

pursuing for 18 years and I have a simple question for them: "Where have you been all of these years?"

For the 40 years that the Democrats had nearly exclusive control of Congress, they never sent a bill, never sent a bill, to end this unfair practice to either a Republican or Democratic President. Moreover, the House Democrats have never included one penny for concurrent receipt in any of their annual budget proposals. For the first 9 years that I worked on this issue, I was stymied at every turn by the party who controlled Congress. My 1993 Discharge Petition was signed by a small fraction of those who last year expressed a sudden interest in the issue by signing the Democrat Discharge Petition. Not a single disabled retiree, Madam Speaker, received any concurrent receipt benefits under the Democratically controlled Congress.

However, Democrats are now shamelessly attempting to hijack this issue in an effort to portray themselves as friends of disabled military veterans. It was not until the Republican Party took control of Congress in 1995 that we have made significant progress, a step-by-step advance towards full concurrent receipt. The Republican-controlled Congress has acted on five separate occasions to address the concurrent receipt issue.

Republicans also fulfilled the pledge given to millions of military retirees that they would receive lifetime medical coverage in exchange for their selfless military service to the Nation with the enactment of the TRICARE-for-Life program. Moreover, spending for veterans' health care programs has grown by 49 percent over the past 5 years, grown by 49 percent over the past 5 years. So I ask which political party has been the true, underline "true," friend of our Nation's military retirees and veterans?

Despite this breakthrough, full concurrent receipt does remain a priority goal for all of us who have been involved in the campaign to provide equity to America's disabled military retirees. In the interim, Madam Speaker, of reaching our ultimate goal, I would say that I am very proud of our accomplishments on behalf of the brave men and women who have sacrificed so much for our great Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ORDER OF BUSINESS

Mr. TOWNS. Madam Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### CONGRESSIONAL TRIBUTE TO BERTHA WOODARD JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Bertha Woodard Johnson. Bertha Woodard Johnson is the daughter of the late Sadie Woodard and Richard Wallace. She was born in Chester, South Carolina and reared by her mother and grandmother. Mrs. Johnson spent a life providing services for the needy, with a particular vocation of serving children and the elderly. She has worked tirelessly to improve the quality of life through active participation and personal generous donations of her time and talent. This passion to help people led her to become a care giver and nurse for over 45 years. Before retiring, she received numerous awards and accolades for her dedicated service including "Nurse of the Year."

In a recent celebration in my district, where people came together to pay tribute to Bertha Johnson, they came from all over. They came from Tampa, Florida. Pastor Giles, of course his wife, Deacon Jackson, her daughter Mary and of course Natalie and Ramona. They just came from everywhere to celebrate the life of Bertha Johnson. She is a person that had done so much to improve the quality of life for so many. There were people there who said "I would not be able to be where I am if it had not been for Bertha Johnson." Not her children but people that she influenced, people that she encouraged to do positive things this life. It was the most moving experience I think I have ever encountered.

And I would like to take this opportunity to salute Bertha Johnson; her husband, Charlie Johnson; and all of the Johnson family for the outstanding job that they have done in terms of improving the quality of life for people down through the years and to listen to folks call her Mother that were not even her children but they came and were supportive of her because of the fact that she made such a difference in their lives. There are not too many people around that have the influence and have been able to give the kind of support that Bertha Woodard Johnson has given to so many but recognizing that she could not have done that without the support of her husband, Charlie Johnson, who has been right there by her side and she was able to go out and do things on behalf of people.

I would like to say to the House here today we take the time now to salute Bertha Woodard Johnson for the outstanding work that she has done down through the years and say to those that came to encourage her we salute them as well because we can say without any reservation that Bertha Johnson has made a difference and it is a

life well lived. We continue to support her and we know that she will continue to do great things on behalf of the people not only in the area where she lives but throughout this Nation. We salute Bertha Johnson on this day.

#### JUDICIAL ACTIVISM, A GRAVE AND GROWING PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Kentucky. Madam Speaker, I would like to take this opportunity to speak about judicial activism, a grave and growing problem in our current national discourse that is threatening our democratic principles, eroding the consent of the governed, and radically altering the social fabric of our American society.

It should be of little surprise that the impetus of this debate, and the modest solutions I intend to set forth, stem from the November ruling by the Massachusetts Supreme Court to allow same-sex marriages and the subsequent rulings on the constitutionality of the Defense of Marriage Act that have followed.

I am a strong supporter of numerous legislative measures currently being considered by this Congress, aiming to define marriage as an exclusive union between one man and one woman. However, I believe a more comprehensive solution is necessary to address the broader, troubling trend toward judicial activism, a development with definitive implications beyond just the issue of marriage.

America's judicial branch has become increasingly overreaching and disconnected from the values of everyday Americans, many of whom I represent in the Second District of Kentucky. The recent actions taken by courts in Massachusetts and elsewhere are demonstrative of a single branch of government taking upon itself the singular ability to legislate. I believe these actions usurp the will of the governed, circumvent representative government by allowing tribunals of a select few, not elected or otherwise politically responsible, to conclusively rule on issues that are radically reshaping the societal traditions of our great Nation.

Clearly, this issue is one about power, not in the raw political sense but in terms of the allocation of government authority between each branch of government, specifically between Congress and the Judiciary, in a federal system that relies on checks and balances to protect our liberty. This is a debate that has been taking place since our founding.

At no point is the tension between Congress and the courts greater than in the realm of constitutional interpretation. The Constitution does not expressly provide for judicial review. Instead, the right of judicial review is a practice with origins from the bench

itself, established in 1803 when Chief Justice John Marshall ruled, "It is emphatically the province and duty of the Judicial Branch to say what the law is."

The *Marbury v. Madison* case decision provides an extraordinary recognition of judicial power in a constitutional form of government. The exercise of such broad authority, expanded over time through political tradition, clearly has a growing adverse effect on the relationship between coequal arms of our national government. As judicial power expands, congressional power contracts. This is especially true when the power to interpret the Constitution rests in the hands of activist judges anxious to find the latest "right" hiding between the lines of our founding document.

Our Founding Fathers created three separate branches of government, each with equal checks and balances on the other. Our founders also ensured that each branch, including Congress, play a role in constitutional interpretation, requiring officials in each branch to take an oath to support and defend the Constitution.

The framers did not give authority to one branch over the other. Certainly each branch has its separate functions, but debating, defending, and upholding the tenets of the Constitution involve the decision and duties of each branch. As a Congress, we must change our thinking and reaffirm our authority to interpret constitutional issues in concert with, and independent from, the courts.

The framers of the Constitution were advocates of serious debate who believed that the deliberation of the political process should always be open to the people. If the courts continue their dramatic move toward self-proclaimed interpretive power, I believe Congress, as the people's branch of representative government, should take steps to ensure equal balance and authority to check the final results.

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I am introducing legislation today to address these serious, pressing issues in a direct and forceful manner. The bill that I have authored, if enacted, will allow Congress, by a two-thirds majority of each House, to reverse a judgment of the Supreme Court. This additional check may only be enforced on rulings concerning the constitutionality of an act of Congress following the enactment of this bill.

In his first Inaugural Address, Abraham Lincoln warned, "The candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to irrevocably fixed by decisions of the Supreme Court, the instant they are made, the people will have ceased to be their own rulers, having practically resigned their government into the hands of that eminent tribunal."

It is my hope that the people and the courts will see my position and recog-

nize the serious problems arising from this growing imbalance of constitutional authority. I urge my colleagues from both sides of the aisle to redress judicial activism, protect the equal dignity of this governing body, and preserve the majority will of the governed by supporting this legislation.

The SPEAKER pro tempore (Mrs. BLACKBURN). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HONORING THOMAS RUTECKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Madam Speaker, I rise today to honor one of our fellow citizens, Thomas Rutecki, who displayed an act of great courage when he put himself in harm's way to save the life of another.

His story reads like a scene from a movie. From a distance, a passerby sees a woman in a motorized scooter. One wheel has become lodged in the train tracks. He walks on to the tracks to help her, when, all of a sudden, the warning lights at the train crossing begin to flash.

Seeing the lights from an Amtrak train barreling down on them, he frantically tries to dislodge the wheel of the scooter. Unable to free the motorized scooter from the tracks, he picks her up and shields her with his leather coat, only inches from the track, leaving only 5 seconds until the train shatters the motorized vehicle.

A daring scene from a movie? No, it was just what occurred on Tuesday, March 2, in my district in downtown Downers Grove, Illinois. Thomas Rutecki, a Navy veteran, risked his own life to save the life of Rosetta Wiedemann, a wheelchair-bound blind woman on her way to a local deli to buy a loaf of bread.

Not concerned with his own safety, he placed his life in the path of a high-speed train to save the life of another. It was an act of utter selflessness and heroism.

I would like to honor this hero today. He may be retired from the Navy, but he continues to honor all of us with his kind and selfless act of bravery. Our hats are off to you, Thomas Rutecki.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### UNEMPLOYMENT: A SERIOUS ECONOMIC AND SOCIAL PROBLEM FACING THE COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANK of Massachusetts. Madam Speaker, I am here to talk about a very serious economic and, therefore, social problem facing the country. We talk about the unemployment statistics, we talk about the ebb and flow in the job market, and the particulars are important. But by now we have enough evidence over the past several years so that we should be focusing not on month-by-month figures, but on what appears to be a very significant change in the nature of our economy. Indeed, I think we may be at a major inflection point.

I hope I am too pessimistic. I hope tomorrow there are going to be figures that show much greater growth in employment than we have seen. But even a good one month is not going to undo the problem we are facing.

Here is the problem: we have had a recovery from a recession over the past couple of years. In 2003 in particular, in the third quarter we had very significant growth, aided by a series of government programs and the natural cyclical rebound from a period of slowdown, and we had growth in the fourth quarter. What we have not seen is the growth in employment that ordinarily accompanies this degree of economic recovery.

In short, it appears from a variety of indicia that we are at a point where the ability of the private sector in this country to create wealth is now outstripping its ability to create jobs. The normal rule of thumb by which a certain increase in the gross domestic product would produce a concomitant increase in jobs, it does not appear to apply.

By the way, among those who were misled by the assumption that the normal rules would apply are the leading economic officials of the Bush administration. For example, in October of last year, Secretary of Treasury Snow said, "I am confident that this economic recovery will now be sustained and will