

the Peace Corps in India. She has been a secondary schoolteacher in California and an administrator at Boston University, as well as vice president at both Security Pacific Bank and First Interstate Bank in Los Angeles. In this capacity she provided financial services to Fortune 500 and other companies in California and throughout the South and the West.

Raised on family farms in the central valley of California, Lynn received BA and MA degrees from the University of California, Berkeley, and an MBA degree from Simmons College in Boston. She also studied in Vienna, Austria.

As a board member of Goodwill Industries of the Redwood Empire, and a member of the Sonoma County Business Education Roundtable, Lynn stays active in community affairs.

She and her husband Jerry own a vineyard in Sonoma County, selling pinot noir and merlot grapes to prominent wineries. As a hobby, they also make their own wine under the private label of Starr Creek Vineyard. I have tasted it. It is delicious.

As President Ruben Arminana of Sonoma State so aptly noted when commenting on Lynn's skills in diplomacy and administration, he said, "She makes possible the impossible. She is loved and admired by faculty, staff, administrators and members of the community."

Mr. Speaker, I have greatly enjoyed working with Lynn McIntyre at Sonoma State University. Although her outstanding efforts will be missed, I know that she will stay involved in university affairs and in important education issues in our community. I wish her luck in retirement and look forward to seeing her in other capacities.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to assume the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JUDICIAL POWER GRAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, regardless of how one feels about the Terri Schiavo case, and regardless of whether one is a liberal or a conservative, everyone should be concerned that the judiciary seems to be setting itself up as a type of superlegislature.

Our Founding Fathers clearly did not mean for the judicial branch to be superior to or more powerful than the legislative and executive branches.

A Member of the other body, former State supreme court justice, the gentleman from Texas (Mr. CORNYN), made some very serious charges on the floor of the Senate Monday. He said, "It causes a lot of people great distress to see judges use the authority they have been given to make raw political or ideological decisions."

He added that "sometimes the Supreme Court has taken on this role as a policymaker rather than an enforcer of political decisions made by elected representatives of the people."

The reason people on both sides of the political spectrum should be concerned about this judicial power grab is that the political pendulum swings. Sometimes conservatives control legislative bodies; sometimes liberals do. Would liberals someday want conservative judges overruling their legislation?

The Schiavo bill was very narrowly drawn to apply to just that case at the request or insistence of more liberal Members of both the House and Senate.

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Then some liberals in the media, in Congress, and in the courts criticized the bill as being too narrowly drawn. One judge, showing great arrogance, even scolded the Congress for acting, issuing a bitter non-judicial type of an opinion.

I served for 7½ years as a circuit court or State trial court judge in Tennessee. I have great respect for the legal profession and the judiciary. When I attended George Washington University's law school in the early 1970s, I took a course in legislative law. We were taught then that the courts were not legislatures. They were not to be political bodies, and they were to give great deference to the actions of the Congress and the State legislatures.

In fact, we were taught, through a great amount of case law, that the primary role of the courts was to try to determine legislative intent, not to try, whenever possible, to overrule it anytime judges might disagree for personal and/or political reasons.

The intent of the Congress was clear in the Schiavo case, with the bill passing the House 203 to 58 with strong support from both bodies and by unanimous agreement in the Senate. Are we now to have some type of judicial dictatorship?

Thomas Jefferson, in a letter written in September of 1820, said this, responding to the arguments that Federal judges should be the final interpreters of the Constitution: "You seem to consider the Federal judges as the ultimate arbiters of all constitutional questions, a very dangerous doctrine, indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have with others

the same passions for the party, for power, and the privilege of the corps. Their power is the more dangerous, as they are in office for life and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal." A quote from Thomas Jefferson.

Alexander Hamilton, writing many years ago in Federalist Paper No. 81, said: "To avoid all inconveniences, it will be safest to declare generally that the Supreme Court shall possess appellate jurisdictions that shall be subject to such exceptions and regulations as the national legislature may prescribe. This will enable the government to modify this in such a manner as will best answer the ends of public justice and security."

All judges are elected or appointed through a political process, yet many do not like to admit this either to themselves or to others. So they sometimes go to extremes and bend over backwards to prove how nonpolitical they are. They leap at the opportunity to rule against a political defendant or show their power by overturning a political decision by Congress or some other legislative body.

Federal judges in particular are not only unelected; they are, as a practical matter, almost totally unaccountable. Thus they have very great power, which is very easy to abuse. For most of the history of this country, Federal judges exercised this power with great restraint, giving great deference to legislative bodies. For many years now, however, we have had far too many judges who have lost their humility and have not shown this same restraint. In the process of trying to show how nonpolitical and above politics they are, they have ironically become more political than ever before.

This has become so common that now a majority of people in this country have become upset with government by the Judiciary instead of by co-equal legislative and executive bodies. We are going down a dangerous path, Mr. Speaker, and one that was clearly not intended by our Founding Fathers or the Constitution they gave us.

We are supposed to have a government of, by, and for the people, not one that ignores clear legislative intent and becomes one that is only of, by, and for the courts and of, by, and for very political and power-hungry judges.

TRIBUTE TO MAYOR JOHN MEDINGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to John Medinger upon his retirement as mayor of La Crosse,

Wisconsin. Involved in local politics since 1976, John is a dedicated public servant and a good friend. I will miss his leadership as mayor, but I am confident he will remain active in our community and influential in improving the quality of life in western Wisconsin.

Born and raised in La Crosse, Mayor Medinger and his family have always been active in local politics and have contributed immensely to the growth and development of our community. His father, Don, a good union member, served on the La Crosse City Council and was well-respected throughout the area. Following his father's example of civic duty, John ran for and was elected to the Wisconsin State Assembly in 1986, where he served for the next 16 years.

From 1993 to 1996, he worked for U.S. Senator RUSS FEINGOLD as his western Wisconsin regional coordinator, and in 1996 he ran for and was elected mayor of La Crosse. During his tenure as mayor, he continually advocated for social justice on behalf of the hard-working families in western Wisconsin. His contributions and dedication to the community made him an excellent mentor, and our area has been well served by his leadership.

I have known John for many years and have admired his thoughtfulness, idealism, unwavering principles, and ability to reach across party lines to create good public policy. As mayor, he was always honest and never hesitated to tell you when he thought you were wrong. Likewise, he was the first to embrace a good idea and work to put a plan into action.

Lastly, I commend John for his tireless work to encourage and welcome greater racial diversity, which has made the La Crosse area a special place to live and raise a family.

John exemplifies all that is good, noble, and decent in public service. He believes in our representative democracy, and he made himself approachable and accessible to anyone who wanted to share their thoughts with him, whether it was when he showed up on their doorstep during the course of his many campaigns or during his time in office.

Both John and his wife, Dee, have sacrificed greatly to live a life of public service. If anyone deserves a break from the public spotlight, they do. Although John Medinger is retiring from the mayoral position, his advocacy and community work will leave a lasting legacy on the La Crosse community, and the area will continue to benefit from all that he has done.

I want to thank him for his hard work and dedication, and I wish Dee and John the best of luck in their future endeavors.

IN MEMORY OF MARINE LANCE CORPORAL WESLEY JOEL CANNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, "I don't do it for the money, I don't do it for the glory. Providing for our future is my responsibility. I can't call in sick on Mondays when the weekend has been too strong. I just work straight through the holidays and sometimes all night long. You can bet that I stand ready when the wolf growls at the door. I am solid, I am steady, I am true down to the core."

This is taken from Toby Keith's "American Soldier." And, Mr. Speaker, I rise today in honor of a young American Marine from a tranquil town in southeast Texas of approximately 34,000 people, Marine Lance Corporal Wesley Joel Canning, who died valiantly serving our country and our Nation in Iraq. He was assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force based at Camp Lejeune, North Carolina.

Lance Corporal Canning, in just 21 short years, had already exhibited a lifetime of courage and boldness. He was killed in combat on November 10, 2004, in Al Anbar Province, Iraq, during the successful American offensive against the insurgent enemy in Fallujah.

He was a native of Friendswood, Texas. Wes, as he was called by his friends and family, graduated from Friendswood High School in 2002 and left for boot camp in July, just 2 months after his graduation. Resolute about becoming a Marine since his junior year, he had approached his parents with the idea. His father, Joe Canning, recalls their hesitations: "He decided he wanted to become a Marine," his father said. "Spend 20 years in the service and pursue a career in the criminal justice system. I tried my best to talk him out of it, telling him to go and get a good education, but he was hooked on becoming a Marine. And after doing everything I asked him to do, talking to recruiters from the other branches of service and friends and relatives who had served, he seemed more convinced than ever that the Marines was absolutely the right thing for him to do." In the end, "His mom and I gave him our blessing."

The devastating terrorist attack on September 11, which occurred before he ever graduated from high school, further fueled this desire. According to his mother, Jo Ellen Canning, "9/11 didn't deter his efforts. He wanted all the more to go and protect his country."

He graduated from the Marine Corps Recruit Depot in San Diego. He steadfastly pursued a post that would allow him to see action. Open for deployment

in Iraq, he stayed at Camp Pendleton in California rather than accept another assignment.

In mid-March of 2003, with the commencement of Operation Iraqi Freedom, Lance Corporal Canning's wish came true. "He went to the front lines at the beginning of the war. There was not much telephone contact, so we watched TV the whole time until he made it home," Mrs. Canning recounts. In a letter to his parents that month, he described going in with the initial push and penetrating Baghdad.

He then returned to Texas after completing his first of ultimately two tours he volunteered for in Iraq. He excitedly did two things that, as his dad told me, "they advise the boys not to do." He trekked out to Lone Star Ford, bought a new little black pickup truck, so he could show his band of Marine brothers back at the base in North Carolina his proudly displayed bumper sticker, "Don't Mess With Texas." He also wedded his sweetheart from Fort Collins, Chayla.

Married just 11 months, and only 11 months, he was once again deployed in September of 2004 to Iraq, where he was looking forward to participating in the training of Iraqi soldiers and police. Now he is a husband, a family man, and he decided to serve 4 years, go back to school, and build a life with his new bride, Chayla, who, in spite of the obvious strain, loved being a Marine wife. She said, "Wes wanted to protect our family so our little brothers wouldn't have to. He was very protective of everybody."

Two months after being deployed to Iraq for a second tour, he left the following voice mail message for his father, who could not answer the phone because he was working on an offshore oil rig: "Hey, Dad, it's me. I love you and miss you. We're still over here."

Two days later, Lance Corporal Canning was killed in action precisely on the 229th birthday of the United States Marine Corps, November 10, 2004.

Myrlene Kennedy, the principal of Wes's high school, recalls, "He was kind to students and adults alike. He had a quick smile, a captivating personality, and that allowed him to have many friends." Wes's teachers said, "He knew pretty much what he wanted to do. Following his ambition, he joined the United States Marine Corps after graduation in 2002. He began that journey he dreamed of and talked about with teachers and friends. He loved wearing his Marine Corps T-shirt to class his senior year."

Wes's philosophy was written in his own high school yearbook: "Everything happens for a reason." For the Marine Corps Reserve Unit in Galveston, Texas, a unit like the one Lance Corporal Canning was a part of, his death constituted the first time it had to bring home one of its own flag-draped caskets, the flag that was presented to Chayla, in addition to the