

part because King George “has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws.”

After a long and bloody revolution, we earned the right at last to be free of such foreign control. Rather, it was we the people of the United States who then ordained and established a Constitution of the United States and our predecessors, our forefathers, specifically included a mechanism by which we the people of the United States could change it by amendment, if necessary.

Of course, every judge who serves on a Federal court swears to an oath to “faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws of the United States, so help me God.”

As you can tell, I am concerned about this trend. I am concerned that this trend may reflect a growing distrust amongst legal elites—not only a distrust of our constitutional democracy, but a distrust of the American people and America itself.

As every high school civics student knows, the job of a judge is pretty straightforward. Judges are supposed to follow the law, not rewrite it. Judges are supposed to enforce and apply political decisions that are made in Congress and that are signed into law by the President of the United States. Judges are not supposed to make those decisions or substitute their own judgments or those political judgments hashed out in the legislative process in this body and this Capitol. The job of a judge is to read and obey the words contained in our laws and in our judicial precedents—not the laws and precedents of foreign governments, which have no authority over our Nation or the American people.

I am concerned that some judges who simply don't like our laws—and they don't like the decisions made by Americans through their elected representatives here about what those laws should be—are using this as another way to justify their decision to overreach. So it appears they would rather rewrite the law from the bench. What is especially disconcerting is that some judges today may be departing so far from American law, from American principles, and from American traditions that the only way they can justify their rulings is to cite the law of foreign countries, foreign governments, and foreign cultures, because there is nothing left for them to cite for support in this country.

Citing foreign law in order to overrule U.S. policy offends our democracy because foreign lawmaking is obviously in no way accountable to the American people. Here again—and I started out by saying I am not condemning all Federal judges; I have great respect for the Federal judiciary—I am not condemning international law. Obviously, there is a way by which international law can apply

to the United States, and that is through the treaty process, which is, of course, subject to ratification by the U.S. Congress.

There is an important role for international law in our system, but it is a role that belongs to the American people through the political branches—the Congress and the President—to decide what that role should be and indeed what that law should be; it is not a role given to our courts. Article I of the U.S. Constitution gives the Congress, not the courts, the authority to enact laws punishing “Offenses against the Law of Nations,” and article II of the Constitution gives the President the power to ratify treaties, subject to the advice and consent and the approval of two-thirds of the Senate. Yet our courts appear to be, in some instances, overruling U.S. law by citing foreign law decisions in which the U.S. Congress had no role and citing treaties that the President and the U.S. Senate have refused to approve.

To those who might say there is nothing wrong with simply trying to bring U.S. laws into consistency with other nations, I say this: This is not a good faith attempt to bring U.S. law into global harmony. I fear that, in some instances, it is simply an effort to further a political or ideological agenda, because the record suggests that this sudden interest in foreign law is more ideological than legal; it seems selective, not principled.

U.S. courts are following foreign law, it seems, inconsistently—only when needed to achieve a particular outcome that a judge or justice happens to desire but that is flatly inconsistent with U.S. law and precedent. Many countries, for example, have no exclusionary rule to suppress evidence that is otherwise useful and necessary in a criminal case. Yet our courts have not abandoned the exclusionary rule in the United States, relying upon the greater wisdom and insight of foreign courts and foreign nations. I might add that very few countries provide abortion on demand. Yet our courts have not abandoned our Nation's constitutional jurisprudence on that subject. Four Justices of the Supreme Court believe that school choice programs that benefit poor urban communities are unconstitutional if parochial schools are eligible, even though other countries directly fund religious schools.

Even more disconcerting than the distrust of our constitutional democracy is the distrust of America itself. I would hope that no American—and certainly no judge—would ever believe that the citizens of foreign countries are always right and that America is always wrong. Yet I worry that some judges become more and more interested in impressing their peers in foreign judiciaries and foreign governments and less interested in simply following the U.S. Constitution and American laws. At least one U.S. Supreme Court Justice mentioned publicly—and Justice Ginsburg's com-

ments were reported on April 2 in the New York Times. A Justice has stated that following foreign rulings rather than U.S. rulings “may create that all important good impression,” and therefore, “over time, we will rely increasingly . . . on international and foreign courts in examining domestic issues.”

Well, let me conclude by saying I find disturbing this attitude and these expressions of support for foreign laws and treaties that we have not ratified, particularly when they are used to interpret what the U.S. Constitution means. The brave men and women of our Armed Forces are putting their lives on the line in order to champion freedom and democracy, not just for the American people but for people all around the world. America today is the world's leading champion of freedom and democracy. I raise this issue, and I have filed a resolution for the consideration of my colleagues on this issue. I speak about it today at some length because I believe this is an important matter for the American people to know about and to have a chance to speak out on.

I believe the American people—certainly the people in Texas—do not want their courts to make political decisions. They want their courts to follow and apply the law as written. I believe the American people do not want their courts to follow the precedents of foreign courts. They want their courts to follow U.S. laws and U.S. precedents. The American people do not want their laws controlled by foreign governments. They want their laws controlled by the American Government, which serves the American people. The American people do not want to see American law and American policy outsourced to foreign governments and foreign courts.

So I have submitted a resolution to give this body the opportunity to state for the record that this trend in our courts is wrong and that American law should never be reversed or rejected simply because a foreign government or a foreign court may disagree with it. This resolution is nearly identical to one that has been introduced by my colleague in the House, Congressman TOM FEENEY. I applaud his leadership and efforts in this area, and I hope both the House and Senate will come together and follow the footsteps of our Founding Fathers, to once again defend our rights as Americans to dictate the policies of our Government—informed but never dictated by the preferences of any foreign government or tribunal.

Mr. President, I yield the floor.  
The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### HONORING POPE JOHN PAUL II

Mr. COLEMAN. Mr. President, I appreciate the opportunity to pay my respects to a simple, humble man who achieved historic greatness—Pope John Paul II. The Archbishop of Minneapolis-St. Paul, Harry Flynn, had a

quote the other day. I was home this weekend with my wife and was looking over remarks made about John Paul II. The Archbishop said this:

He will be known, I firmly believe, as John Paul the Great in the long history of the church. This will be because of his profound writings and for his unceasing focus on the dignity of each and every human being and the paramount value of human life. To my mind, his election to the pontificate was made possible by the providence of God and demonstrates God's love for his church.

I agree with my friend Archbishop Flynn that John Paul II will be known in history as John Paul the Great.

The human family is plagued by many artificial divisions. Once in a great while, a figure emerges whose ideas and example resonate across all boundaries and brings us together. John Paul II was such a person.

As a Jew, I feel a deep sense of personal loss because the person I looked to for leadership and who I deeply and profoundly respected has passed on. I have the image of John Paul II at the western wall in Jerusalem, the Wailing Wall it has been called, the last remains of the outer part of the second temple, perhaps one of the holiest spots in the Jewish faith. I believe, if my recollection of Jewish tradition is correct, as you walk along the western wall, about 100 yards inward is the place where Abraham was going to sacrifice his son and the covenant with God was formed. I remember John Paul there praying, inserting his prayer—one of the things you do at the western wall is oftentimes you take a prayer and put it in one of the crevices of the wall as you say a prayer.

His feeling was so deep and rich. I can see him there praying in front of the western wall, I believe asking for forgiveness for the church for the history of antisemitism.

I have heard the essence of leadership described in this way: A leader maintains order in the midst of change and change in the midst of order. That was John Paul's outstanding gift. He held strongly to eternal values while he was a force for dynamic and even revolutionary change. He played a decisive role in the liberation of Eastern Europe and the fall of the Soviet Union. He has passed on within a few months of the other central figure in that historic change, Ronald Reagan. But Pope John Paul II did not wield military power. He was a man whose strength came from moral force and a conscience governed by peace.

Remarkably, he was able to lead with equal impact in the vigorous early days of his papacy and in the weakness of his latter years.

There has been so much that has been written and said about this Pope in the last few days that I believe has captured the essence of this great man. There is a piece I saw in Larry Kudlow's column. I would like to read from it:

John Paul II reached across all religious lines, becoming the most evangelical pope in recent memory. He was tireless as he spread

his message of traditional religious faith and values to anyone who would listen—believers, nonbelievers, Catholics, Protestants, Muslims, Jews. This will surely be one of his most enduring legacies. You do not have to be Catholic to be grateful for the service John Paul II rendered to all mankind.

He did a tremendous service by the way he reached out to Israel and Jews around the world. His visits to Holocaust sites healed generations of misunderstanding and underscored the world's conviction that events such as this must never be allowed to happen again.

His constancy showed us how to live. His forgiveness showed us how to deal with evil. His generosity showed us our obligation to the less fortunate. His faith showed us that we all live for purposes far beyond ourselves.

I was the mayor of St. Paul, MN, so I am happy to quote St. Paul's words to sum up the Holy Father's life:

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails.

John Paul II was an ambassador of love, and his love will continue to bless the world. I said to my wife the other day: How blessed we are to have lived in his time.

John Paul the Great is no longer physically with us, but he has touched all our souls in extraordinary ways. We thank God to have known him.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

#### HONORING POPE JOHN PAUL II

Mr. REID. Mr. President, a number of years ago, maybe 15 years ago, I had the opportunity to read a biography of Pope John Paul II. It was a big book given to me by a friend. I started reading it and I couldn't put it down. It read like a novel. He was a tremendously interesting, fascinating, wonderful human being I came to appreciate. I did not know much about the Pope, but after reading that book I tried to read everything I could about him.

The only personal situation I ever had involving the Pope was shortly after I read that book I traveled to Central America with a congressional delegation. This was during the time of the Iran contra conflict. One of the people we met was the Interior Minister of Nicaragua, a Communist. I met him. He was a pleasant man. He was a Catholic priest.

He talked about the fact he had been to Nevada. He was a relief priest. He would relieve priests in rural Nevada for their vacations. He talked about Battle Mountain where he had administered the last rites to a sheep herder. He was a very pleasant man. I learned later, however, about a story when the Pope had been through Nicaragua earlier. There was a long line of priests, as is traditional in the Catholic faith, that kiss the ring of the father, the Pope. When this man came by, the Pope withdrew his ring. He knew what this man had done in Nicaragua. He was a Communist, and he did not like what he had done, and he didn't kiss his ring; the Pope pulled it back.

Pope John was a man of conviction and very strong feelings. One of the strongest convictions he had was about communism. He knew what it had done to his country of birth.

He is exemplary of why the former Soviet Union could beat down religion in every country it oppressed except Poland. It couldn't do it. And Pope John was an example of how the Poles reacted to communism. They tried to shut the schools. The Catholic schools flourished during all the time of communism. They could not shut them down.

This weekend, the Catholic Church lost its spiritual leader and a spiritual leader of the world. Just because you are not of that faith does not take away from the spiritual power of this man. I acknowledge his spiritual power. In the book I read, I learned it was not unusual for Pope John Paul II to pray for 4 or 5 hours at a time. He was a man of great spirituality. Without any reservation, the world lost its spiritual leader and incredible role model. He displayed amazing strength, courage, and compassion throughout his life, his life of service to his fellow man.

As we know, he was born in Poland near Krakow. During his 84 years, he had enormous impact on the people and politics of his time. His lifetime and acts are full of lessons for all of us. But as so often is the case with life, you may not have guessed this from his early years. He was also a gifted athlete and extremely smart. He spoke fluently seven languages. His favorite sport was soccer. He, in his adult life, was an actor. He enjoyed acting. He wrote poetry. At the university he studied literature and philosophy and still found time to take part in the theater they had, becoming what many have called a gifted actor. That is what they called him at the time. For a while, his ambition was to be a professional actor.

Pope John did not become part of the priesthood as a teenager. He was in his midtwenties before he became a priest. In the early 1940s, his life led him to the priesthood and his ultimate calling. He was elected not long thereafter to be head of the Catholic Church in 1978. For 27 years he has changed lives and touched the world in countless