

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

Whereas, Bobby D. Young has exemplified a love for his family, and must be commended for his dedicated service to the community as a family practitioner in Zanesville, and for his service with the Tenth Army Air Corp in Burma during World War II.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Bobby D. Young as he celebrates his 80th Birthday.

TRANSPORTATION, TREASURY,  
AND INDEPENDENT AGENCIES  
APPROPRIATIONS ACT, 2005

SPEECH OF

**HON. EARL POMEROY**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 19, 2004*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. POMEROY. Mr. Chairman, I rise today to say that I will be voting for H.R. 5006, the fiscal year 2005 Labor, Health and Human Services, Education Appropriations bill, but doing so with some reluctance. While I support many of the funding provisions in this legislation, I also believe that this bill shortchanges many important needs in education and health care.

Almost three years after the historic No Child Left Behind legislation was passed into law, I remain concerned about Congress' ongoing failure to commit the resources promised to our Nation's teachers, parents and students. While I support the intentions of the education reform promise to leave no child behind, I am also convinced that the success of this new law will be determined in part by the investment made in this historic reform effort. I am deeply disappointed that this funding plan falls more than \$7.2 billion short of the resources promised for low-income and disadvantaged districts, thereby making up the vast majority of the total \$9.5 billion NCLB shortfall contained in the bill.

Not only does this bill fall short on critical funding for education, but it also makes cuts to the Rural Hospital Flexibility and Outreach grant programs, important resources to North Dakota health care providers. It is my understanding that Chairman REGULA has committed to work to restore this funding in conference, and I intend to actively support those efforts.

Certainly, this bill includes many provisions that I applaud. While I was pleased that the Rural Education Achievement Program once again received funding to help rural districts manage the No Child Left Behind Act's new accountability requirements, I strongly believe this program merits an increase in funding. I was also pleased that this bill restores the federal overtime protections to six million workers who saw their overtime pay threatened by the Department of Labor's new rules.

Ultimately, I cast my vote in favor of this legislation in order to ensure that the appropriations process could move forward. I remain hopeful that the Senate will include higher funding levels for these programs and that

we can work on a bipartisan basis to develop a fiscally responsible funding plan that provides adequate resources to strengthen our schools, address our public health needs, and support our Nation's workers.

COMMEMORATING THE OPENINGS  
OF THE NATIONAL MUSEUM OF  
THE AMERICAN INDIAN

SPEECH OF

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 2004*

Mr. KENNEDY of Rhode Island. Mr. Speaker, the National Mall is home to memorials in honor of our founding fathers, our nation's veterans and leaders who have shaped the course of the United States. The Mall is also home to wonderful museums that explore subjects from our natural history here on Earth, to travels to the moon and beyond. However, even with the diverse exhibits, there was always a piece of our history missing from the Mall, and on September 21, 2004, that hole was finally filled.

It is my honor to celebrate the long awaited opening of the National Museum of the American Indian on the National Mall. This museum stands as a monument not only to the past generations of Native Americans, but to the present and the future. I am hopeful that the prominent placement of this museum will help to educate our nation on the true history of Native Americans, told by their perspective and through their eyes. The museum will be home to artifacts and exhibits, but will also serve as a classroom with live performances and demonstrations. It truly is a magnificent addition to the Mall, and I look forward to visiting the museum often.

As we celebrate this joyous occasion, and visit with the thousands of Native Americans who have traveled from across the country to join in this event, Members of Congress must not forget that our relationship with Native Americans goes far beyond the museum. Preserving the past and ensuring the future of Native Americans is celebrated in the museum, but it is only through the adequate funding of education, healthcare, and other initiatives critical to our Native American communities that illustrates our true commitment. I will continue to work with several of my colleagues to fight for essential programs to give Native Americans the resources they need.

I am proud to have the opportunity to welcome so many Native Americans to Washington, D.C. this week, and to welcome the National Museum of the American Indian.

COMMEMORATING THE OPENING  
OF THE NATIONAL MUSEUM OF  
THE AMERICAN INDIAN

SPEECH OF

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 2004*

Mr. HOYER. Mr. Speaker, "with the opening of the National Museum of the American Indian today, the sun shines a bit brighter on the

National Mall. This long overdue addition to the Smithsonian is both an architectural and cultural feat achieved through hard work, imagination and perseverance of Native communities across the country. With its combination of traditional materials and state-of-the-art technological exhibits the museum is a true testament to native communities' commitment to moving forward while honoring the traditions of the past.

"Potomac is Algonkin for 'where something is brought.' Therefore, it is fitting that today on the banks of the Potomac River the Native community brings our great nation the gift that is the National Museum of the American Indian. By meeting adversity with strength and a renewed commitment to the health, welfare and prosperity of their people and traditions, the Native community is an inspiration to all Americans."

"While we celebrate the opening of the museum we must also take the time to recommit ourselves, our nation and our resources to helping Native communities across the country. The challenges of providing adequate housing, health care and education in Indian Country must be met with our full dedication and vigor. We must recommit ourselves to providing full ballot access to all of Indian country in this fall's election and support the efforts of the legal teams of the Native Vote 2004: Election Protection.

"In addition to dedicating ourselves to addressing the needs of the Native community, my Democratic colleagues and I are steadfastly committed to protecting tribal sovereignty and protecting the trust rights of all in Indian Country. The government-to-government relationship between the Federal government and Indian tribes must be protected as we legislate and direct funds in Congress. We must honor our nation's responsibility to protect the land and resources of Native Americans fully and to the benefit of all in Indian Country."

"It is a brighter day in our nation and in all of Indian Country on this opening day of the National Museum of the American Indian."

COMMEMORATING THE OPENING  
OF THE NATIONAL MUSEUM OF  
THE AMERICAN INDIAN

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 2004*

Mr. UDALL of Colorado. Mr. Speaker, I am very pleased to join in support of this resolution.

The resolution notes that the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia. It points out this will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans. And it officially recognizes that the new museum officially opens today.