

HONORING DEDE BARRY SILVER  
MEDAL IN THE WOMEN'S CY-  
CLING TIME TRIALS

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor one of my constituents, Dede Barry of Boulder, Colorado. Dede represented our country in the Summer Olympic Games in Greece last month. While there she won the silver medal in the Women's Cycling Time Trials, a 14.9 mile road race, with a finishing time of 31 minutes and 35.62 seconds.

Dede at a young age showed talent as an athlete not only in cycling but speed skating, which was her first sport. At the age of 13 she qualified for the Junior National Team in speed skating. As part of her cross training she began cycling in the summer and eventually competing during the summer when she was not skating. In 1989, she won the Junior World Cycling Championships.

Eventually she chose to focus strictly on cycling. Since that time she has won two gold medals at the Pan American Games, two world championship medals and six national championship titles. By winning the silver medal in Women's Cycling Time Trials she became only the fourth road cycling medal won by an American woman cyclist.

The sport of cycling has recently received increase exposure to the American public. However, most of that exposure has been in Men's cycling. Dede's silver medal win has opened doors to increase exposure to women's cycling and encouraging young girls to take up the sport.

Again, I would like to congratulate Dede on her silver medal and thank her for so proudly representing our Nation and the State of Colorado in the Olympic Games.

HONORING MR. DONALD R.  
MANUEL

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. WILSON of South Carolina. Mr. Speaker, Mr. Donald R. Manuel has distinguished himself by exceptionally meritorious achievements in public service to this Nation by serving the United States Army for over 39 years. After being drafted in 1964, Mr. Manuel received his commission as a Second Lieutenant, Field Artillery. Demonstrating keen expertise and artillery skills, he moved through various positions in the units at Fort Sill, Oklahoma and the US Army Engineer Supply Center, St. Louis, Missouri.

In 1968, Mr. Manuel began his superior career as a United States Army Civilian employee as Program Manager for Value Engineering, Methods and Standards, and Commercial Activities. Because of his demonstrated abilities, in 1980 he was moved to his current position as the Assistant for General Engineering in the Office of the Deputy Assistant Secretary of the Army (Installations and Housing), Assistant Secretary of the Army (Installations and Environment). Currently Mr.

Manuel is the Army's primary policy person dealing with base closure and realignment actions.

Throughout his career, Mr. Manuel has provided outstanding leadership, advice, and sound professional judgment on significant issues that affected both the Army and the Congress. His actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. Mr. Manuel's dedication to accomplishing the Army's mission has been extraordinary. He has been a truly outstanding career civil servant and will be missed by the United States Army.

HONORING RICHARD M. LEVY,  
Ph.D.

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Ms. ESHOO. Mr. Speaker, it is a privilege to recognize Richard M. Levy, Ph.D., my constituent from the 14th Congressional District of California and Chairman, President and CEO of Varian Medical Systems, who will be awarded the AeA 2004 Medal of Achievement on October 7, 2004. Dr. Levy will join a very select group of high-tech leaders who have received this honor, including William Hewlett and David Packard of Hewlett Packard, Ross Perot of Electronic Data Systems, Thomas J. Watson, Jr. of IBM, and Gordon Moore and Andrew Grove of Intel.

The AeA Medal of Achievement is presented annually to recognize an individual who makes significant contributions to the advancement of and service to their community, the high-tech industry, and humankind. It is the highest award presented by AeA, the Nation's largest hightech trade association.

Varian Medical Systems was created in 1999 when Varian Associates, Inc., a company Dr. Levy joined in 1968, was divided into three separate companies. It provides high energy radiation machines and associated hardware and software for treating cancer, and x-ray tubes for imaging in medical, scientific and industrial applications. With over 2,500 radiotherapy systems in place delivering treatments to more than one million cancer patients per year, including over 50 percent of all cancer patients in the U.S., the company holds a clear leadership position in this technology. Varian Medical Systems also ranks as the world's largest merchant supplier of x-ray tubes, including products for use in CT scanners, mammography units, and other diagnostic systems.

Dr. Levy earned his bachelor's degree from Dartmouth College and his doctorate in Nuclear Chemistry from the University of California at Berkeley. He began his business career at the Monsanto Company where he applied his scientific background as a research specialist and project manager in both basic and applied research. Within Varian, prior to assuming management and CEO duties, he gained experience in sales, marketing, service, R&D, and various corporate functions as well as managing the corporate Quality Program. Dr. Levy served as senior vice president from 1989 to 1992, and executive vice president until 1999, when Varian Medical Systems was formed and he was named CEO.

Dr. Levy is a member of the Board of Trustees of the Palo Alto Medical Foundation and the Boards of Directors of Pharmacyclics, Inc. and the California Healthcare Institute. He is a past Chairman of the Board of Directors of AeA, and served on the Board of Directors of the Diagnostic Imaging and Therapy Systems Division of the National Electrical Manufacturers Association.

I ask my colleagues to join me in recognizing the extraordinary leadership and contributions of Dr. Richard M. Levy as he receives the AeA Medal of Achievement Award.

PROCLAMATION RECOGNIZING MS.  
LESLIE FEHRMAN

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. NEY. Mr. Speaker:

Whereas, Ms. Leslie Fehrman is a student at Utica High School in Utica, Ohio; and

Whereas, Ms. Leslie Fehrman is the recipient of the Best Buy Scholarship, a nationwide program that awards students on the basis of exceptional community service and solid academic performance; and

Whereas, Ms. Leslie Fehrman must be commended for her dedication and devotion to her community and academia; and

Whereas, Ms. Leslie Fehrman has demonstrated a willingness to be a leader and a role model for the students of Utica High School.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Ms. Leslie Fehrman and the Best Buy Children's Foundation for her outstanding accomplishment.

TRIBUTE TO CHILDREN'S HOS-  
PITAL AND RESEARCH CENTER  
IN OAKLAND, CALIFORNIA

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Ms. LEE. Mr. Speaker, I am grateful for the opportunity today to pay tribute to the Children's Hospital & Research Center at Oakland for its outstanding research in the area of childhood obesity—a growing epidemic among children—as well as for the superior care it provides its young hospital patients.

A biomedical center of international renown, the Children's Hospital & Research Center at Oakland is Northern California's premier resource for children's health and has been a center of excellence in pediatric healthcare, research, child advocacy, and medical training since 1912.

The Children's Hospital houses the Bay area's only pediatric Emergency Unit—treating over 54,000 young patients a year, Northern California's only Pediatric Trauma Center—treating more than 6,000 critically injured children a year, as well as California's busiest pediatric Intensive Care Unit. In its dedication to address the epidemic of childhood obesity, the Children's Hospital offers weight and nutritional programs for children and their families

to help promote healthy habits. The Hospital's new "Healthy Eating, Active Living" Clinic provides nutritional and physical training as well as counseling services for overweight children.

Researchers at the Hospital and Research Center have pioneered advances in the diagnosis, prevention, and treatment of childhood obesity. In the Research Center, over 300 basic and clinical investigators come together in an environment that fosters collaboration and an exchange of ideas for saving and improving lives.

I ask my colleagues in the House of Representatives/Senate to join me in paying tribute to the Children's Hospital & Research Center at Oakland for the excellent care it provides its young patients as well as for the outstanding strides it has made in the research of childhood obesity.

#### THE ASSAULT ON THE INDEPENDENCE OF THE FEDERAL JUDICIARY

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. CONYERS. Mr. Speaker, I must inform you that Congress in general, and the House of Representatives in particular, is engaged in an unprecedented assault on the Judiciary, the crown jewel of our constitutional system.

In the last 2 years, Congress has undertaken a series of discrete, but interrelated actions that undermine our constitutional framework. By hamstringing, harassing, and weakening the Judicial Branch, these actions threaten to rob the Judiciary of its independence. The House has pushed unconstitutional legislation to prevent the courts from reviewing legislation, to take away the ability of judges to issue fair sentences in criminal cases, and to intimidate judges into following politically conservative beliefs when making rulings.

If enacted, these bills would, for the first time, prevent federal courts from reviewing the constitutionality of federal laws:

First, H.R. 3313 (Marriage Protection Act) prevents federal courts and the Supreme Court from reviewing challenges to the Defense of Marriage Act. It passed the House this past July by a vote of 233-194.

Second, H.R. 2028 (Pledge Protection Act of 2003), which prevents courts created by Congress and the Supreme Court from reviewing First Amendment challenges to the Pledge of Allegiance. This will be on the House floor on Thursday, September 23, 2004.

Finally, H.R. 3799 (Constitution Restoration Act of 2004) is a response to anger at two federal court decisions that cited foreign law and found certain governmental invocations of God to violate the First Amendment. H.R. 3799 would strip federal courts of jurisdiction to hear such cases. And here's the kicker: H.R. 3799 declares it an impeachable offense for a judge to decide that H.R. 3799 violates the Constitution. In one fell swoop, Congress would overturn the centuries-old principle that judges have the ultimate power to decide if our laws violate the Constitution.

Aside from their political attack of the judiciary, these bills are unconstitutional in that they violate separation of powers, equal protection,

due process, and the supremacy clause. Congress is challenging Justice John Marshall's famous pronouncement from *Marbury v. Madison* that it is the province of the courts to "say what the law is."

On top of that, permitting state courts to be the final arbiters of federal constitutional law will bring disarray to the Nation, also in violation of the Constitution. The Supremacy Clause of article VI states that the Constitution shall be the supreme law of the land, but dividing our Nation into fifty different legal regimes is the antithesis of this sacred principle. Enacting these proposals would constitute an undesirable precedent and lead to further assaults on the Judiciary.

Considering that the highest court in our land has not issued a single opinion undermining the Pledge or the Defense of Marriage Act, it is inexcusable to attack the judiciary to score political points.

The irony is that the House is celebrating Justice John Marshall by authorizing a commemorative coin in his honor, at the same time that it is passing the Pledge Protection Act and the Marriage Protection Act. These bills are entirely inconsistent with *Marbury v. Madison*, Justice Marshall's seminal opinion. At a time when it is more important than ever that our Nation stand out as a beacon of freedom, we should not countenance bills that undermine the very protector of those freedoms—our independent judiciary.

These unprecedented court stripping bills are nothing more than modern day versions of "court packing." Just as President Franklin Roosevelt's efforts to control the outcome of the Supreme Court by packing it with loyalists was rejected by Congress in the 1930s, thereby preserving the independence of the federal judiciary, so too must this modern day effort to show the courts "who is boss" fail as well.

Last year, Congress undertook another line of attack against the Judiciary through the controversial "Feeney amendment." This misguided legislation eliminated most of the discretion judges had when making sentencing determinations.

If we have learned anything over the years, it is that mandatory minimum sentences are counterproductive. They do not reduce crime. They punish the smaller players and their families. They distract from dealing with the real problems. And they waste precious resources.

Moreover, the amendment's imposition of burdensome reporting requirements, combined with Congress's demonstrated willingness to investigate the sentencing practices of specific judges, represent a shameless attempt to intimidate judges.

Last, but not least, I am concerned that by failing to provide judges with annual cost of living adjustments over the last decade, federal judges have faced the equivalent of a \$77,000 reduction in salary. In the last 30 years, while average pay has increased 12 percent for most workers, it has decreased 25 percent for judges. This has made it increasingly difficult for the judiciary to attract and retain talented lawyers to its ranks.

That is why I joined my colleagues in introducing a bill, H.R. 2118, to increase the salaries of all federal judges by 16.5 percent.

In the short history of our Republic, the political branches of government have all too frequently ridden the prevailing political breeze to constitutional excess.

An independent judiciary is all that protects our constitutionally guaranteed rights against

the depredations of the political branches. If the judiciary is too cowed or disabled to protect us, each citizen will be at the mercy of the ever-shifting political winds.

PASTOR CARL KRUEGER CELEBRATES THREE ANNIVERSARIES ON OCTOBER 1, 2004

#### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. KLECZKA. Mr. Speaker, on Friday, October 1, 2004 a celebration at St. John's Lutheran Church in Cudahy, Wisconsin will be held to honor Pastor Carl Krueger. This special occasion will acknowledge three anniversaries for Pastor Krueger. The celebration will mark his 30th year of ordination in the ministry, 25 years that he has faithfully served the parishioners of St. John's Church in Cudahy and 20 years of exemplary service as Chaplain of the Wisconsin Air National Guard's 128th Refueling Wing from which he is retiring.

Reverend Krueger was born and raised in River Rouge, Michigan, in a "down river" area of Detroit. He received a B.A. degree from the University of Michigan, Ann Arbor, and a Master of Divinity Degree from Concordia Seminary, Springfield, IL. Reverend Krueger then served as a vicar at Redeemer Lutheran Church in Marquette, Michigan.

It is apparent that Reverend Krueger is a man who is revered by his church members, respected by his military associates and highly regarded by those in the community who are familiar with the volunteer work that he has done over the years in supporting issues regarding the elderly and public health.

Pastor Krueger is a family man, having been married to his wife Dianne since 1971. He and his wife have five children, including two sets of twins.

Combining parish work and chaplain work has provided diverse challenges and opportunities for Reverend Krueger. He is well loved by the many members of the church that he has served over the past 25 years and has distinguished himself in the military by receiving a number of awards including the Air Force Commendation Medal, the Air Force Achievement Medal and the Air Force Outstanding Unit Award.

Reverend Krueger, it is with great pleasure that I extend my best wishes to you on the three anniversaries that you celebrate today and send my congratulations on your lifelong achievements and contributions to your church, community and to your country.

PROCLAMATION HONORING BOBBY D. YOUNG ON HIS 80TH BIRTHDAY

#### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. NEY. Mr. Speaker:

Whereas, Bobby D. Young was born in Perry County, Ohio on October 29, 1924;

Whereas, Bobby D. Young is celebrating his 80th Birthday; and