community at large. A member of numerous Boards of Trustees including the Boy Scouts of America Longs Peak Council and the Denver Zoological Society, Dr. Yates has also served on the Board of Directors of First Interstate Bank of Denver, the Mountain West Conference, Colorado Institute of Technology, and the Denver Branch of the Federal Reserve.

Dr. Yates' immediate plans are to continue to serve as chancellor of the Colorado State University System, following through on his promise to transition the University of Southern Colorado to Colorado State University at Pueblo. He is looking forward to spending more time with his wife Ann and their two school-aged daughters, Aerin and Sadie.

On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations and a sincere thanks to Dr. Albert C. Yates. It is an honor to know such an extraordinary citizen and we owe him a debt of gratitude for his service and dedication to Colorado State University, the State of Colorado and America.

VERIZON TACKLES ILLITERACY

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BOEHNER. Mr. Speaker, I rise to recognize the efforts of Verizon, its employees and its spokespeople who are working to tackle the problem of illiteracy. Last week, the House Education and the Workforce Subcommittee on Education Reform held a hearing on ''Literacy Partnerships that Work.'' The hearing featured actor James Earl Jones and Verizon President and Chief Executive Officer Ivan Seidenberg, testifying on Verizon's efforts to improve literacy in America.

Describing his lifelong love of reading, Verizon spokesman and actor James Earl Jones remarked on how, ''All of us—lawmakers, reading teachers and tutors, corporate philanthropists, educators, and literacy volunteers—all of us have an important and necessary role addressing this issue.''

Testifying about his company's involvement in literacy efforts, Ivan Seidenberg, the President and CEO of Verizon, described how his company's mission is ''highly focused.''

''We work to raise public awareness, create partnerships, and generate financial support for local and national literacy organizations so they can do their jobs more effectively. To use a communications metaphor, we believe that—through our scale, scope, and technology—we can increase the 'bandwidth' of the system and enable more learning to be delivered to more people, more effectively,'' he said.

For Verizon there is a strategic link between literacy and the future business success of the nation's largest communications company with upwards of 240,000 employees in technically demanding jobs.

However, it's more than just for their future employees.

''Verizon's communications networks comprise a unique platform for sharing resources and forming partnerships,'' Seidenberg said. ''Verizon's enormously committed employees and retirees have a long heritage of volunteerism and community involvement. And more than a decade's worth of commitment to the issue of literacy has given the company both the knowledge and the relationships with the literacy community to be effective.''

Also attending the Hearing as Verizon Literacy Champions were CBS Sportscaster Dick Enberg, Mike Kohn, 2002 Olympic Bronze Medal Bobsled Athlete, Chris Thorpe 2002 Olympic Bronze Medal Luge Athlete and Lee Ann Parsley, a resident from the great state of Ohio, the 2002 Olympic Silver Medal winner in the Women's Skeleton competition.

All of these distinguished celebrities attended to demonstrate their great commitment, as well as Verizon's commitment, to providing positive role models in the fight for literacy. Mr. Jones, in his compelling personal testimony, said that: ''In my family, we say the love of reading and book learning is in our bone memory.'' Jones' great-great grandparents Brice and Parthenia Connolly, ''passed on their love of reading to my great-grandfather, Wyatt, who owned a modest library, and encouraged his family to read his books and to revere them.''

Mr. Speaker, this is one of the legacies we hope to leave with H.R. 1—''The No Child Left Behind Act''—to build reading and book learning into the bone memory of all Americans. In these days when there is so much talk about Corporate Accountability, it is a pleasure to recognize Verizon for the positive work they are doing to help the citizens of our Country.

A SCANDINAVIAN PERSPECTIVE ON CONSTITUTIONAL AND INTERNATIONAL HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. LANTOS. Mr. Speaker, I rise today to share with our colleagues in the US House of Representatives a speech given by the former Norwegian Supreme Court Chief Justice; the Honorable Carsten Smith to the Congressional Friends of Norway Caucus on Thursday, September 26. In his speech Chief Justice Smith outlined a Scandinavian perspective on Constitutional and International Human Rights—a highly relevant topic in light of the post-September 11 era. While the legal development in our country and Europe have not been completely congruent, Chief Justice Smith's thoughtful comments deserve bear examination.

Chief Justice Smith, who has served on the Norwegian Supreme Court from 1987 until his retirement in 2001 and served as the Courts Chief Justice since 1991, has had a distinguished and impressive legal career for close to half a decade, and is considered a legend in the Norwegian legal community.

Carsten Smith, who was born in Oslo in 1932, received his law degree from the University of Oslo in 1956 and earned his doctorate in law shortly thereafter. He is married to Mrs. Lucy Smith, also a distinguished professor of law at the University of Oslo, and they have three children.

Carsten Smith was appointed Professor of Law at the University of Oslo in 1964. During his life-long career at the University, Chief Justice Smith has served in a number of positions. He served as the Dean of the Faculty of Law, and the President of the University of Oslo. Chief Justice Smith has also published a large number of articles and books in the field of international law, constitutional law, administrative and private law. Chief Justice Smith is also the recipient of numerous academic memberships and honors as well as the Commander and Knight of several Orders.

Throughout his career Chief Justice Smith worked tirelessly on advancing the rights of minorities and human rights, and chaired both the Saami Rights Commission and the Commission on Human Rights in Norwegian legislation.

Mr. Speaker, I commend Chief Justice Carsten Smith for his outstanding career in the legal field, and ask that Chief Justice Smith's speech be placed in the RECORD.

SCANDINAVIAN PERSPECTIVE ON CONSTITUTIONAL AND INTERNATIONAL HUMAN RIGHTS

(By Norwegian Chief Justice Carsten Smith)

The United States Supreme Court has for a long period been a source of inspiration for European legal thinking, including my own work, even though one may disagree with specific decisions. During my time both as a law professor and as a judge I have eagerly studied literature on this Court, and referred to it so often, that this fact was even commented on by the Attorney General in a public speech on my retirement from the Bench.

The theme today will in the first place be how judicial review of the constitutionality of legislation—a principle created by the US Supreme Court—has taken roots across the Atlantic. Moreover, I shall show how this review in the last decades—and especially the most recent years—has been enlarged to also embrace the conformity of legislation with treaty-based human rights. In the title of the speech the concept of human rights is used to cover constitutional civil rights and liberties as well as international rights and freedoms.

While speaking about judicial constitutional review here in the United States might have the character of preaching to the Pope, the extension of the review of legislation, requiring its compliance with human rights conventions, might be regarded as a further development spearheaded by Europe. One may consider this either as an extension of the original United States constitutional law concept, or as a European development in contrast to American constitutionalism. It concerns the responsibility for implementation of treaty-based human rights on the national arena. The constitutional civil rights and liberties have been supplemented with international human rights and freedoms, and the power to give binding interpretation of the main convention—the European Convention on Human Rights—has been transferred to the European Court of Human Rights in Strasbourg.

Norway's Constitution of 1814 is the oldest written constitution in Europe still in effect today, probably the second oldest worldwide next to the United States Constitution. The Norwegian practice of judicial review is also the oldest in Europe, perhaps the second oldest worldwide next to the United States practice. The Constitution makes no explicit mention of judicial review, quite in conformity with European constitutional thinking of that period. This review arose—as in the United States—from the practice of the Supreme Court itself.

The United States Supreme Court's decision in Marbury versus Madison represents one of the landmark cases in Western legal thinking. The closest comparable Norwegian decision was a case between a naval officer

and the naval authorities of 1866. It was the Chief Justice who raised the issue of judicial review and gave the answer in the most unambiguous way, namely—and you can almost hear the voice of John Marshall—''that inasmuch as the courts of law cannot be required to judge according to both laws simultaneously, they must necessarily give priority to the Constitution''.

This Norwegian constitutional adjudication remained a relatively well-kept secret in an international perspective, effectively protected by linguistic barriers. For more than fifty years the Norwegian court practice formed a single and secret bridgehead in Europe of the US legal model. The further international development was of limited significance until after World War II, but when it came, it came hard and fast. After 1945 Germany and Italy set up constitutional courts, followed by a widespread blossoming of successive similar courts throughout Europe—particularly after the fall of the communist regimes.

The pendulum has been swinging in Norwegian practice through the generations—as in the United States—between judicial activism and restraint. This might be a theme in itself. But let me mention how these judicial review powers became a spiritual weapon used by the Supreme Court in wartime.

After two months of fighting in 1940, the King with the government withdrew to London and continued their war effort from there. The Supreme Court remained in Norway, but came soon into conflict with the German leader of the occupying forces, who declared in a threatening way that it was outside the jurisdiction of the Court to review the decisions of the occupying authorities. The Court answered that under constitutional law the Norwegian courts had a legal duty to review the validity of all laws and administrative orders, and in the same way they were entitled to review the validity under international law of orders issued by the organs of the occupying forces.

As a protest against this interference all the members of the Supreme Court resigned their offices, an action that fueled the people's sentiment for resistance, and the Chief Justice subsequently became leader of both the civilian and military resistance movement.

In the decades after the war the Court has on a number of occasions made use of its powers, and legal theory has used the term renaissance in conjunction with judicial review.

But now also a supplementing of this review can be achieved by applying the European Convention on Human Rights from 1950 and the two United Nations Covenants from 1966. In 1999 the Norwegian Parliament passed an Act—called the Human Rights Act—that incorporated these three most basic conventions on human rights into Norwegian law. At the same time, the Act reinforced these rights through a priority clause whereby, in the event of conflict with other legislation, the provisions of these three conventions are to take priority over the legislation. By this enlargement of the judicial review there has been a certain transfer of power—some would say considerable—from the executive to the judiciary; and at the same time from the national to the European judiciary.

All the members of the Council of Europe, more than forty, have now incorporated the European Convention on Human Rights. Even in England that has no written constitution and where the constitutional structure is based on the sovereignty of Parliament, their Human Rights Act of 1998 empowers the courts to determine whether a provision of legislation is compatible with a Convention right. After Russia also joined the Council, the European Court of Human Rights in Strasbourg has now an area of jurisdiction spanning from the Atlantic to the Pacific. I emphasize that this is not the Court of the European Union in Luxembourg, as Norway has twice doggedly refused to become a member of that union.

A leading Norwegian decision of June 2000 laid down unanimously that the national courts must apply the result of an interpretation of the Convention even if established national legislation or practice will be set aside. Some further decisions in May this year have even emphasized the trend of moving the judicial power more towards Strasbourg.

The cases concerned—what some may find surprising in this field of law—certain taxation matters. It has been a long-term administrative practice, built on statutory law, that the tax authorities may, in case of fraudulent information from the taxpayer, impose an additional tax of thirty to sixty percent. At the same time the courts may, by way of ordinary criminal trial, pronounce a sentence either before or after the administrative decision. This has gone on through the years without any objection from the legal milieu, as the tax reaction was regarded to be a civil, non-criminal, sanction. However, on the basis of very recent Strasbourg decisions the Supreme Court now found this to be a double criminal liability for the same actions and in breach of the convention rules on the right not to be tried or punished twice for the same offence.

These decisions will probably have a wide range effect as a step in the march towards Strasbourg. The Supreme Court decisions interfered rather profoundly in a lawful established national administration, and moreover, the decisions were not based on a clear precedent from the European Court, but merely on the reasoning of cases not quite parallel.

It is also of importance in this respect that a human rights text should be construed as such. This means that it shall not be interpreted as an ordinary treaty rule, where the principle of state sovereignty may have some impact, but shall be effectively regarded as a defence of the individual against the state.

Where is then the borderline for the Strasbourg impact?

The Court of Norway has drawn the guideline that in cases of legal doubt the values and traditions of our own society should be maintained in the decisions, thereby furthering a dialogue between the national courts and the European one. The Strasbourg Court has also developed a principle of the national courts' ''margin of appreciation''. But there seems to be a tendency of narrowing the area of this dialogue and this margin.

From a national standpoint one has thus to pay a certain price for a judicial review based on an international court's interpretation. The various national cultures represented on the bench in Strasbourg may tend to place different views on the reading of the convention. In some cases the national legal circles may find themselves astonished—even somewhat angry—when they experience that established national practice suddenly is considered to be in breach of human rights. However, in my view this is a price one has to pay as contribution to a system that implies building of guarantees for individuals all over Europe. There is the risk that one will have to import certain legal elements that are foreign to national legal thinking. But the gain is great for the people in Europe as a whole—not the least in east Europe—seen in relation to the core elements of the rights, such as fair trial and freedom of the press.

A legal thriller in the years to come will be the Supreme Court's use of the two United Nations Covenants that is incorporated in addition to the European Convention, also with priority over ordinary legislation. When incorporating also the Covenants—with such priority—Norway has taken a step further than most European states. The Covenant on Civil and Political Rights is much of the same composition as the European Convention, whereas the one on Economic, Social and Cultural Rights contains provisions dealing in general terms with many areas of society, including workplace, health and social services, as well as education. Before the Act was passed, some critics complained that incorporation of this convention into national law would mean that the courts were responsible for the use of resources in these areas, particularly since the rights are formulated in such vague terms.

Take for instance Article 9 that recognizes the right of everyone to social security, including social insurance, or Article 13, which stipulates that higher education, shall be made equally accessible to all, on the basis of capacity, by every appropriate means. There are likewise other rules, which formulate what the covenant itself terms as ''rights.''

The national courts have certainly been given considerable responsibility in this connection. The court interpretation will decide whether the rather broad formulas are to be read primarily as political guidelines—as political aims—or as legal means constituting individual rights.

The civil rights in the Constitution have usually been named ''citizens' rights'', but can also be invoked by non-citizens in our courts. After World War II it became a question to what extent German war criminals were protected by the constitutional guarantees. In a famous case the Supreme Court found that the constitutional guarantees should not be interpreted in the normal strict sense when applied to enemies who broke into the country and committed crimes in breach of international law. One of the dissenting justices warned strongly against this reasoning and looked back to the beginning of the nineteenth century when the Constitution was drafted. ''The Constitution'', he said, ''was created in a period of war and revolution—nor was terrorism unknown.'' In his opinion, which later on is considered as a proud expression of Norwegian rule of law, he underlined that the individual rights—the civil rights—have their primary importance particularly in difficult and extraordinary situations.

Today the general opinion in Norwegian legal circles would be in conformity with this minority opinion fifty years ago. One would say that human rights are—according to European thinking—the travelling companions that support every human being, from the first cry to the last sigh. In my official farewell speech in the Court earlier this year I said that human rights protect not only ordinary citizens, but also fraudulent taxpayers, even terrorists.

The decision related to war criminals concerned the use of death penalty, which we later eliminated. One of the additional protocols to the European Convention declares that this penalty shall be abolished. As a representative of the Supreme Court in meetings in China with Chinese colleagues I have on several occasions emphasized this principle. I have then used the wording—when explaining our position—that we consider the death penalty to belong to a stage in development of society that one nowadays should have passed.

This protocol—which is now law of the land—will probably prohibit the executive from extraditing a foreign criminal, even a

terrorist, if he or she will be under a threat of death penalty in the foreign court.

Now a concluding observation drawn on around a hundred and fifty years of constitutional review and a few years of convention based review.

Even though the review principle has encountered resistance at times, both in Parliament and in public debate, it has slowly taken root over the generations as an important element in the three branches of government. Today we are witnessing a new leap forward for international human rights. We may all take part in that process. This is a field of law where all citizens have an important function: to advance profound analyses, constructive debates and fair solutions.

CONGRATULATING UPS ON ITS 95TH ANNIVERSARY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. NORTHUP. Mr. Speaker, today I rise to congratulate UPS on its 95th anniversary. UPS is an example of what a good corporate citizen should be, a model other businesses in this country should follow. UPS is the largest employer in the state of Kentucky, and with over 23,000 employees in Louisville, UPS has created thousands of jobs in my district.

UPS's investment in the economy of Louisville is shown through the recent completion of UPS Worldport, a $1.1 billion expansion project to the company's package-sorting hub. The project was the largest capital project in the UPS's history. The expansion alone created jobs for over 8,000 of my constituents. UPS Worldport contains conveyors and package-sorting mechanisms that stretch 102 miles in length. With over 4 million square feet under one roof—the facility is the size of more than 80 football fields, even larger than the Pentagon. Sorting 304,000 packages per hour, it is no wonder the UPS Worldport has been dubbed the "Hub of the Future."

In addition to UPS's economic impact on my district, UPS has made significant contributions to the Louisville community. UPS has set up its Metro College program in which the company pays for tuition and textbooks for students at area universities who are part-time employees with UPS.

UPS has done so much to help my district that I am excited to honor the 95th anniversary of this remarkable company. Please rise with me and congratulate UPS on 95 years of service.

TREATMENT OF MR. MARTIN MAWYER BY U.N. OFFICERS MUST BE INVESTIGATED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. PAUL. Mr. Speaker, I rise to place into the record a copy of the Washington Observer newsletter demonstrating the treatment a citizen of the United States received at the hands of agents of the United Nations in New York City. As you can see the attached newsletter demonstrates, Mr. Martin Mawyer, President of the Christian Action Network was forcibly removed from the U.N. grounds by three or four uniformed U.N. officers.

Mr. Speaker, as you are aware, Section 7, subsection (b) of the U.N. host country agreement (Establishment of Permanent Headquarters in New York; Agreement Between United Nations and United States; Joint Res. Aug. 4, 1947, ch. 482, 61 Stat. 756) states, in part "the federal, state and local law of the United States shall apply within the headquarters district." Moreover, as Mawyer states in item #6 on his signed affidavit regarding this incident: "Without asking me to leave, he ordered his security officers, 'Throw him out of the gates.' "

Clearly the photographs included in the attached story evidences the fact that an excessive use of force is apparent. I also understand that a video tape of the entire event is in Mr. Mawyer's possession.

Mr. Speaker, while I am not charging that the U.N. agents involved have in fact violated U.S. laws, I do believe the attached items demonstrate that sufficient evidence exists for an investigation to be undertaken and I have asked that the International Relations Committee or the appropriate subcommittee to undertake said investigation.

[From the Washington Observer, Sept. 2002]

U.N. ASSAULTS MARTIN MAWYER

Martin Mawyer, President and Founder of THIS NATION, a Project of Christian Action Network, was violently tossed down the steps of U.N. Headquarters in New York City on Wednesday, Sept. 4, by U.N. Security officers. He was then placed under arrest after he attempted to deliver petitions to the United Nations from thousands of THIS NATION supporters. Christian Action Network is a national grassroots pro-family organization with a membership of 250,000.

Badly bruised and cut, with his clothes torn and dirtied by the violent treatment, Mawyer was stunned and outraged at the behavior of the U.N. Security officers.

"I can't even express how horrifying, humiliating and painful it was to be treated that way with my staff and my wife and son looking on in shock," said Mawyer.

Mawyer added that the rough treatment was even more shocking since the U.N. had already agreed to accept the petitions when contacted by THIS NATION the previous week.

"Not only did they agree to accept the petitions of our supporters," said Mawyer, "but they assured us that we would be met on the steps of the U.N. and may possibly be able to meet personally with a U.N. official who would listen to some of our concerns.

"Instead," he continued, "they were waiting for me on the U.N. steps when I arrived, fully intent on shattering my dignity and resolve to deliver the petitions.

"Well, the U.N. stopped me from delivering the petitions," he went on, "but they have only deepened my resolve to confront them on issues of grave concern to citizens across America."

Mawyer had intended to deliver 30 bags filled with more than 60,000 petitions to the U.N. from American citizens. The petitions addressed a variety of issues of concern to citizens, including the U.N.'s newly ratified International Criminal Court, a plan to implement a U.N. standing army, the Kyoto global warming treaty, protection of U.S. military personnel serving in U.N. missions abroad, and a host of other issues relating to national sovereignty.

After the U.N. Security officers refused to accept the petitions and tossed him roughly onto the sidewalk, Mawyer attempted to deliver the bags of petitions over the U.N. gate. But U.N. Security officers threw the bags back over the gate onto the sidewalk, scattering petitions into the street.

As soon as Mawyer arrived, U.N. Security called the NYPD. When the police arrived, Mawyer was handcuffed, arrested and taken to jail.

"I sat in jail for several hours not even knowing what I was there for," he said.

After he was released from jail, Mawyer was issued a summons for disorderly conduct.

"It's clear that there was no reason whatsoever to assault me, arrest me, or charge me," said Mawyer of the incident. "In fact, they never even asked me to leave the United Nations property. They just ordered the officers to throw me out."

Mawyer added that the summons doesn't even contain the name or badge number of the arresting NYPD officer.

Mawyer's attorney, David Carroll, was present during the incident. He said Mawyer clearly did not violate any laws, and was victimized when the U.N. refused to allow him to exercise his First Amendment right to petition the government, and to exercise his free speech. Carroll added that Mawyer may have grounds to file assault charges against the U.N. Security officers.

"What is most outrageous about this incident is that the U.N. has consistently criticized the United States, our law enforcement and criminal justice systems, and has even asked to inspect our prisons and jails to make sure we are treating prisoners fairly," said Mawyer. "Yet they brutally assaulted me on the steps of their headquarters, then I was tossed in jail, my First Amendment rights were violated—all the while they sit on U.S. soil, enjoying the blessings of our nation and the fruits of our industry. They won't even accept the valid petitions from the very citizens whose own tax dollars support them."

He added, "It's outrageous, and I intend to expose the arrogance of the U.N. for the entire world to see."

THE WORDS "UNDER GOD" IN THE PLEDGE OF ALLEGIANCE TO THE FLAG

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. ISRAEL. Mr. Speaker, I rise to note a strong statement in support of the words "Under God" in the Pledge of Allegiance to the Flag, that was given to me by one of my constituents who is a member of the Knights of Columbus. I ask that this statement from the Knights of Columbus be included in the RECORD.

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.

HOW THE WORDS "UNDER GOD" CAME TO BE ADDED TO THE PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the Flag of the United States originated on Columbus Day, 1893. It contained no reference to Almighty God, until in New York City on April 22, 1951, the Board of Directors of the Knights of Columbus adopted a resolution to amend the Pledge of Allegiance as recited at the opening of each of the meetings of the 800 Fourth