

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, 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.

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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