:

OK Philip Swager CEA

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

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RESPONSE:

Legislation Affair (Chenard) - oh

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 2690 - Reaffirming the Language of the Pledge of Allegiance
and the National Motto
Sponsors - Sen. Hutchinson (R) Arkansas and 35 cosponsors

Last Day for Action

November 15, 2002 - Friday

Purpose

Reaffirms the Pledge of Allegiance, including the phrase "under God," and the national motto, "In God we trust".

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Discussion

In 1942, the Pledge of Allegiance to the flag of the United States was enacted into law. In 1954, the law was amended to incorporate into the Pledge the phrase "under God." In 1956, the phrase "In God we trust" was enacted into law as the national motto.

On June 26, 2002, a three-judge panel of the United States Court of Appeals for the Ninth Circuit held in *Newdow v. U. S. Congress* that both the 1954 Act that added the words "under God" to the pledge and a California school district's practice of beginning each school day with a teacher-led classroom recitation of the Pledge were unconstitutional because they violate the Establishment Clause of the First Amendment. The following day, the Court issued an order to stay the judgment (i.e., stop the ruling from taking immediate effect), pending the resolution of any petitions for a rehearing. In its enrolled bill views letter, Justice notes that it has sought a rehearing of the decision.

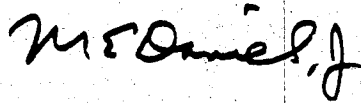
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In addition, the enrolled bill would amend the portion of the current law description of the preferred manner of delivery of the Pledge that states that men not in uniform should remove "any headdress" to read that they should remove "any non-religious headdress."

Conclusion and Recommendations

In its views letter, the Department of Justice advises that "[t]he President's approval of S. 2690 would reaffirm the Administration's disagreement with the Ninth Circuit and its belief that the current versions of the Pledge and the motto are constitutional and appropriate."

We join Justice in recommending approval of S. 2690, which passed the House by a vote of 401-5 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

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RESPONSE:

Handwritten: DE AM 11/7 3:30 PM

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 2690 - Reaffirming the Language of the Pledge of Allegiance
and the National Motto
Sponsors - Sen. Hutchinson (R) Arkansas and 35 cosponsors

Last Day for Action

November 15, 2002 - Friday

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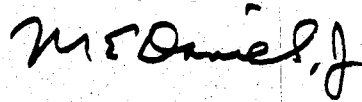
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Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO.

NOEL

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOON

ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF
Subject: ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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RESPONSE:

No comments
HJF

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUMDate: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 2690 - Reaffirming the Language of the Pledge of Allegiance
and the National Motto
Sponsors - Sen. Hutchinson (R) Arkansas and 35 cosponsors

Last Day for Action

November 15, 2002 - Friday

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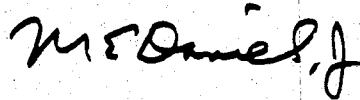
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Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

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REMARKS:

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No Comment.

RESPONSE:

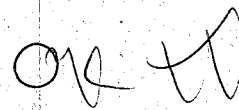
*Philip Crowley, CEQ
11/7/02*Harriet E. Miers
Assistant to the President
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Ext. 62702

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RESPONSE:


Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 2690 - Reaffirming the Language of the Pledge of Allegiance
and the National Motto
Sponsors - Sen. Hutchinson (R) Arkansas and 35 cosponsors

Last Day for Action

November 15, 2002 - Friday

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Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Discussion

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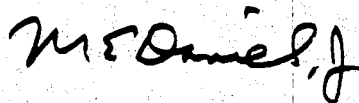
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Mitchell E. Daniels, Jr.
Director

Enclosures

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NO comment

RESPONSE: _____

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

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GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148 BY NOON, FRIDAY, NOVEMBER 8, 2002, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

OK - NO Comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 2690 - Reaffirming the Language of the Pledge of Allegiance
and the National Motto
Sponsors - Sen. Hutchinson (R) Arkansas and 35 cosponsors

Last Day for Action

November 15, 2002 - Friday

Purpose

Reaffirms the Pledge of Allegiance, including the phrase "under God," and the national motto, "In God we trust".

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Discussion

In 1942, the Pledge of Allegiance to the flag of the United States was enacted into law. In 1954, the law was amended to incorporate into the Pledge the phrase "under God." In 1956, the phrase "In God we trust" was enacted into law as the national motto.

On June 26, 2002, a three-judge panel of the United States Court of Appeals for the Ninth Circuit held in *Newdow v. U. S. Congress* that both the 1954 Act that added the words "under God" to the pledge and a California school district's practice of beginning each school day with a teacher-led classroom recitation of the Pledge were unconstitutional because they violate the Establishment Clause of the First Amendment. The following day, the Court issued an order to stay the judgment (i.e., stop the ruling from taking immediate effect), pending the resolution of any petitions for a rehearing. In its enrolled bill views letter, Justice notes that it has sought a rehearing of the decision.

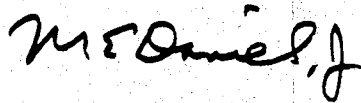
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Conclusion and Recommendations

In its views letter, the Department of Justice advises that "[t]he President's approval of S. 2690 would reaffirm the Administration's disagreement with the Ninth Circuit and its belief that the current versions of the Pledge and the motto are constitutional and appropriate."

We join Justice in recommending approval of S. 2690, which passed the House by a vote of 401-5 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



OFFICE OF THE VICE PRESIDENT
WASHINGTON

November 8, 2002

MEMORANDUM FOR JIM JUKES
ASSISTANT DIRECTOR, OMB

FROM: **JONATHAN BURKS** 
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: **Enrolled Bill S. 2690 – Reaffirming the Language of
the Pledge of Allegiance and the National Motto**

The Office of the Vice President has reviewed the above-referenced draft and concurs in the recommendation to sign the enrolled bill.

cc: **Harriet Miers**
Staff Secretary

WHITE HOUSE STAFFING MEMORANDUMDate: 11-07-02 2:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 11-08-02 NOONSubject: ENROLLED BILL S. 2690 - REAFFIRMING THE LANGUAGE OF THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☒	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
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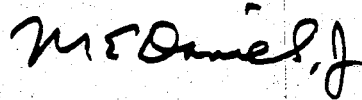
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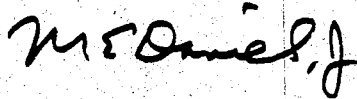
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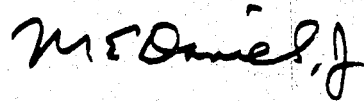
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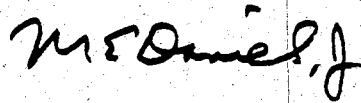
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