

Our troops who will still be in Iraq after we leave here today should not be left with the message that Congress did not have the time to discuss in detail what must be done to help them in the field.

There has to be a better way, Mr. Speaker. A better way than voting one way and acting another, especially when American lives are at stake. We need new policies that will make America stronger at home and more respected around the world. That is why I have introduced H. Con. Res. 392, a SMART Security Platform for the 21st Century. SMART stands for Sensible Multilateral American Response to Terrorism. We would not be in Iraq if we had pursued a SMART Security strategy in the first place.

SMART Security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. SMART Security means respecting our Nation's servicemen and women by respecting their service contracts and then providing them with the care and the benefits they deserve once they have returned home. It does not mean tricking our brave soldiers into serving for longer than they expected or agreed to. SMART Security is tough, pragmatic, and safe, and it is the right choice to keep America truly secure.

#### JUDICIAL ACTIVISM

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

Mr. FRANKS of Arizona. Mr. Speaker, there have been many external threats to this Republic across the years. Recently, we have been highly focused on the war on terrorism and diminishing global nuclear threats. We have always been able to face such external threats successfully because our country has had a strong internal foundation.

But, today, it is critically important to sound a past-due warning about the internal threat to this republic. We are going to awaken to the fact that our own courts, in spite of their sacred duty and charge to defend the United States Constitution, have now become the greatest threat to its survival. The rule of law itself and the underpinnings that hold this Nation together are now at stake.

This undermining of our Constitution did not develop overnight. One hundred and eighty-four years ago, Thomas Jefferson wrote: "The object of my great fear is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."

Only 3½ decades after Thomas Jefferson wrote these ominous words, United States Supreme Court ruled in its Dred Scott decision that "all blacks, slaves as well as free, were not and could never become citizens of the United States." The Supreme Court said that blacks "had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit."

Mr. Speaker, we can all see the sickness and evil in that twisted reasoning today. It is a sickness and an evil that precipitated the worst loss of American life in any war in the history of this Nation, 600,000 dead soldiers: husbands, fathers, sons, and brothers.

In the face of these historical realities, it is astonishing today that we do not seem to collectively recognize the dangers represented by an unrestrained judiciary, especially since many of the great conflicts in our society's recent history have been precipitated by arrogant court decisions imposed by an unjust court and imposing an unjust mandate on the entire Nation.

Not so long ago, our courts mandated racial segregation in our public schools. That was the so-called "separate but equal doctrine." And people died on the streets reversing that obscene ruling.

American courts have now declared that protecting viable unborn children from the hideous act of partial birth abortion is "unconstitutional." The courts are now beginning to attack the very foundation and makeup of our country and any civil society, that being marriage and the family itself.

They have said it is "unconstitutional" to protect a 9-year-old girl from Internet pornography or for her to pray a certain prayer in school or for her to voluntarily say her Pledge of Allegiance to the flag of the United States using the words "under God."

Mr. Speaker, are these the causes that our American heroes lying out in Arlington National Cemetery died for? And I am just wondering when those who still have breath say will enough is enough.

As we seek to protect America from the external threats that we face like terrorism, we would do well to remember that it is not the water on the outside of the ship that sinks it. It is the water on the inside. And, Mr. Speaker, I submit that there is water on the inside of this ship.

When courts forcefully interject false and unconstitutional notions that go against justice, natural law and common sense, without allowing the issue to go through the legislative process of debate and consensus, it abrogates the miracle of America and abridges the freedom of the people to govern themselves.

Daniel Webster's admonition to all of us is so very appropriate. He said, "Hold on, my friends, to the Constitution and to the Republic for which it stands, for miracles do not cluster and

what has happened once in 6,000 years may never happen again. So hold on to the Constitution, for if the American Constitution should fall, there will be anarchy throughout the world."

Mr. Speaker, the commitment to true justice in the heart of this Congress and in the heart of the one who occupies the Oval Office are now the only two remaining barriers which prevent judicial oligarchy and the subsequent fall of the American Constitution.

May those of us in this Congress find the courage to assume our constitutional power to prevent the judicial destruction of the United States Constitution.

And, Mr. Speaker, may God give the people of this Nation the insight and soundness of mind to maintain the presidency of the United States in the hands of George W. Bush, who will protect America and the world from such an irrelevant revocable tragedy. God bless America.

#### ORDER OF BUSINESS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

#### ELECTIONS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Mr. JACKSON-LEE of Texas. Mr. Speaker, I join with the gentleman from Ohio (Mr. NEY), my co-chair, to salute the people of Afghanistan for this historic time in their Nation's destiny.

□ 1515

I am the cochair with the gentleman from Ohio (Mr. NEY) of the U.S.-Afghan Caucus. Again I would like to congratulate the government and the people of Afghanistan, who are in the midst of a historical turning point. Leading up to the elections going on today, there has been great progress made in the registration process.

Of an estimated 10 million eligible voters, over 9 million voters, over 40 percent of whom are women, have registered for the country's first presidential election. Saturday, today, this process is ongoing. I applaud the high percentage of registered voters and the diversity of the 24 candidates for presidency. It shows that democracy is in fact working, and these candidates symbolize for the Afghan people the pluralism and open electoral process.

I hope the warlords understand that it is through the ballot box and not the bullet process that we will find democracy and peace in Afghanistan.

I am pleased with President Karzai's choice for his two running mates, Mr.