Court ruled that the diversity had academic value.

Now, I will argue that diversity of human experience may have academic value if it is a good and essential and positive experience that can be shared in a classroom. And it is good and it is essential that we interact with people of all ethnicities from all over the world, and the more of that experience you can get, the better your educational experience is.

But ethnicity does not have academic value. The Supreme Court ruled it did. They ruled it and said that critical mass, you can be the sole determiner of that critical mass of diversity. Then, what we will do with this is, we are going to let you continue down this path, although you cannot have just a formula that spits something out of a spreadsheet, you have to have something that deals with each one of these individual students.

Well, okay, so it takes a little more attention to get the same result. But, in the end, the court suspended the 14th amendment, the equal protection clause that is established in our Constitution, suspended equal protection so we could have a critical mass of diversity by the courts. This could not have happened, what meaning does that do, if it can be suspended as simply myopic as this court, in its majority opinion, ruled that perhaps in 25 years, we can go back and in the future, this subject matter of preferential treatment and affirmative action, revisit this subject matter and maybe, perhaps, this civilization, this culture, this American populace, will have moved forward into the new world far enough that we can then reestablish the 14th amendment equal protection clause, and maybe we do not need to have critical mass of diversity that we are going to declare to have academic value again.

Where does that come from, Justices? How do you believe that you can suspend the 14th amendment, for academic value on skin color and think we will be able to adhere back to our Constitution again? And if this Constitution does not mean what it says, if it can be suspended as simply myopic as this idea of critical mass of diversity, if that can happen, what meaning does the Constitution have? Is it simply a document that happened to fall in our laps that the Founding Fathers stumbled across and stumbled into, and it happened to be a convenient thing that got us through the first 220 or 230 years of existence? Is it something that means what it says? Is it something that has a provision for amendment for a reason that we are to adhere to the Constitution, the letter of the Constitution and the intent of the Constitution and not interpret from some unless we are willing to step forwards and amend it? That is what our Founding Fathers intended, but it is not what we see happening here in the United States Supreme Court, and it is not what we see happening in the inferior courts that have been established by this Congress.

It is not the only example. And by the way, many of these examples are not just by the courts. Zimbabwe, Jamaica come to mind as places we can go to be further enlightened on how to better evaluate the original intent of the Constitution and the letter and the intent of our Federal law and our State laws and constitutional and legislation.

Foreign case law imposed upon United States of America? It is impossible to anticipate how the courts will rule given just U.S. court decisions let alone foreign, and some of these countries by the way do not let their people have freedom of speech, freedom of assembly or freedom of religion or they cannot go to the polls and elect a leader. So those decisions in the courts will not reflect the will and the character of the people. We need to redefine this line.

The Congress is also culpable; and I will hold them, in fact, more accountable because I think it is natural if you are a member of the executive branch of government, you are going to want to expand the authority of the executive branch. That is where you have got the power to make that decision and that is where you have the greatest faith. And if you are a member of the judicial branch, I cannot image why you would not want to apply there. And if you are a member of the judicial branch I would think you would want to then expand the power and leverage that you have in the judicial branch.

I do not believe them for that. But I will ask the courts, please rein it in because if you do not rein it in, sooner or later this Congress will. We do have the authority to do so; and if we exercise that will, that sets up a conflict between us. And I would rather see that be resolved in a peaceful way, a willing way with the best interests of the American people than I would want to have to impose that upon the courts. In fact, I am a little apprehensive that we cannot find the will in this Congressuntil it becomes a crisis.

Speaking of a crisis, the filibuster rules in the other body have set up another impending constitutional crisis. When we have a justice that is appointed to a Federal court and the Constitution requires that the President makes his nomination seek "the advice and consent of," and now I have to have the other body, that advice and consent clause that is in our Constitution so other that is very contentious. We do not have any problem with the advice part. We get plenty of advice from those people over there and some of it is down right offensive to the nominees. In fact, some of it is just plain out and out religious bias. It is character attacks. Declaring a nominee to be a Neanderthal is beyond the scope of what someone of that position ought to be.

Madam Speaker, I appreciate your attention tonight and I will take this issue up at a later date.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Ms. Ginny Brown-Waite of Florida). The Chair would remind Members not to make improper references to the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. Pelosi) for today.

Mr. LUCAS of Kentucky (at the request of Ms. Pelosi) for today.

Mr. MARLETT, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. O TTER, for 5 minutes, today.

Mr. OTTER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Ms. J ACKSON-LEE of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. J ACKSON-LEE of Texas, for 5 minutes, today.

Ms. SHAYS, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, March 29.

Mr. DREIER, for 5 minutes, today.

Mr. OTTER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Delays) to revise and extend their remarks and include extraneous material:

Mrs. MALONEY, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. BROWN-Waite of Florida). The Chair would remind Members not to make improper references to the Senate.

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SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows: