Calhoun, Missouri, has been selected to perform at the Indianapolis 500 in May. For the 26 students who participate in the band this honor is well deserved.

The students have been recognized for their combined talents, but they also deserve credit for efforts on behalf of those in need. A benefit concert held in the fall raised over $2,000 for needy families in Calhoun. In December 2001, following the terrorist attacks on Washington and New York City, the band put on a patriotic concert. Over 700 attended, and the contributions for relief efforts exceeded $4,000.

Continuing its tradition of excellence, in May the band will travel to Indiana to perform at the Indianapolis 500, participating in a parade, a prerace ceremony and at a special performance at the Indiana State Capitol.

Mr. Speaker, the students of ''THE'' Eagle Pride Band, under the direction of Brandon Harris, represent their school, their community, and their State with honor and distinction. I am certain that the Members of the House will join me in congratulating them on their accomplishments and thanking them for their dedication to helping others.

TRIBUTE TO MR. CONNIE L. RICHARD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize a valued member of my district, Mr. Connie Richard. Mr. Richard has been a respected educator and administrator in the Newark Public School System for 35 years and will celebrate his retirement on March 26, 2004.

Mr. Richard was born in Chattanooga, Tennessee, but moved to Newark as a young child with his parents and sister. During his teenage years, he and his sister, Belita, were active participants in the Newark YMCA/YWCA programs that I directed. His sister, Belita, was one of the two Newark High School teenagers selected to participate in a YMCA-sponsored international travel program, which included a 3-week tour of Brazil, Ecuador, and Peru. His dedication to his studies and his academic achievements earned him a scholarship to study at the College of Santa Fe in New Mexico. He returned to Newark after graduation and began his career with the public school system.

For the past 35 years, he has worked tirelessly within the Newark Public School System as both teacher and administrator. He has served as Project Coordinator of Elementary Reading Centers, District Title I Coordinator, Central Office Title I Coordinator, Chapter I Supervisor, Director of Special Projects, and Special Assistant to SLT Assistant Superintendent.

Never content to end his day when working hours were over, he has been an active volunteer with the Sussex Avenue Recreation Program, the Alexander Street School Aerospace Club, and neighborhood athletic and leadership programs. He is a member of the New Jersey Education Association, the New Jersey Minority Caucus, the Association of School Administrators, the New Jersey Association of Federal Program Administrators, the Association for Supervision and Curriculum Development, the National Association of Federal Program Administrators, the National Coalition of Title I/Chapter I Parents, the New Jersey Congress of Parents and Teachers, and the Organization of African American Administrators.

I can assure you that his retirement will be as active as his working life, full of time spent with family and friends, enjoying camping, athletics, and great jazz music, traveling to destinations both familiar and uncharted, and honing his woodcarving skills. I salute Mr. Richard for his dedication to the students, parents, and teachers in our community. I am proud to have him in my district, and I am proud of the legacy he has left for our public school system. Mr. Speaker, please join me in extending my thanks to Mr. Richard for his lifetime of public service, and I invite my colleagues to join me in wishing him a happy, fulfilling retirement.

HONORING THE CAREER OF DONALD J. SMITH ON HIS RETIREMENT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Ms. WATERS. Mr. Speaker, I rise tonight to honor a wonderful public servant and a good friend who has made pioneering contributions to the field of public housing administration in the City of Los Angeles and throughout our country, Donald Smith.

Don will be retiring on April 30 as executive director of the Housing Authority for the City of Los Angeles (HACLA). For 32 years, Don has played a vital role in improving the lives of countless families by helping them to obtain clean, safe, and affordable housing; and he will be sorely missed. His expertise, sound judgment, and good humor are tremendously rare and valuable assets. He will be leaving very big shoes to fill.

Don began his career as HACLA's director of management from 1971 to 1980 before moving to the Los Angeles County Community Development Commission, where he served as assistant director of the housing division, director of assisted housing, and assistant executive director of housing. In 1994, Don returned to the HACLA as executive director.

Since Don's return, HACLA has been rated as a ''high performer'' by the U.S. Department of Housing and Urban Development (HUD) in recognition of its high lease rate in public housing and its record of achieving 100 percent section 8 voucher utilization even in a difficult market. In addition, under Don's leadership, HACLA was the first housing authority to receive a Welfare-to-Work grant from the U.S. Department of Labor and subsequently received local and national recognition for its excellence and success with this program.

During Don's tenure, HACLA has helped to improve and beautify my City of Los Angeles by demolishing public housing that dates from the 1940s and replacing it with vibrant, mixed-income communities including Harbor Village/Normont Terrace in the Harbor area and Pico Aliso and Aliso Village/Pueblo del Sol in Boyle Heights. Don was a prime reason why HUD chose the HACLA to administer all of its section 8 properties in 10 Southern California counties.

HACLA is a state-chartered public agency that administers the largest stock of affordable housing in the Los Angeles area. While the HACLA gets the majority of its funding through HUD, Don has built many key partnerships with city and State agencies, nonprofit foundations, community-based organizations, and private developers, which have proven invaluable to achieving HACLA's mission.

Mr. Speaker, in recognition of his dedication to the City of Los Angeles and the thousands of people he has helped, I have introduced a resolution recognizing Don for his outstanding work. I hope that the Congress will join me in thanking Don for his service to Los Angeles and to our Nation.

Thank you, Don, for your tremendous work and for your friendship. I wish you all the best in your retirement.

SENSENBRENNER REMARKS BEFORE THE U.S. JUDICIAL CONFERENCE REGARDING CONGRESSIONAL OVERSIGHT RESPONSIBILITY OF THE JUDICIARY

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. FEENEY. Mr. Speaker, this Member commends this remarkable speech because of its brevity and clarity and the extraordinary manner in which the speaker explains the appropriate and honorable role of federal judges.

House Judiciary Committee Chairman F. JAMES SENSENBRENNER, Jr. (R–Wis.) spoke this morning before the Judicial Conference, a body composed of federal judges of districts and levels from across the country and headed by Supreme Court Chief Justice William Rehnquist. Chairman SENSENBRENNER delivered the following remarks:

Thank you for the invitation to speak this morning before the Judicial Conference of the United States.

As we all know, the Founders of our Republic drafted a blueprint for self-government that has endured for well over two centuries because it delineated a balanced relationship among the legislative, executive, and judicial branches. The tripartite system engrafted into our Constitution has served as a model charter of government for nations around the world; and the intellectual legacy of our Founders is the proud birthright of every American.

The Founders anticipated, indeed welcomed, a dynamic interplay among the branches of government. For example, in a speech to the House of Representatives in 1789 concerning the proper role of the judicial branch, James Madison stated: ''I acknowledge, in the ordinary course of government, that the exposition of the laws and Constitution devolves upon the judicial; but I beg to know upon what principle it can be contended that any one department draws from the Constitution greater powers than another, in marking out the limits of the powers of the several departments.'' The relationships among the federal branches over the course of our nation's history has been typified by comity and mutual respect. While sometimes rivalrous, relations among the branches have been free of the destructive impulses that have proven ruinous to other nations.

The relative tranquility in these interbranch relations is at least partly attributable to the clarity with which the Constitution assigns authority to each branch.

The Constitution provides Congress a central role in regulating the Judiciary. Article I provides Congress the authority to establish the lower federal courts, determine the Supreme Court's appellate jurisdiction, impeach and remove judges, and to enact laws necessary and proper for executing these authorities.

Unfortunately, over the past year or so, Congress, and the House Judiciary Committee in particular, has been under sustained criticism for its constitutionally-mandated legislative and oversight actions concerning the federal judiciary. The stridency of these remarks has sometimes taken on a harshness that is not only uncommon, but inconsistent with the historic amity that has governed relations between the branches.

As we all know, Congress passed the PROTECT Act last year, which among other things reformed the federal criminal laws concerning child abduction and child pornography. Among the provisions of the bill were reforms of the federal sentencing guidelines; particularly, reforms correcting abuse by federal judges of downward departure authority. The Feeney Amendment was approved by the House of Representatives on a straight up-or-down vote by an overwhelming bipartisan majority—357 to 58. The final bill, which included weakened Feeney provisions, passed the House 400 to 25 and the Senate 98 to 0.

The Feeney Amendment represents a legislative response to long-standing Congressional concern that the Sentencing Guidelines were increasingly being circumvented by some federal judges through inappropriate downward departures, resulting in a return to sentencing disparities.

Much attention has been focused on the Judiciary Committee's oversight of the Chief Judge of the District of Minnesota following misleading testimony before the Committee concerning the application of the federal sentencing guidelines. He identified specific cases as relevant to the Committee's consideration of pending legislation. Thereafter, the Committee sought the public records of these cases and certain others in which the Chief Judge had departed downward. Among other documents, the Committee obtained a transcript of one of the Chief Judge's sentencing hearings in which he admitted to having granted ''an illegal departure'' in the case and dared the United States to appeal his one month variance. Surely reasonable persons would conclude that Congress has a responsibility to inquire further in the face of such an admission.

In a letter to me dated November 7, 2003 this body (the Judicial Conference of the United States) objected to ''the dissemination of judge-specific data on sentencing in criminal cases,'' and suggested that ''Congress should meet its responsibility to oversee the functioning of the criminal justice system through use of this data without subjecting individual judges to the risk of unfair criticism in isolated cases.'' I have been perplexed as to why such furor has been raised over obtaining records from a judge's publicly decided cases.

Assuredly, federal judges in a democracy may be scrutinized, and may even be ''unfairly criticized.'' Subject to removal from office upon conviction of impeachment, Article III judges have been given lifetime tenure precisely to be better able to withstand such criticism, not to be immune from it.

That the Congress, the elected representatives of the people, may obtain and review the public records of the Judicial branch is both Constitutionally authorized and otherwise appropriate. Over 200 years of precedents show that the Judiciary as a collective body, or an individual judge, is subject to Congressional inquiry. For example, every year Congress scrutinizes budget requests and appropriates money. On a more targeted basis, articles of impeachment against federal judges stemming from their conduct on the bench have led to both impeachment by the House and trial and conviction in the Senate and removal from office on several occasions.

Of course, I think we all can agree that impeachment ought not lie simply because Congress may disagree with a judge's ''judicial philosophy,'' or because Congress considers a judge's ruling ''unwise or out of keeping with the times.'' That is a far cry from the suggestion that Congress lacks authority, or should not exercise it, to conduct appropriate oversight of the judicial branch including individual judges.

The Committee's oversight of the sentencing record of the Chief Judge of the District of Minnesota is not premised upon disagreement concerning the ''wisdom'' of a particular sentence, but upon its legality.

I think it is important to note that Congressional oversight has assumed increased importance because of the delegated authority currently possessed by the Judiciary to investigate and impose appropriate discipline upon its members and its decidedly mixed record in this regard. I have previously noted my profound disappointment with the whitewash of the Congressional complaint against the Honorable Richard D. Cudahy of the 7th Circuit Court of Appeals while serving on the Special Division of the D.C. Circuit Court overseeing independent counsels. Judge Cudahy, whether inadvertent or otherwise, leaked confidential sealed grand jury material to an AP reporter on the day that former Vice President Gore was nominated to run for President. Judge Cudahy admitted to his acts only upon threat of exposure by a criminal investigation and polygraph examination, after seeking to preclude any investigation.

In response to my formal complaint as Chairman of the Committee on the Judiciary, Judge Richard Posner, only eight days after its receipt, simply whitewashed the matter regarding his colleague Judge Cudahy without conducting any investigation. Judge Posner dismissed the matter out of hand by noting that Judge Cudahy had apologized and Judge Posner concluded that the leak simply did not constitute Rule 6(e) ''matters occurring before the grand jury.'' This conclusion is contrary to the view of the Chief Judge of the Special Division of the D.C. Circuit Court, Judge David B. Sentelle.

The Judiciary's response in the Cudahy matter stands in contrast to the Congressional Judicial complaint concerning Judge Norma Holloway Johnson. In this case, an independent investigator was hired to review and evaluate allegations, outlined in a congressional complaint, that the Chief Judge of the D.C. judicial district bypassed the random case-assignment process in four campaign finance cases that were potentially politically embarrassing. The rules of the court with respect to case-assignments changed as a result.

The experience with the Cudahy matter and the Chief Judge of the District of Minnesota raises profound questions with respect to whether the Judiciary should continue to enjoy delegated authority to investigate and discipline itself. If the Judiciary will not act, Congress will—consistent with its Constitutional responsibilities. Congress will begin assessing whether the disciplinary authority delegated to the judiciary has been responsibly exercised and ought to continue.

Before I conclude, I wish to touch briefly on a point that has generated significant scholarly debate and renewed urgency in light of recent Supreme Court decisions: the Court's increased reliance on foreign laws or judicial proceedings in the interpretation of American constitutional and statutory law. Article VI of the Constitution unambiguously states that the Constitution and federal statutes are the supreme law of the land. America's sovereignty may be imperiled by a jurisprudence predicated upon laws and judicial decisions unfound in our Constitution and unincorporated by the Congress. Inappropriate judicial adherence to foreign laws or legal tribunals threatens American sovereignty, unsettles the separation of powers carefully crafted by our Founders, and threatens to undermine the legitimacy of the American judicial process. I anticipate Congressional examination of this issue in the coming months.

Thanks again for the opportunity to speak before the conference today.

HONORING BOROUGH OF STANHOPE IN SUSSEX COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Borough of Stanhope, in Sussex County, New Jersey, a vibrant community I am proud to represent. On March 24, 2004 the good citizens of Stanhope are celebrating the Borough's Centennial Anniversary with a special re-enactment of the Incorporation Ceremony that took place over 100 years ago.

Stanhope is an old ''iron town,'' and as the industry grew, so did Stanhope, which until 1904 was part of neighboring Byram Township. The earliest records indicate that the first iron production at Stanhope occurred about 1794. Silas Dickerson, brother of the future state governor and U.S. Senator Mahlon Dickerson, erected a forge and nail factory on the Musconetcong River in Stanhope—one of the first such forges in New Jersey.

By the 19th century, Stanhope was a substantial iron-manufacturing community. The proximity of the Borough to the Morris Canal, which flows through its center, was pivotal to the early development of this rural town. In fact, the completion of the Morris Canal in the mid 1800s saved the iron industry and consequently the town. By 1830, the wood supply needed for charcoal to fire the forges was depleted and the industry shut down. But when the Morris Canal opened up a link to a new fuel, anthracite coal from northeastern Pennsylvania, the iron economy of New Jersey and Stanhope was revitalized. Stanhope also became a well-deserved rest stop along the 102–mile canal from Phillipsburg to Jersey City, with a busy General Store and hotel and a large coal transfer station.

The iron industry in Stanhope thrived for another 100 years, and by 1930, people discovered Stanhope for what it remains today: a beautiful, rural community in the New Jersey Highlands, bordered by the Musconetcong River and Lake. Between 1930 and 1980, Stanhope's population tripled in size and today the quaint community boasts more than 3,500 proud residents. In recent times, citizens have become more and more aware of the importance of protecting Stanhope's natural resources and efforts to balance development