

the front of the head at point-blank range. The gunman was angry because his sexuality was threatened after an intimate encounter with the cross-dressing Johnson. The bodies were found in the back seat of a burned-out automobile.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### PLEDGE OF ALLEGIANCE ORAL ARGUMENTS

Ms. MURKOWSKI. Mr. President, today the United States Supreme Court issued its decision in the case of *Elk Grove Unified School District v. Michael Newdon*. In *Elk Grove*, as my colleagues are very much aware, the United States Circuit Court of Appeals for the Ninth Circuit held that the phrase "under God" in the Pledge of Allegiance was unconstitutional. On an 8 to 0 vote the Supreme Court dismissed the case on procedural grounds. The ruling effectively preserves the right of children in public schools to recite the full Pledge of Allegiance. I applaud the decision of the Supreme Court.

It is truly right, and a bit ironic, that the Supreme Court issued its decision today on "Flag Day." Today is also the Golden Anniversary of congressional action that added the words "under God" to the Pledge of Allegiance.

I commend Chief Justice William Rehnquist and Judges Sandra Day O'Connor and Clarence Thomas who agreed, I believe properly, that the decision by the Circuit Court of Appeals for the Ninth Circuit should be overturned not on the standing issue but instead because the words "under God" in the pledge do not violate the Constitution.

In response to the decision by the Ninth Circuit Court of Appeals, I introduced Senate Resolution 71, which passed this body by a 94 to 0 vote. The resolution expressed the sense of the Senate that we "strongly disapprove" the decision of the Ninth Circuit and further instructed the Senate Legal Counsel to intervene in the case to defend the constitutionality of the words "under God" in the Pledge and if unable to intervene, to file an amicus curiae brief in support of continuing the constitutionality of the words "under God" in the Pledge.

I do not if my colleagues have had the opportunity to read the amicus curiae brief filed on behalf of the United States Senate. But I want to compliment Patricia Mack Bryan, the Senate Legal Counsel; Morgan J. Frankel, the Deputy Senate Legal Counsel; and Grant Vinik and Thomas Caballero, who are Assistant Senate Legal Counsels. I know they worked hard on the

brief that was filed in December. They said in the brief:

The First Congress not only acknowledged a proper role for religion in public life, but did so at the very time it drafted the Establishment Clause.

They also noted that:

the Public manifestations of our Nation's religious heritage include "an unbroken history of official acknowledgement by all three branches of the government.

The mere reference to a Higher Being or God does not amount to a breach of the establishment clause of the Constitution.

The children born of this century will probably never appreciate the cold war and how in the early fifties, our country felt threatened by China, Russia and the spread of communism. It was in that historical context that Congress added the phrase "under God" to the pledge. As the Senate Legal Counsel related in their brief, the legislative history makes clear that Congress wanted to give credence to the fundamental truth that a Government deriving its powers from the consent of the governed must look to God for divine leadership.

There can be no doubt our Founding Fathers believed then, as I firmly believe today, that our Nation was founded on a fundamental belief in God, and that the actions we take here in the United States Senate and those of our children when they start their day in school each morning must be governed by the principles invoked by a belief in a dedication to our Country and to God, by whatever name you choose to make reference to that power and foundation.

I welcome the decision of the United States Supreme Court that preserves the right of our children and ourselves to say the words "under God" in our Pledge of Allegiance.

#### SCHIP EXPANSION ACT SUPPORT

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the following letters related to the May 13 introduction of the SCHIP Expansion Act, S. 2420, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF  
CHILDREN'S HOSPITALS,  
June 4, 2004.

Hon. BOB GRAHAM,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the National Association of Children's Hospitals and our more than 120 member hospitals from across the country, I would like to express our strong support for your bill, S. 2420, "the SCHIP Expansion Act of 2004." Your legislation takes important steps to ensure broader access to health coverage for children, which in turn will improve the overall state of our nation's health.

Since 1997, State have made remarkable progress in their effort to insure low-income children under SCHIP. As of June 2003, SCHIP provided health coverage for 3.9 million children. Over the year from June 2002

to June 2003, enrollment of children in the State Children's Health Insurance Program (SCHIP) increased by roughly 264,000, an increase of 7.3 percent.

But for all that the SCHIP program has accomplished, still more needs to be done. More than 6 million children in the United States remain uninsured. We could reduce the number of uninsured children by more than two-thirds—thereby insuring almost all children—if all children eligible for Medicaid and SCHIP were simply enrolled. By eliminating the upper income eligibility limit in SCHIP, your bill would pave the way to removing children from the ranks of the uninsured.

As providers of care to all children, regardless of their economic status, children's hospitals have extensive experience in assisting families to enroll eligible children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of eligible children. We strongly support your efforts to reward States that streamline the SCHIP enrollment and renewal process by providing them with a five percentage point increase in the SCHIP matching rate for specified outreach activities, particularly presumptive and 12-month continuous eligibility.

The Nation's children's hospitals are grateful for your leadership in attempting to provide States with the needed funding and flexibility to expand health coverage to our country's uninsured children. We look forward to working with you to advance this important legislation and once and for all ensure that all children have access to the quality health services they need and deserve.

Sincerely,  
LAWRENCE A. MCANDREWS,  
President & Chief Executive Officer.

AMERICAN ACADEMY OF PEDIATRICS  
Washington, DC, June 8, 2004.

Hon. BOB GRAHAM,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRAHAM: I write today on behalf of the 57,000 members of the American Academy of Pediatrics to express our support for the SCHIP Expansion Act of 2004 (S. 2420).

As you know, the State Children's Health Insurance Program (SCHIP) provides health insurance to over 6 million low-income children whose family income is not low enough to qualify for Medicaid but are unable to afford health insurance in the private market. SCHIP and the Medicaid program are a critical child health safety net that currently provides health insurance to over 17 million low-income children. Furthermore, eligibility of these programs covers almost two-thirds of the more than 9 million uninsured children in this country; however, these 6.7 million children remain uninsured because of insufficient enrollment and outreach efforts to enroll these eligible children. Your legislation is an important step towards strengthening and sustaining SCHIP, an important part of the child health safety net.

In particular, this legislation would provide necessary additional funds to fix the SCHIP funding "dip" and allow states to maintain current coverage in the program. As you know, when SCHIP was enacted it was funded at lower levels in the later years of the program in order to meet budget requirements. This "dip" in program funding is coming at a time when states are in need of funds. Estimates suggest that 17 states will experience a federal funding shortfall by FY07. S. 2420 provides necessary funds to allow states to maintain current coverage in SCHIP. This legislation also provides an incentive to the states to improve outreach

and enrollment efforts in both Medicaid and SCHIP in order to enroll the nearly 7 million children who are eligible for Medicaid or SCHIP but unenrolled. In addition, this legislation addresses another important barrier to enrolling SCHIP eligible children by prohibiting states from capping their SCHIP programs without first exhausting all available federal funding. Although this provision is a step in the right direction, the American Academy of Pediatrics believes that any cap on health care funding for public program coverage is detrimental to ensuring that all uninsured, eligible children and families are able to enroll.

The American Academy of Pediatrics believes that all children, regardless of income, should have access to affordable health insurance such that their families can afford health care services necessary for healthy development. We therefore commend your efforts to strengthen the SCHIP program and give states the option to expand this program to reach more children in their state whose families are unable to afford health insurance in the private market. We encourage states to maintain efforts mandated in the SCHIP statute to minimize crowd-out of the private market as they consider such expansions of SCHIP coverage. Because in most states Medicaid and SCHIP currently pay physicians who care for children at inadequate rates, maintaining the private market is necessary to allow physicians to subsidize care for these children. The Academy urges Congress to consider the impact of inadequate payment rates for services under Medicaid and SCHIP on access to necessary services for beneficiaries in these programs.

The American Academy of Pediatrics is committed to protecting Medicaid and SCHIP. We look forward to working with you on this and other legislative efforts to protect, sustain, and strengthen these critical child health safety net programs.

Sincerely,

CARDEN JOHNSTON, MD, FAAP,  
President.

### THREE MONTHS AND COUNTING

Mr. LEVIN. Mr. President, 3 months from yesterday is the expiration date for the assault weapons ban. Despite Senate passage of a bipartisan amendment that would have reauthorized the ban, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reviewing the law and President Bush, though he has said he supports it, has done little to help keep the law alive.

In April of this year, the Brady Campaign to Prevent Gun Violence joined hundreds of local elected officials and senior law enforcement officials to urge President Bush to push for reauthorization of this critical piece of gun safety legislation. I commend them for their efforts and continue to support this commonsense gun safety legislation.

The 1994 law banned a list of 19 specific weapons, as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The assault weapons ban also prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and which accept a detachable magazine.

I support the efforts of the law enforcement community and local leaders who are calling for legislation extending the law. In 1994, I voted for the assault weapons ban and, in March of this year, I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years.

Law enforcement support for the assault weapons ban is broad. It includes the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

In addition, mayors and police chiefs from Detroit, Los Angeles, San Francisco, Miami, Seattle, Chicago, and Washington, D.C. have joined over 200 other local leaders in urging Congress to immediately pass a 10-year extension of the current ban.

Despite broad support for this law, the National Rifle Association fought against passage of the assault weapons ban in 1994 and continues to oppose it to this day. The ban is a major public safety measure that protects citizens and police officers and I urge the President and the Congress to act immediately to reauthorize the law.

### FRANCES WILLIAMS PRESTON

Mr. ALEXANDER. Mr. President, today I pay tribute to an outstanding native Tennessean, Frances Williams Preston.

Frances Preston was born in Nashville, TN and attended elementary, high school and Peabody College at Vanderbilt University there. She holds honorary degrees from the Berklee School of Music, Boston, MA, Lincoln College, Lincoln, IL, and Oklahoma University, Tulsa, OK. Ms. Preston is married to Nashville businessman E.J. Preston, and she is the mother of three children and the grandmother of six children.

This year, Frances Preston will retire from her position of President and Chief Executive Officer of Broadcast Music Inc., BMI. Under Ms. Preston's leadership for the past 18 years, BMI gained international respect as a leader in the entertainment industry and is viewed as one of the music industry's most consistently successful and progressive entities. BMI was founded in 1939 and it operates as a non-profit making business. After operating expenses are paid, BMI returns all royalties to approximately 300,000 creators and copyright owners that it represents.

Ms. Preston began her career in the music industry when she joined the nationally known Nashville radio station, WSM, in mid-1950 as a mail room em-

ployee and where she answered fan mail sent to Hank Williams. Later, she became the popular hostess of a daily fashion and style television show on the WSM station. In 1958, Ms. Preston became a part of BMI when she opened a BMI operation in Nashville as a result of some slight prodding by the first President of BMI, Bob Burton. Ms. Preston began her career with BMI with one assistant working in her parents' garage and oversaw the company's growth to more than 400 employees in Nashville. In 1986, Ms. Preston was appointed to serve as President & CEO of BMI. Ms. Preston played a lead role in building BMI's 2004 repertoire of nearly 4.5 million musical works.

Ms. Preston has been vigilant and supported legislation with respect to rights and incomes of songwriters, composers and publishers.

Frances Preston has received numerous awards and recognition, including but not limited to the T.J. Martell Foundation Humanitarian Award in 1992, the Friar's Applause Award in 1993, the International Achievement in Arts Humanitarian Awards in 1995 and 1997, the American Women in Radio and Television's Outstanding Achievement Award in 1998, the American Women in Radio and Television President's Award in 1998, the National Trustees Award at the 1998 Grammy Awards, the Society for the Advancement of Women's Health Research Woman of Achievement Award in 1999, the National Music Publishers' Association's President's Award in 2001, the Nashville Songwriters Association International President's Award in 2002, the Women in Music Touchstone Advocate Award in 2003, the Michael Bolton Charities' Lifetime Achievement Award in 2003, the Irving Waugh Award of Excellence, and the Broadcasters' Foundation's Golden Mike Award in 2004.

Ms. Preston sits on numerous boards and generously volunteers her time to many charitable organizations.

This brief statement cannot capture all the strengths of Frances Williams Preston and her manifold good works for songwriters, composers and publishers, and America as a whole. I did want to bring to my colleagues' attention the accomplishments and legacy of Frances Preston, and I am honored to recognize the contributions of this great Tennessean.

### ADDITIONAL STATEMENTS

#### TRIBUTE TO MR. WILLIAM GREENBLATT

• Mr. BOND. Mr. President, today I congratulate Mr. William Greenblatt, a man whose accomplishments are a true testament to what a business and community leader should be, as he celebrated his 50th birthday on June 9, 2004.

Mr. Greenblatt began his career providing photography services for commercial, industrial, public relations