

and the Tennessee Army National Guard. America's fortunate to have men like Ricky and we honor him today.

HONORING CHERI FLEMING

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. McKEON. Mr. Speaker, I rise today to recognize Cheri Fleming, a lovely lady from Santa Clarita, CA. On May 22, Newsweek presented her with the prestigious 2006 Dealer of the Year Award from the American International Automobile Dealers Association, AIADA.

Founded in 1970, AIADA represents 11,000 American automobile dealerships. The members of the association provide nearly 500,000 American jobs and have a positive economic impact both nationally and in their communities. Every May, in recognition of exceptional community contributions and staunch commitment to the advancement of the industry, the Dealer of the Year program acknowledges 10 finalists from across the Nation. Winning the first time she was nominated, Cheri was the only woman proposed this year for the prestigious award.

Partners in business, philanthropy and in life, Cheri and her husband, Don, purchased Valencia Acura in 1997. Although soon to change, at the time the dealership's national ranking was dead last for sales and also in customer satisfaction. Cheri and Don adopted the philosophy of "friendship" instead of "dealership" and began treating their customers just as they would like to be treated. Today, Valencia Acura is one of the top Acura dealerships in the country and also ranks amongst the highest in customer satisfaction with repeat and referral customers comprising over 75 percent of the business. In a relatively short amount of time, Valencia Acura has won many accolades from Acura and Customer Satisfaction Index awards, including: Acura's Precision Team—2002–2004, Honda's Council of Excellence—2004–2005, "Best New Car Dealership in Santa Clarita"—2003–2005, "Most Community Minded Owners in Santa Clarita"—2003–2005 and Santa Clarita Valley Chamber of Commerce "2001 Business of the Year" for the medium-sized category.

With the success of Valencia Acura, Cheri and Don rapidly became vital forces in the Santa Clarita Valley and have donated nearly \$3 million to community organizations in the past 7 years. Their community involvement transcends financial support as they can often be found participating in community organizations and generously giving their time, energy and efforts for a variety of causes. For their hard work and dedication, Don and Cheri were selected as Santa Clarita's Man and Woman of the Year for 2004. Never before in the history of the program has a husband and wife received the award in the same year.

Although at the helm of a thriving business, Cheri finds time for her extensive volunteer endeavors. Currently, she is the vice president at-large and a director for the Henry Mayo Newhall Memorial Health Foundation, governor-elect for the Soroptimist International Camino Real Region, member and past-president of the Soroptimist International of Santa

Clarita Valley, vice president of Special Events and a director for the Child and Family Center Foundation, a director for the Roar Foundation Advisory Board, chair-elect and a director for the American Cancer Society Unit Council and the Los Angeles Regional Unit Council, vice president of the Sheila R. Veloz Breast Imaging Center Advisory Board, chair of the Arthritis Foundation Walk and with Don as her co-chair, has headed the Boys & Girls Club Auction for the past 3 years. In addition, Cheri just fulfilled her \$100,000 pledge to help with a cardiac-catheter lab and new emergency room for our local hospital. Recently, Cheri chaired the Santa Clarita Valley Arthritis Walk raising over \$60,000 and Don's efforts for the Fleming-Crawford Golf Invitational raised over \$113,000 for the Sheila R. Veloz Breast Imaging Center.

The AIADA acknowledged Cheri Fleming's exceptional community contributions and business acumen with the 2006 Dealer of the Year Award and I would like to commend Cheri for her success as well. Sir Winston Churchill once said, "We make a living by what we get. We make a life by what we give." Supported by Don, there is no one who embodies that statement better than Cheri Fleming. Together, their efforts have made the Santa Clarita Valley a much better place to live and I salute them for their efforts.

RECOGNIZING THOMAS R.
MERRILL OF LAKE COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Thomas R. Merrill of Groveland, Florida. Recognized as the longest serving police chief in the Nation, Chief Merrill was honored at the Florida Peace Officers Association awards ceremony as the first-ever recipient of their Distinguished Service Award.

For the past 37 years, Chief Merrill has served as Groveland's chief of police and has proved to be an inspiration to his community and area residents. In addition to his high morals and integrity, Chief Merrill's long tenure has demonstrated his great dedication and commitment to his profession, as well as to the city of Groveland.

Born and raised in Umatilla, FL, Chief Merrill joined the military after graduating from college, serving in the U.S. Air Force from 1959 to 1963 as a nuclear weapons specialist. Chief Merrill later became an officer with the Eustis Police Department, where he remained for 3 years. After taking a brief leave of absence from the force to spend time with his family, Chief Merrill soon thereafter accepted the position as Groveland's police chief. He has been there ever since, serving Groveland with pride and seeing the city through many changes.

After raising his children in Groveland, Chief Merrill is committed to keeping his community safe for future generations. He has enjoyed watching the police department and the city grow during his tenure, and with greater expansion likely for the future, Chief Merrill has no plans to retire anytime soon.

Mr. Speaker, Chief Merrill's career shows that loyalty and dedication to one's community

can indeed bring success and accomplishment. I congratulate him on being the first recipient of the Distinguished Service Award and commend him on his commitment and devotion to his career and to Groveland.

"ACTIVISM FOR THE RIGHT,
RESTRAINT FOR THE LEFT"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one of the great intellectual inconsistencies of our time is the assertion by conservatives that they are opposed to "judicial activism" and wish to have important public policy questions left to elected officials. Of course that is true only in those cases where they agree with what the elected officials have done, and they have shown very little restraint when their ideology calls for judicial invalidation of public policy. Indeed, some of the greatest anger I have heard expressed toward judiciary recently by my conservative colleagues has been against the eminent domain decision, in which the justices are guilty in the eyes of my conservative colleagues of being insufficiently activist—that is, the court majority allowed the actions of elected State and local officials in Connecticut to stand. I agree that eminent domain has been abused, but so is intellectual integrity when people insist that the courts defer to elected bodies on the one hand, and then denounce the Supreme Court precisely for doing that in the Kelo case.

Chief Justice Roberts to date appears to be very much in the mode of this one-sided condemnation of activism, as Adam Cohen cogently points out in the July 10 column in the New York Times—given the importance of consistency in the application of judicial principles, I ask that Mr. Cohen's very thoughtful analysis of the Chief Justice's inconsistency be printed here.

[From the Editorial Observer, July 10, 2006]

WHAT CHIEF JUSTICE ROBERTS FORGOT IN HIS FIRST TERM: JUDICIAL MODESTY

(By Adam Cohen)

At the confirmation hearings for John Roberts, there were two theories about what kind of a chief justice he would be. His critics maintained that he was an extreme conservative whose politics would drive his legal rulings. Judge Roberts, on the other hand, insisted that he was "not an ideologue," and that his judicial philosophy was to be "modest," which he defined as recognizing that judges should "decide the cases before them" and not try to legislate or "execute the laws."

Judicial modesty is an intriguing idea, with appeal across the political spectrum. For all the talk of liberal activist judges, anyone who is paying attention knows that conservative judges are every bit as activist as liberal ones; they just act for different reasons. A truly modest chief justice could be more deferential to the decisions of the democratically elected branches of government, both liberal and conservative, and perhaps even usher in a new, post-ideological era on the court.

That is not, however, how Chief Justice Roberts voted in his first term. He was modest in some cases, certainly, but generally

ones in which criminal defendants, Democrats and other parties conservatives dislike were asking for something. When real estate developers, wealthy campaign contributors and other powerful parties wanted help, he was more inclined to support judicial action, even if it meant trampling on Congress and the states.

The term's major environmental ruling was a striking case in point. A developer sued when the Army Corps of Engineers denied him a permit to build on what it determined to be protected wetlands. The corps is under the Defense Department, ultimately part of an elected branch, and it was interpreting the Clean Water Act, passed by the other elected branch. Courts are supposed to give an enormous amount of deference to agencies' interpretations of the statutes they are charged with enforcing.

But Chief Justice Roberts did not defer. He joined a stridently anti-environmentalist opinion by Justice Antonin Scalia that sided with the developer and mocked the corps's interpretation of the law—an interpretation four justices agreed with as “beyond parody.” The opinion also complained that the corps's approach was too costly. Justice John Paul Stevens dryly noted that whether benefits outweighed costs was a policy question that “should not be answered by appointed judges.”

In an opinion on assisted suicide, Chief Justice Roberts was again a conservative activist. The case involved Attorney General John Ashcroft's attempt to invoke an irrelevant federal statute to block Oregon's assisted suicide law, which the state's voters had adopted by referendum. Even though it meant overruling the voters, intruding on state sovereignty and mangling the words of a federal statute, Chief Justice Roberts dissented to support Mr. Ashcroft's position.

Chief Justice Roberts voted against another democratically enacted, progressive law when the court struck down Vermont's strict limits on campaign contributions. He joined an opinion that not only held that the law violated the First Amendment, but also engaged in the kind of fine judicial line-drawing—in this case, about the precise dollar limits the Constitution allows states to impose—that is often considered a hallmark of judicial activism.

One of the court's most nakedly activist undertakings in recent years is the series of hoops it has forced Congress to jump through when it passes laws that apply to the states. Judge John Noonan Jr., a federal appeals court judge appointed by President Ronald Reagan, has complained that the justices have set themselves up as the overseers of Congress. But Chief Justice Roberts voted to put up yet another hoop, requiring Congress to put the states on “clear notice”—whatever that means—before requiring them to pay for expert witnesses in lawsuits involving special education. It is a made-up rule that shows little respect for the people's representatives.

These cases make Chief Justice Roberts seem like a raging judicial activist. But in cases where conservative actions were being challenged, he was quite the opposite. When a whistle-blower in the Los Angeles district attorney's office claimed he was demoted for speaking out, Chief Justice Roberts could find no First Amendment injury. When Democrats challenged Republicans' partisan gerrymandering of Texas's Congressional districts, he could find no basis for interceding.

The Roberts court's first term was not radically conservative, but only because Justice Anthony Kennedy, the swing justice, steered it on a centrist path. If Chief Justice Roberts—who voted with Justice Scalia a remarkable 88 percent of the time in nonunani-

mous cases—had commanded a majority, it would have been an ideologically driven court that was both highly conservative and just about as activist as it needed to be to get the results it wanted.

Chief Justice Roberts still probably views himself as judicially modest, and in some ways he may be. He has been reasonably respectful of precedent, notably when he provided a fifth vote to uphold *Buckley v. Valeo*, a critically important campaign finance decision that is under attack from the right. He has also been inclined to decide cases narrowly, rather than to issue sweeping judicial pronouncements. But at his confirmation hearings, he defined judicial modesty as not usurping the legislative and executive roles.

His approach to his new job is no doubt still evolving, which could be a good thing. The respect for the elected branches that he invoked while testifying before the Senate Judiciary Committee is hardly a perfect judicial philosophy especially today, when we need the court to resist the president's dangerous view of his own power. Still, that principled approach would do more for the court and the nation than the predictable arch-conservatism the chief justice's opinions have shown so far.

FANNIE, LOU HAMER, ROSA
PARKS, AND CORETTA SCOTT
KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS
ACT OF 2006

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 9) to amend the Voting Rights Act of 1965:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in proud support of H.R. 9, the “Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.” Had I and several of my colleagues not heeded the requests of the bipartisan leadership of the Committee and the House, there might be an amendment to the bill adding the name of our colleague, JOHN LEWIS of Georgia, to the pantheon of civil rights giants listed in the short title.

Mr. Chairman, with our vote today on H.R. 9, each of us will earn a place in history. Therefore, the question before the House is whether our vote on the Voting Rights Act will mark this moment in history as a “day of infamy,” in FDR's immortal words, or will commend us to and through future generations as the great defenders of the right to vote, the most precious of rights because it is preservative of all other rights. For my part, I stand Fannie Lou Hamer and Rosa Parks and Coretta Scott King, great Americans who gave all and risked all to help America live up to the promise of its creed. I will vote to reauthorize the Voting Rights Act for the next 25 years.

I will oppose all of the poison pill amendments offered by offered by the gentlemen from Iowa, Georgia, and, sadly, my home state of Texas. Collectively, these amendments eviscerate the preclearance provisions of Section 5, end assistance to language mi-

norities, and shorten the period of renewal by 15 years.

Mr. Chairman, the proponents of these amendments claim their amendments are intended to “save” or “preserve” or “strengthen” the Voting Rights Acts. To claim that you are strengthening the Voting Rights Act by offering amendments that weaken it is like saying you must destroy a village in order to save it. There will be time enough to discuss in detail each of the weakening amendments when they are offered later today. But at this time I think it very important to discuss the provisions of the Voting Rights Act which I believe an overwhelming majority of the members of this House will vote to adopt today. I also want to spend some time reminding my colleagues, and the American people, why this nation needed a Voting Rights Act in 1965 and still needs it today. The American people are entitled to know why the Voting Rights Act is widely regarded as the most successful civil rights legislation in history. For all the progress this nation has made in becoming a more inclusive, equitable, and pluralistic society, it is the Voting Rights Act “that has brought us thus far along the way.”

I. BEFORE THE VOTING RIGHTS ACT

Mr. Chairman, today most Americans take the right to vote for granted, so much so that just over half of eligible Americans vote in a presidential election. Americans generally assume that anyone can register and vote if a person is over 18 and a citizen. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most black Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot. Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades. Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

Through the years leading up to the passage of the Voting Rights Act, courageous men and women braved threats, harassment, intimidation, and violence to gain the right to vote for disenfranchised Americans.

When the Civil Rights Movement came to Ruleville, Mississippi in 1962, Fannie Lou Hamer quickly became an active participant. With training and encouragement from the Student Nonviolent Coordinating Committee (SNCC), Hamer and several other local residents attempted to register to vote, but were unsuccessful because they did not pass the infamous literacy tests. In retaliation for trying to register, Hamer was fired from her job, received phone threats, and was nearly a victim of 16 gunshots fired into a friend's home. But Hamer was not intimidated: by 1963 she was