one in a long line of disturbing cases in which purportedly ''conservative'' justices have felt free to disregard settled law on a broad range of issues—equal pay, antitrust, age discrimination, corporate liability, and now the corrupting influence of corporate campaign expenditures—all in ways that favor corporate interests over the rights of American citizens.

The majority opinion in Citizens United should put the nail in the coffin of claims that ''judicial activism'' is a sin committed by judges of only one political stripe. Indeed, as I have said before, charges of judicial activism, while persistent, are almost always unhelpful.

What is especially unhelpful about calling someone a judicial activist is that many times it is an empty epithet, divorced from a real assessment of judicial temperament.

As conservative jurist Frank Easterbrook puts it, the charge is empty:

> Everyone wants to appropriate and apply the word so that his favored approach is sound and its opposite 'activist.' Then 'activism' just means Judges Behaving Badly—and each person fills in a different definition of 'badly'.

In other words, the term ''activist,'' when applied to the decisions of a Supreme Court nominee, is generally nothing more than politically charged shorthand for decisions that the accuser disagrees with.

I don't mean to say that the term ''judicial activism'' is necessarily without content. Indeed, legal academics and political scientists are hard at work trying to shape a set of common definitions. If we want to take the term seriously, it might mean a failure to defer to the elected branches of government, it might mean disregard for long-established precedent, or it might mean deciding cases based on personal policy preferences rather than ''the law.''

I think it is fair to say that, based on any of these definitions, the Supreme Court's current conservative majority has been highly ''activist.''

Let me give just a few examples. In U.S. v. Morrison, decided in 2000, the Rehnquist Court struck down a key provision of the Violence Against Women Act. Congress held extensive hearings, made explicit findings and voted, 95 to 4, in favor of the bill. An activist Court chose to ignore all that and substitute its own constricted view of the proper role of the national government for that shared by both Congress and the States.

That same year, the Court decided Kimel v. Florida Board of Regents. The five-Justice majority concluded that private citizens could not sue States for age discrimination without their consent because of a general principle of sovereign immunity. This is another decision that was, simultaneously, conservative in terms of policy outcome and activist in terms of judging. It was conservative because it expanded States' rights and contracted anti-discrimination rights. It was activist both because it struck down the considered judgment of Congress and because it was based not at all on the text of the Constitution but instead on the policy preferences of five Justices.

In his dissent in Kimel, Justice Stevens said:

> The kind of judicial activism manifested in such cases represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises.

With the addition of Chief Justice John Roberts, Jr., and Justice Samuel Alito, Jr., the conservative majority of the current Court has continued to be highly activist.

In Leegin v. PSKS, the Court discarded 96 years of precedent in ruling that manufacturers may fix the prices that retailers charge. It elevated big manufacturers' interests over those of the consumer based not on any change in facts or circumstances but, rather, based on the Court's embrace of a particular economic theory.

Then there is Parents Involved in Community Schools v. Seattle School District No. 1, in which the Court rejected local community authority in the area of voluntary integration of public schools. Chief Justice Roberts' plurality opinion for the four-person conservative bloc gave scant respect to a long line of desegregation precedents that afforded local communities discretion in this arena. Remember that this is the same Justice who, during his confirmation hearing, repeatedly professed his allegiance to stare decisis. If not for the opinion concurring in the judgment by Justice Anthony Kennedy, communities that want some modest measure of racial integration in their schools would be virtually powerless to act.

That brings us back to Citizens United. In reviewing what is wrong with the Court's opinion in this case, it is hard to know where to begin. As with the cases listed above, the Court went out of its way to overturn settled precedent. As Justice Stevens said in his dissent, ''The final principle of judicial process that the majority violates is the most transparent: stare decisis.''

Beyond ignoring precedent, the Court could have decided this case on far narrower grounds. Citizens United is a not-for-profit firm that exists to facilitate political advocacy. Those who contribute to that firm do so with full knowledge of the political ideas and candidates that the group is likely to support. As a result, when that group speaks it much more closely resembles an act of collective speech by its benefactors than the independent political views of a fictional corporate ''person.'' During the Supreme Court hearing on this case, the attorney for Citizens United recognized this distinction and admitted that its arguments ''definitely would not be the same'' if his client were a large for-profit enterprise, such as General Motors. But by issuing the broadest possible reading, the majority opinion admits of no differences between Citizens United and General Motors.

Even if we accept that purpose-built political advocacy corporations have a right to direct resources to influence elections, how do we apply this to larger corporations that exist to make a profit? Who determines what candidates General Motors supports or opposes? Is it the board of directors? The CEO or other officers? Employees? All of these groups and individuals serve the corporation for the benefit of the shareholders. Even so, how are we to determine what speech the shareholders favor? And do we care if the shareholders are U.S. citizens or citizens of an economic, political, or military rival to the United States?

These are questions left unresolved by today's reckless, immodest, and activist opinion. As we move forward, my colleagues in Congress and I will do our best to answer them. Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. We must ensure that the corporation speaks with the voice of its shareholders, and we must ensure that those who would utilize the corporate form to magnify their political influence do not do so for improper personal gain or to impose the will of a foreign power on American citizens.

Today's decision does far more than ignore precedent, make bad law, and leave vexing unanswered questions. As noted by Justice Stevens in his dissent, the ''Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution.''

I share Justice Stevens' fear. I am particularly concerned that the decision will erode the public's confidence in its government at precisely the time when so many challenges—climate change, financial regulatory reform, health care, immigration reform, and the need to stimulate job creation—all call for bold congressional action. Our ability to meet our Nation's pressing needs depends on our ability to earn and maintain the public's trust.

Earning that trust will be all the more difficult in a world in which undiluted corporate money is allowed to drown out the voices of individual citizens and corrupt the political process.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM BLASINGAME

• Mr. BEGICH. Mr. President, I congratulate a hard-working Alaskan, Mr. Jim Blasingame, on his well-deserved retirement after many years of dedicated service to the Alaska Railroad Corporation, AKRR.

Thirty-five years ago, Mr. Blasingame commenced his employment with the AKRR. Since then, he

has proven to be an exceptional member of the AKRR family. One of his greatest accomplishments was the pivotal role he performed in assisting with the transference of the AKRR from Federal to State ownership. This greatly assisted in the development of the AKRR into an award winning, world class, State-owned corporation. His work has helped the AKRR safely operate and successfully contribute to the economic development of Alaska.

During his time with the AKRR, Mr. Blasingame was a mentor to his fellow railroaders and his leadership abilities resonated through the depots and rail yards. Outside work, Mr. Blasingame is a dedicated member of his community. He volunteers his time on behalf of several nonprofit organizations and in various civic board memberships.

The Alaska Railroad is a truly unique element of Alaska. For many Alaskans, the AKRR signifies a great source of pride. Running from Seward north to Fairbanks, the Alaska Railroad offers some of the most majestic views in America. Without Mr. Blasingame's commitment and enthusiasm towards developing the AKRR, this landmark of Alaskan culture would not be so today.

On behalf of Alaskans, I thank Mr. Blasingame for his many years of dedication and service to Alaska. Mr. President, I congratulate Mr. Blasingame and wish him the best of luck in retirement.●

TRIBUTE TO BARRY W. JACKSON

● Mr. BEGICH. Mr. President, on the occasion of his 80th birthday, January 27, I recognize the life achievements of a resident of Fairbanks, AK, Mr. Barry W. Jackson.

As a young man, Mr. Jackson served in the Marine Corps during World War II and later retired as major. While still working on his law degree from Stanford University in 1957, he travelled to Alaska and obtained a clerkship with a territorial judge.

After being admitted to the Alaska bar in 1959, he was hired as the city attorney for Fairbanks and later opened his own practice, concentrating on estate planning, personal injury, bankruptcy, family and real estate law.

Mr. Jackson also used his legal talents in the Alaska State Legislature. He served in the State house of representatives in the Fourth and Sixth State legislatures from 1965 to 1966 and 1968 to 1970 respectively, where he was a colleague of my late father, then State Senator Nick Begich. He served on the prestigious House Finance Committee and later in a leadership position as chairman of the House Judiciary Committee.

Mr. Jackson also served the Alaska Democratic Party as a convention chair and later, was chair of the Interior Democrats. Last October, I was privileged to attend a banquet in Fairbanks where the Interior Democrats honored Mr. Jackson for his many contributions to Alaska.

Perhaps his most significant career accomplishment was his work with Alaska tribes. Much of his legal career has been spent on Alaska Native social and justice causes.

In 1967, he was legal counsel to the State-sponsored Alaska Land Claims Task Force. Among task force's finding was a recommendation that legislation be introduced in Congress that would convey land to Native villages, pay a monetary settlement, form corporations organized by villages and regions and form a statewide corporation. Subsequently, a bill was introduced in 1968 by Alaska Senator Ernest Gruening and Mr. Jackson testified before congressional committee hearings throughout the year.

In the time leading to the passage of the Alaska Native Claims Settlement Act, ANCSA, in 1971, funding for attorneys grew short. Recognizing the monumental importance of the matter, Mr. Jackson took upon himself to work pro bono at great personal hardship to himself and his family. This deed typifies Barry's degree of dedication to a worthy cause.

Many have judged the ideas in the 1968 bill to be the foundation for ANCSA. In the book ''Take My Land, Take My Life'' published in 2001, Mr. Jackson was credited as being the first person who considered the concept of corporations for Alaska Native tribes.

Mr. Jackson is a tireless worker who still engages in his part-time private law practice. I wish Mr. Jackson a happy birthday, thank him for his military and legislative service and applaud him as one of the quiet, selfless contributors to the settlement of Alaska Native land claims.●

TRIBUTE TO RAYMAN DODSON

● Mr. LEVIN. Mr. President, I speak today in tribute to one of the citizens of my own hometown of Detroit, one of the thousands of decent, hard-working, community-minded Detroiters who make me so proud to call the city my home.

You will not find Rayman Dodson in the history books or the newspapers. But for the last 80 years, since he graduated from Northwestern High School, you would have found him doing what so many other Detroiters have done: working hard, and doing his part, building the lives that make up our city.

As an employee of Ford, Chrysler, the city's street railway, and in the homes of several of Detroit's most prominent citizens, Rayman earned a living sufficient for him and his beloved wife Margaret to buy a home on the city's east—side a place for Margaret to display her crystal collection. For decades, he has contributed to Mayflower Congregational Church of Christ.

Several years ago, Rayman lost his sight but not his interest in the world around him or his ability to delight his friends. Many of those friends are preparing to help him celebrate his 100th birthday. I wish him well on that day, and congratulate him on a century well lived.●

RECOGNIZING APPLIED THERMAL SCIENCES

● Ms. SNOWE. Mr. President, as our country seeks a sustained recovery, we will be looking to innovative small businesses to jumpstart the Nation's economy. My home State of Maine is home to hundreds of such firms that display the stellar ingenuity and creativity of the American people. Today I recognize one of these businesses, Applied Thermal Sciences of Sanford, which has been at the cutting edge of engineering for over two decades.

Founded as a sole-proprietorship in 1989, Applied Thermal Sciences, or ATS, is rooted in the promotion of thermal, structural and fluid sciences. Specifically, ATS, which was later incorporated in 1998, focuses on the research and development of fuel-efficient engines and propulsion systems. The company's high-skilled and diligent employees regularly work on a number of contracts for both government and industry, and their solutions are often recognized as groundbreaking. They fabricate prototypes in-house for testing, using computer modeling and simulations to ensure that these archetypes are of the highest quality.

The research facilities at ATS house critical engineering workstations, high-tech supercomputers, various analytical tools, and significant experimental lab space. Additionally, the fabrication facilities include a machine shop and laser welding equipment, giving them a leg up when competing for contracts and customers.

ATS employs a unique system that combines laser welding with a gas-metal arc weld, thereby enabling customers to manufacture products with improved metallurgical properties at higher speeds and with greater reliability and repeatability than typically possible. Utilizing this distinctive method, ATS is able to provide its clients the most advanced and state-of-the-art technology available. Indeed, because of this exceptional technology, ATS recently won a major multi-year award from Bath Iron Works to produce hybrid laser welded panels for the Navy's DDG 1000 destroyer, and later earned the 2008 Department of Defense Manufacturing Technology Achievement Award.

One of ATS's most impressive prototypes is the high-performance toroidal engine concept, or HiPerTEC, engine. This inventive technology, which is hundreds of pounds lighter than a traditional engine of similar power, provides an unprecedented power-to-weight ratio in an internal combustion engine. Additionally, HiPerTEC's combustion processes are extraordinarily fuel efficient, a crucial concern for ATS's numerous clients. Another of