

As of December 31, 2005, the Ninth Circuit had nearly 17,000 pending cases, which represents 28 percent of all pending federal appeals.

According to recent statistics from the Administrative Office of U.S. Courts, the Ninth Circuit is now the slowest circuit in the country, by more than 2 months, for each of its nearly 17,000 cases, from filing of notice of appeal to disposition.

The Ninth Circuit has 28 authorized active circuit judgeships. The other 11 geographical circuits average less than 13.

It is clear from these facts that the extraordinary growth of the nine western states comprising the Ninth has resulted in an overpopulated circuit that has become a giant among the twelve circuits.

Ninth Circuit Judges O'Scannlain and Tallman hit it on the head when they wrote in the *Wall Street Journal* that "... size adversely affects not only the speed with which justice is administered, but also the quality of judicial decision making. Consistent interpretation of the law by an appellate court requires a reasonably small body of judges who have the opportunity to sit and to confer together frequently, and who can read, critique and, when necessary, correct each others' decisions. That kind of collegiality is no longer possible in a circuit of this size." This statement describes precisely why we need to split the Ninth Circuit.

With a fifth of the U.S. population living in the Ninth Circuit today, I would expect that this could easily become a fourth of the population. Today's 28 active Ninth Circuit judges will eventually become 35, then 40, 50 and so on.

The Ninth Circuit has a history to be proud of, but how long will it be before those who seek to hold onto the past glory of the Ninth come to realize that it should not be recognized for its unique solutions for coping with staggering caseloads and an inability to readily sit all judges? Under this legislation, the new Ninth and Twelfth Circuits will be recognized as individual circuits that have been given a fresh start, fresh life, and fresh collegiality with efficiencies that allow judges in the new circuits to focus on case law and not case management.

Opponents of a split have ascribed political motivations to my efforts—that I, being the author and proponent of realignment legislation, don't like the decisions of the Ninth Circuit. Well, the Ninth does make bad decisions that I don't agree with. For that matter judges appointed by Nixon, Reagan and both presidents Bush make bad decisions that I don't always agree with. Every circuit in the United States makes bad decisions that I don't always agree with. The practical effect of a court ruling is that one party will be pleased and the other disappointed.

Should a circuit be realigned, or manipulated in a manner such as "court packing" solely for political reasons? Absolutely not. However, the fact that my colleagues and I may disagree with certain rulings of the Ninth Circuit should not automatically disqualify us from seeking to realign the circuit. Ascribing political motivations to my colleagues and me is nothing more than a disingenuous smokescreen. If judges, scholars, politicians and others have spoken to me they know that my motivations are not political. My motivation is a desire for my constituents to have an efficient,

expedient and manageable court that is able to apply a consistent interpretation of the law. In the meantime, my faith in the Supreme Court and its demonstrated readiness to overturn rulings of the Ninth Circuit, alleviates any fears that I have that an egregious ruling of the Ninth will not be corrected.

Of course split opponents must throw up the smokescreen that my fellow colleagues and I are politically motivated. What else can they do? It's impossible to argue against the facts. Having one-fifth of our nation's citizens in one circuit while the remaining four-fifths are in eleven circuits does not make sense. I have yet to hear split opponents or scholars state why it is good for a single circuit to have one-fifth of the nation's citizens in one circuit when the remaining four-fifths are in eleven other circuits. I do not know why having 28 percent of all pending appeals in one circuit is a sign of an effectively working court. I have not heard why it is good for a circuit to have 28 active judgeships, which is eleven more judges than the next largest circuit and more than double the circuit average of 13. I don't know why it is good for Idahoans to have their appeals heard en banc by a partial number of our court of appeals' judges when citizens in the other eleven circuits will get a hearing before all the judges of their circuit. Is this fair to citizens of the Ninth? I don't believe it is.

I look forward to reading the first article, or speech from a federal judge, politician or scholar that sets aside any reference to politics or the political motivations of others and explains why it is a good thing to have a single circuit with one-fifth of the nation's population, 28 active judgeships and a procedure for a partial number of judges to hear cases. I would also take the liberty of asking a theoretical question to that judge, politician or scholar and it goes like this—if you were to start from scratch and create 12 new circuits for our nation, would you place one-fifth of the population in just one of the twelve circuits? Please send a copy of that to my office here in Washington.

Something else I have heard is that our efforts to split the Ninth Circuit are "a threat to judicial independence". I would like to hear from any federal judge, appointed for life, whether their decisions are being influenced based on a threat that their circuit might be realigned? I find it hard to believe that judges, who at times must put their lives on the line for our country in the face of threats and intimidation by criminal defendants, are scared of politicians in Washington, D.C. Once again, please feel free to contact my office here in Washington if that is the case, I promise confidentiality.

Another thing I hear thrown about is an idea I like to call "judicial veto authority". What I'm hearing is that since a majority of the Ninth Circuit judges might not favor a split then it shouldn't go forward. I would ask the proponents of this idea, the proposition that sitting circuit judges need approve of a split before it goes forward, where this is found in Article III?

I do not believe that the composition of a circuit should be determined solely out of concern for its judges, lawyers, bar associations or even politicians. It should be determined by how best the people are served within the states it encompasses. Realigning the Ninth Circuit is about better serving the people who live and work in the nine states and two territories within its boundaries. It's about pro-

viding them with better efficiencies, a more consistent interpretation of the law based on rulings made by judges who spend more time conferring directly with one another and reading each other's decisions.

In addition, although the costs of dividing a circuit are important in these days of budgetary constraint, they should not be the reason for disregarding the benefits that would befall the citizens of nine states and two territories. Opponents of a Ninth Circuit split have made note that a new Twelfth Circuit would be costly, with some estimating as high as \$21 million in additional court costs annually.

As a member of the Budget Committee it's a wonder that we are not today seeking the savings that would come from creating five larger circuits consisting of say: the Fourth and Sixth plus Georgia; the Fifth and Tenth plus Alabama and Florida; the First, Second and Third; the Eighth and Seventh; and the Ninth alone. Combining those circuits could save us upwards of \$150 million a year in operating costs alone.

The reason we are not debating whether to create larger circuit courts of equal size to the Ninth is because it does not make sense to have large circuits. We already have one large court—the United States Supreme Court. I am told that there is a saying that goes "there is the Supreme Court, the Ninth Circuit, and the rest of the federal circuits." What we need now are 13 circuits of roughly equal proportion—not Snow Ninth and the 11 dwarfs.

Two other things I would mention. I have yet to hear calls for returning the Fifth and Eleventh Circuits into their original circuit. From what I know, the division that was undertaken in 1981 has settled out well. Finally, for those who are committed to the "old" Ninth—they can rest easier knowing that even after shedding seven states, the "new" Ninth will remain the largest circuit in the United States.

As we move forward with our legislation to realign the Ninth Circuit, I look forward to split opponents coming out from behind their political smokescreens and discussing the facts at hand which are indisputable—the Ninth Circuit is too large and unwieldy. No amount of technology and innovation is going to provide my constituents with the efficiency and expediency that they deserve as well. The current judges of the Ninth deserve a collegial atmosphere where they can spend time on case law and not case management.

I appreciate the leadership Chairman SEN-SENRENNER has provided in our efforts and look forward to working with him in the coming year as H.R. 4093 and the Ninth Circuit realignment become a reality.

A TRIBUTE TO DR. SANDRA E.
THOMAS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Dr. Sandra E. Thomas, of Altadena, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Dr. Sandra E. Thomas is a powerful and fearless leader whose personal service motto

is "Brighter Hope, With a New Vision." Highly visible in the community as a civil rights advocate, she has a way of saying what must be said without offending those around her—she always has a smile and a kind word for all who pass her way.

Born in Kansas City, Kansas, Dr. Thomas received her Bachelor of Arts and a Masters Degree from the University of Kansas and her Ph.D from Columbia University. After retiring as an engineer at Pacific Bell-SBC, she began a pilot program geared to attracting at-risk high school students to the field of engineering.

For 28 years, Sandra served as a youth counselor at the Lincoln Avenue Baptist Church, where her husband, Reverend A.D. Thomas, is Pastor Emeritus. She is currently an instructor and consultant for young adults. A foster mom for over 2 decades, Sandra was named "Outstanding Mother of the Year" at Altadena Elementary School in 1977 and Pasadena High School's "Mother of the Year" in 1979.

Dr. Thomas, a Life Member of the National Association for the Advancement of Colored People (NAACP), has been affiliated with the organization for 55 years, and serves simultaneously at all levels of the NAACP organization. She is currently an NAACP National Trainer, a Regional Officer, a California State Director and the President of the Altadena Branch of the NAACP, where she has been successful in implementing many positive changes in the Altadena-Pasadena community.

In addition to her NAACP activities, Sandra is an Altadena Town Council member, the founder and CEO of the "Quality of Life Community Center," Chairperson of the Pasadena/Altadena African-American Leaders Community Coalition, a member of the Pasadena Junior League, the Pasadena Tournament of Roses, Leadership Pasadena, the Pasadena Unified School District Non-Violence Team, and the Altadena Community Center Board of Directors.

Dr. Thomas and her husband, long-time Altadena residents, have 3 children, Michael, Vincent, Rosalyn and 6 grandchildren.

I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Dr. Sandra E. Thomas.

PERMITTING USE OF ROTUNDA
FOR HOLOCAUST DAYS OF RE-
MEMBRANCE CEREMONY

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to support the efforts to allow the United States Capitol rotunda to be used for the annual ceremony commemoration of the days of remembrance of victims of the Holocaust.

This period of genocide against the Jewish race remains one of the darkest stains on the history of humanity. It is vitally important that we take time each year to remember the victims of this horrific event. The people of the United States must never forget the tragic ac-

tions spurred by hatred, bigotry and extremism.

Having this ceremony at our Capitol rotunda is both important and symbolic. We are the beacon of democracy and freedom for the world and have been defenders of the oppressed throughout history. Our brave young men heroically crossed the Atlantic to fend off and defeat the Nazis who were bent on racial imperialism. It is fitting at this center of our Federal Government that we express our deepest gratitude to the veterans of World War II and pay our respects to all the innocent victims of the Holocaust we were not able to save.

My heart and prayers go out to all the victims of the Holocaust—those who did not survive, those who did and the families of all. Each went through an unimaginable experience, one that no one should ever have to undergo.

As both a Member of Congress and as a private citizen possessing a strong faith, I vow to always remember and respect those who suffered such a tragic fate and I support this body's efforts to do the same.

May we as a people never forget those who have suffered nor ever let such an occurrence happen again.

HONORING ITALIAN PRIME
MINISTER SILVIO BERLUSCONI

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. HYDE. Mr. Speaker, I rise today to honor and congratulate Italian Prime Minister Silvio Berlusconi on his recent speech before the joint session of the U.S. House and the U.S. Senate. I am proud to be joined in this effort by the gentlewoman from New York (Mrs. MALONEY).

When terrorists hijacked airplanes, smashing them into the Twin Towers of the World Trade Center and the Pentagon, it was the worst disaster ever perpetrated on American soil. A large part of the world reached out in sympathy to our wounded nation. Silvio Berlusconi, the Italian Premier, called for a giant rally for the Italian people to express their grief and shed their tears for the families of the victims, and to show their compassion for a nation that had been gravely wounded. It was a heartfelt expression of the pain they felt for America by hundreds of thousands of Italians who crowded into Rome's Piazza del Popolo, the place of the people.

Berlusconi's call to action was so successfully answered by the Italian people, that certain political parties of the left called for a counter rally—an anti-American rally. These parties were two Communist parties, and a third party which had been the original Communist party but had changed its name to the Democratic Party of the Left. They paraded through the streets of Rome, a small phalanx holding red flags with the iconic Communist hammer and sickle and placards denouncing America for having entered Afghanistan in pursuit of Osama bin Laden and to destroy the Al Qaeda terrorists. They shouted anti-American slogans, said blood dripped from our hands and that we were assassins. They threw the American flag on the ground, trampled it,

poured gas on it, and set it afire. Nowhere in their speeches or placards was there mention of the American tragedy, nowhere mention of grief for the dead or compassion for the families. Italy is a democratic country where everyone is guaranteed the freedom of speech. They expressed their opinions, feelings, and anti-American bias.

When Silvio Berlusconi appeared, several weeks ago, before the joint session of the U.S. House and the U.S. Senate, which is a signal honor paid to a world leader, he was not invited by President Bush, as many Italian newspapers stated. He was invited by the House of Representatives and the Senate, led by DENNIS HASTERT, Speaker of the House, and Vice President CHENEY, as Presiding Officer of the Senate. The Constitution imposes a separation of powers between the legislature and the executive branch and we, the legislative branch of the U.S. Government, are proud of the independence this grants us. We invited him.

When the Italian Prime Minister stood before us and spoke, it was not to Democrats and Republicans but to all of the representatives of all of the districts of all of the states and for all of the American people. This legislative body represents the broad expanse of America and all of her people. And when we rose in a standing salute and gave thunderous applause to Prime Minister Berlusconi, it was the American people who were speaking. The American people who were exercising their right to the freedom of speech, a constitutional right in our country too. The American people gave their opinion. In standing in ovation to Berlusconi's impassioned words of friendship, we rejected the elements in Italy who had turned their back to our suffering, deploring their conduct and their opinions. We instead showed the warm feeling of affection in our hearts for the people of Italy.

TRIBUTE TO DR. BETH MARCUS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Dr. Beth Marcus, of Burbank, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our nation's women.

Dr. Marcus is a family physician in La Canada Flintridge, where she has practiced for over 10 years on the medical staffs of both Verdugo Hills Hospital and Glendale Adventist Medical Center. After completing her Family Medicine residency, she went on to complete a Fellowship in Adolescent Medicine, where she worked with adolescents struggling with poverty, family estrangement, drug abuse, homelessness and other issues.

Her patients cross the lifespan from infants to geriatric patients. Knowing that excellent medical care means going far beyond a diagnosis and a prescription, she has a remarkable capacity to bring compassion and empathy into the care she provides. She is an active advocate for patients, educating them and assisting them in obtaining social services and other sources of support to help them navigate the challenges of illness.