

taking of lands for use by the public. And the radical transformation of the taking clause to mean public benefit rather than the public use. And this began, this change, this radical change began in the early 20th century, back from 1936 on in a New York City case.

There the court determined that slum clearance would be a public use, that was a good use, taking away people's homes from one set of circumstances and giving it someplace else. And he says, "This is a quintessential private use. The government took the land from private individuals so that other private individuals could use that land to live on."

Then he goes on to say, the Court blatantly ignored the fact that the Constitution uses the phrase "public use" rather than "public benefit." And the Court concluded "the law of each age is ultimately what the age thinks the law should be."

What a scary thought that is, if the courts really take that view that the law can simply change from age to age to age, and that there are no firm foundations from one generation to the next.

Our government, both on the State and the Federal level, were intended to be limited with only certain specific powers being delegated by the people to the various branches. And the ability of the government to seize private property from its citizens far exceeds the authority the people have bestowed upon it. And that authority may not be changed from generation to generation to generation.

The Justices in the majority, while they may have been well intentioned and trying to provide what they cited as economic development, had absolutely no constitutional authority to make those decisions. Certainly, not in the liberty-grasping fashion that they did.

So tonight I come here and, again, I call for limitations on the courts' jurisdiction before every one of our liberties and freedoms are clutched from our very possessions as our homes now apparently may be. And in light of this anniversary, I recently introduced a resolution, again emphasizing this body, this House's disapproval of the majority opinion of the Supreme Court and highlighting other positive actions we have taken, such as my amendment recently to, in fact, a year ago to say the Federal Government would not use our dollars to help facilitate these actions.

You see, Mr. Speaker, the United States, the greatest Nation in the world, must always remain a Nation where rights and liberties are celebrated, not a Nation where people live in fear of those rights and liberties being instantaneously taken away by unelected judges covetous of policy-making powers.

POWER SHARING NEEDS BIPARTISAN ASSISTANCE

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

Mr. OWENS. Mr. Speaker, power sharing and the Voting Rights Act will be on the agenda tomorrow. The United States Voting Rights Act, launched and guided by President Lyndon Johnson, was a front line cutting-edge innovation in constitutional democratic government. The turmoil and conflict of the civil rights struggle was brought to a high level, successful, peaceful conclusion with the passage of the Voting Rights Act.

□ 2240

We could hold up to the world a new refinement in democratic governance. That was in 1967. Today in 2006 we should take note of the fact that the Government of Norway has established a new frontline for democratic inclusiveness. Last January Norway passed a law mandating that 40 percent of the board members of all major corporations, private and public, must be women. This is a far-reaching and bold action; however, it reflects a mushrooming trend toward the goal of a fair and productive inclusiveness of all citizens in vital decision-making processes. Norway is at one extreme, but there is a great deal between Norway and our Voting Rights Act.

As we consider reauthorization of the Voting Rights Act, we should look beyond our borders. A serious examination of the struggle for democracy across the globe reveals that our American constitutional democracy is not the final realization of the most perfect governance structure that can be achieved. In fact, it may be that our American democracy is now being eclipsed by more a sophisticated set of mutations of constitutional democracy. Our way, born in 1776, may within a few decades appear to be a crude, outdated approach to the rule of law with justice for all.

As of this date, one-third of the world's democratic governments have some form of mandates or incentives for promoting ethnic minority or gender representation. Norway, with its 40 percent mandate for female board representation on private company boards, may be way out there ahead of other governments; nevertheless, many others recognize the need to move out beyond the slow processes of tradition and the prevailing power arrangements.

Denmark and Germany elect minorities in their respective countries into regional and national Parliaments. In Iran ethnic minorities such as Armenians and Jews have seats allocated for them in Parliament. The Pakistan Government has provided for special representation for minorities and women in Parliament. Burundi guarantees 40 percent of the Parliament and Cabinet positions to the Tutsi minority and half the positions in the army.

Advised by the United Nations, the Kosovo Parliament will be chosen by direct elections with special arrangements for Serb and other minority groups to be represented. Billions of United States dollars have been spent in Kosovo to achieve this outcome.

In Iraq the United States advisers are insisting on an all-inclusive government with the dominant majority Shiites sharing power with the minority groups such as the Sunnis and the Kurds.

Our Voting Rights Act, which we are about to renew and extend, is very much in harmony with an escalating international consensus which emphasizes the fact that power sharing promotes good government and peace. Shortsighted efforts to dilute the provisions of the Voting Rights Act must be defeated. This act goes as far as our Constitution will allow us in order to create opportunities for minority representation. However, beyond the law the time has come for each of the political parties to adopt platforms and positions which further enhance the highly desirable goal of power sharing. Beyond opportunity for minority representation, the Republican Party and the Democratic Party should assume positions and take actions to discourage and remove any roadblocks to the greatest possible amounts of power sharing at all levels of government.

There is bipartisan agreement that Kosovo, Rwanda, and Iraq must have power sharing. At home we can offer no less to our minorities. The Voting Rights Act is our successful weapon of mass construction, mass democratic construction. We must support the renewal of the Voting Rights Act.

PERSONAL PROPERTY RIGHTS AND THE KELO DECISION

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

Mr. BISHOP of Utah. Mr. Speaker, one of my top five movies of all time was the 1968 cult classic, the original Producers. And, of course, as you know, that was the story of a Broadway producer who tried to find the worst play possible to produce a Broadway flop, and unfortunately it turned into a smash hit. And there is this wonderful scene where the producer Max Bialystock looks at the audience in the movie and says, "I chose the wrong play, the wrong director, the wrong actor. Where did I go right?"

Well, to me the Max Bialystock of government, the Supreme Court, sometimes does the same thing, as their best laid plans and correct principles end up in something simply messed up. As my good friend, the gentleman from New Jersey, spoke a moment ago, this week will be the 1-year anniversary of the Kelo decision. After years of harping and praying and hoping the Supreme Court would actually take the

right concept and respect States rights, to respect the 10th amendment, they did it for the first time and once again got it wrong. For in their respect for the process, the majority of the Court forgot the constitutional principle involved.

We have talked, as the Constitutional Caucus, a great deal about the concept of federalism. Federalism is not the same thing as States rights. Federalism is the idea of a balance between the national and State governments solely for the purpose of protecting individual liberty and individual property. States rights is decisions and powers being made at the State level, which usually produces the proper result, but every once in a while has a history of abuse of power.

This particular situation, the Kelo decision, is one of those, where one of our good States in New England, both the local government and State decided to use eminent domain to take property from individuals not for the public good, but for economic development, a government abuse of property rights for the sake of money.

Fortunately, the dissenters of the Supreme Court clearly understood it. In reading the words of the dissent on the Kelo situation, they said, "If such 'economic development' takings are for a 'public use,' any taking is, and the Court has erased the public use clause from our Constitution." Further, he said, "The takings clause also prohibits the government from taking property except 'for public use.' Were it otherwise, the takings clause would either be meaningless or empty."

It was appropriate for this body, immediately after that decision, to pass both the resolution and the law condemning those decisions. It is also appropriate at the 1-year anniversary that we once again understand and review the significance of that concept of personal property rights.

The Supreme Court recently made a decision this week dealing with wetlands cases. We are talking, as well as the Senate, about the concept of death taxes. Both of those have at their core the understanding of the significance and importance of personal property rights. It is right and proper for us at the dedication of this anniversary of this infamous decision on Kelo to once again restate and reunderstand our purpose and the purpose of this government, which is to protect personal property.

JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to acknowledge the World Refugee Day as we keep the flame of hope alive, showing some 20.8 million internally displaced refugees fleeing persecution who are now looking to the world to ask for relief.

As I stand to acknowledge that day, I draw the House's attention to a day I believe that symbolizes the hopes and dreams of many. Although the occasion of Juneteenth happens to be a holiday that is celebrated by African Americans, it is, in fact, the oldest nationally celebrated commemoration of the ending of slavery in the United States. So I say simply that it is symbolic of people who are in need of empowerment.

And, in fact, this celebration took place in this country, and certainly in the State of Texas, over the last 3 days, this past weekend. I participated with my colleagues in different States to celebrate Juneteenth, as well as my constituents, on Saturday and Sunday and Monday.

From its Galveston, Texas, origin in 1865, the observance of June 19 is considered the African American Emancipation Day even as it claimed a time frame in which African Americans were actually denied the knowledge of their freedom. Those in Texas did not hear of the declaration that President Lincoln made until 1865.

Today Juneteenth commemorates, I believe, African American freedom and symbolically freedom around the world. And that is why in the beginning I stood and acknowledged this is World Refugee Day, for refugees are looking for freedom and hope, and they belong to us, and they are placed around the world.

This special day of Juneteenth, however, emphasizes education and achievement. It is a day, a week, and in some areas a month marked with celebrations, guest speakers, picnics, and family gatherings.

□ 2250

It is a time for reflection and rejoicing. It is a time for assessment, self-improvement and planning for the future. But it is a time for reinvesting, restoring ourselves. It relates to the struggle of freedom. It reinforces the fact that freedom is not easy and it is not free, and as those who stood witness waiting in the State of Texas near the Galveston Bay to find out whether they were free, there are many who still stand waiting for that call of freedom.

The growing popularity of Juneteenth signifies a level of maturity and dignity in America long overdue. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. Sensitized the ties to the conditions and experiences much others only then can we make significant and lasting improvements in our society.

The civil rights movement of the fifties and sixties yielded both positive and negative results for the Juneteenth celebrations. While it pulled many of the African American youth away and into the struggle for racial equality,

many linked these struggles to the historical struggles of their ancestors. They wanted to be free of the Juneteenth celebration.

This was evidenced as students began to participate in student demonstrations involved in the Atlanta civil rights campaign in the early 1960s, who wore Juneteenth freedom buttons. Again, in 1968, Juneteenth received another strong resurgence through the Poor Peoples March to Washington, D.C. Reverend Ralph David Abernathy called for people of all races, creeds, economic levels and professions to come to Washington to show their support for the poor.

Juneteenth has a way of generating the kind of compassion for the struggle and, of course, a reason for fighting for freedom.

Let me thank Representative Al Edwards, a constituent of mine and a State representative who can be called the father of Juneteenth in the State of Texas, establishing the first State holiday for African Americans, Juneteenth, June 19, here in the State of Texas that we have the opportunity to celebrate.

He has not finished his work, for he continues to promote the Juneteenth Commission, and I am very proud that on Monday morning, we opened and christened the first Juneteenth statute in the State of Texas. This holiday, however, is spreading across the country as a symbol of freedom.

Tomorrow we will have the opportunity, as we have had today, to acknowledge the that people are still struggling for freedom by World Refugee Day, but tomorrow this body will have the opportunity to reauthorize the Voting Rights Act of 1965, now in 2006, now named the Fannie Lou Hammer, Rosa Parks, and Coretta Scott King Voting Rights Act.

I ask my colleagues in the name of Juneteenth and many other symbolic holidays that establish and create freedom, that we should stand tall for the reauthorization of the Voting Rights Act. It should not be a political struggle or a power struggle. It should be the right struggle, the right thing to do.

And for those who intend to offer what we call poison pill amendments, I would ask my colleagues to defeat them handily, because the Voting Rights Act is a symbol of freedom for all, all colors, all creeds, to be able to suggest that every citizen has a right to vote. Whether they speak English or not, Mr. Speaker, they have a right to vote, and these amendments that are being offered to undermine their voting rights say that if you are a citizen and you speak a different language, you cannot have the protection of the Voting Rights Act.

I ask my colleagues to join us in continuing the freedom statement of the Juneteenth holiday and to vote for the Voting Rights Act tomorrow. Juneteenth is alive and well.

Mr. Speaker, I rise to mark the occasion of Juneteenth, the oldest nationally celebrated