

I hope Senator CORNYN's clarification now will make it clear to everyone who has followed this debate that we need to respect our judiciary and its independence, even when we disagree with their decisions. I disagreed strongly with the decision of the Supreme Court in *Bush v. Gore* after the 2000 election. But never, ever did it cross my mind, nor should it have crossed the mind of anyone feeling as I did, that you should take it out on the judges. They are doing their duty. I may disagree with them, but to suggest that they should pay a price for it is wrong.

Notwithstanding what I consider to be a very positive statement made by the Senator from Texas clarifying his position, I am afraid there is another member of Congress from his State who has made even more troubling remarks during the past week. Congressman TOM DELAY is the majority leader in the House. In response to the death of Terri Schiavo, the House majority leader from Texas said:

We will look at an unaccountable, arrogant, out-of-control judiciary that thumbed their nose at Congress and the President.

He went on to say:

The time will come for the men responsible for this to answer for their behavior, but not today.

Mr. DELAY was asked whether the House would consider impeachment against the judges involved in the Schiavo case, and he said:

There's plenty of time to look into that.

This is not an isolated statement by Congressman DELAY. He has said

things such as this time and time again. He has said:

It's a sad day for America . . . The legal system failed Terri Schiavo.

According to the *New York Times*, he said:

Congress for many years has shirked its responsibility to hold the judiciary accountable. No longer.

Earlier this year, Mr. DELAY publicly condemned members of the Ninth Circuit Court of Appeals for "writing laws instead of interpreting laws."

When he was asked a few years ago about Federal judges by a reporter, he said:

I woke up one day realizing the judiciary had turned themselves into a regulatory branch.

We can impeach judges who get drunk, so why not impeach those who get drunk with power?

In 1997, in reference to Federal judges, he said:

As part of our conservative efforts against [this] judicial activism, we are going after judges.

DELAY also said the House Republican leadership was prepared to go after activist judges "in a big way."

Then he went on to say in the *Houston Chronicle*:

For too long we've let the judicial branch act on its own, unimpeded and unchallenged. And Congress' duty is to challenge the judicial branch.

He went on to say in the *Houston Chronicle* in 1997:

I want to bring one (an impeachment) to prove my point. And I want to make sure that one sticks.

He said he and other Republicans had a "whole, big file cabinet full" of judges who may be candidates for removal.

This type of intemperate rhetoric, sadly, does great harm to the reputation of our judiciary, and the relationship between the legislative branch and the judicial branches.

I have felt as strongly, I am sure, as he has about decisions made by judges, but those of us in positions of leadership should be careful about the words we use, and that the actions we threaten are entirely consistent with the law at every moment. What we have heard from Congressman DELAY when it comes to judges crosses that line way too often.

I think we understand that deranged people, for reasons beyond political speeches, beyond differences on political issues, will do tragic things, and often that violence is visited on public servants doing their duty as judges serving America.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, April 6, 2005.

Thereupon, the Senate, at 7:50 p.m., adjourned until Wednesday, April 6, 2005, at 9:30 a.m.