

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.

□ 1615

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,