

you talk about the private lives of citizens, you can go to jail even if you are an IRS employee. Why should they be any different than any other citizen? They are just servants of the people.

Next week is also going to focus on something that has been the compelling issue that brought me into politics originally in the early 1980's.

In the early 1980's, it was actually a State tax increase that doubled the taxes on my small business. I never had more than 125 employees at any one time; but I faced, with regulation and a doubling of my small business tax, laying off employees.

It got my attention. And I realized that American families, whether running a small business, like me, or my employees, could be hurt by government not being able to control spending.

You see, what I saw was our State had doubled their spending percentage nearly regularly over 20 years. What that means is every 2 years the spending increase was 20 percent, 10 percent a year, while the people's ability to pay got up 3 to 5 percent a year.

And as that happened and government grew, it was so easy, you see, to raise taxes instead of control spending, that what we faced were ordinary people, like me, running a small business in Vancouver, WA, facing taxes that we were having one heck of a time paying.

So I ran for office and got mad. I ran for office and I kept changing things. I ran an initiative in our State that said we will control spending and will make it tougher to raise taxes. It always should be a little tougher to raise taxes than to tax the American people, whether it be at the State or Federal level, than to increase spending, because you cannot tell a bureaucracy no.

Mr. Speaker, we passed that as an initiative in our State. And guess what? The spending growth is now 5 percent a year for the public government, and it is more in line with the ability of the people to pay. This worked. It will work when we pass the same measure next week.

On the floor next week will be a supermajority to raise taxes. And it worked in our State. It will work in our Nation. And I encourage watching for that vote and see how Members of Congress vote.

REGARDING JUDICIAL ACTIVISM

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

Mr. DELAY. Mr. Speaker, I rise today to discuss an issue that is of great concern to the American people, and that issue is judicial activism.

Earlier this week, a three-judge Federal appeals court reversed a decision made by Judge Thelton Henderson, who barred the enforcement of the California civil rights initiative.

In reversing that decision, the appellate judge wrote, and I quote, "A system which permits one judge to block with the stroke of his pen what 4,736,180 State residents voted to enact as law tests the integrity of our constitutional democracy."

That is exactly right. Judicial activism threatens the checks and balances written into our Constitution.

I want to commend the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary, who just yesterday introduced the Judicial Reform Act. Now, his legislation takes a very important first step in reining in the judicial branch.

Over the last several weeks, I have been attacked by several different groups for suggesting that it is within the constitutional authority of the Congress to impeach judges who willfully ignore the Constitution.

By my reading of the Constitution, it is not only the right of Congress to act as a check on the judicial branch; it is our duty. The Constitution provides that judges may be impeached for conviction of treason, bribery, or other high crimes and misdemeanors.

That phrase has never been completely defined, but there is little doubt that the Founders intended impeachment to be used against judges in certain circumstances.

The first Chief Justice of the U.S. Supreme Court, John Marshall, who was not in favor of judicial impeachment, nevertheless saw it as part of the Constitution. He said, the present doctrine seems to be that a judge giving a legal opinion contrary to the opinion of the legislature is liable to impeachment.

Thomas Jefferson explained, the opinion which gives to the judge the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action, but for the legislature and executive also in their spheres, would make the judiciary a despotic branch.

Justice James Wilson acknowledged that impeachment can be confined to political characters, to political crime and misdemeanors, and to political punishments.

And even Gerald Ford explained that, when imposing the impeachment of Supreme Court Justice William O. Douglas, that an impeachable offense is whatever the majority of the House of Representatives considers it to be at any given moment in history.

Now, unfortunately, on too many occasions the Federal judiciary has strayed far beyond its proper function. In no other democracy in the world do judges who are not elected, who are unaccountable, decide so many political issues.

Mr. Speaker, I do not advocate impeaching judges just because I disagree with them politically. I advocate that Congress, using its clearly defined role within the Constitution, act as a check on the judicial branch of the Government.

The American people are frustrated when one person, one person subverts

their will, expressed in a democratic election. They should be frustrated. An independent judiciary is the anchor of our democracy. A despotic judiciary may very well be the downfall of our democracy.

I urge my colleagues to consider all of the tools within our constitutional authority as we take on the very real problem of judicial despotism. One of those tools is impeachment, and, despite the barrage of criticism, I think it is a tool we should consider using.

A NATIONAL DEBATE ON THE INCOME TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, I am also joined today by a friend of mine, the gentleman from Colorado [Mr. DAN SCHAEFER], who will interact with me in this 5 minutes and perhaps even ask unanimous consent for his own time.

We are pleased today to announce to the House and to the American public that as tax day approaches, as April 15 bears down upon us as the date upon which the tax man cometh again into our lives, we are preparing to begin the national debate on the issue of whether or not it is time for us in America to consider ripping the income Tax Code out by its roots, repealing the U.S. income Tax Code in its entirety, along with the IRS, and replacing the entire thing with a simple, straightforward national retail consumption tax.

On April 15, the gentleman from Colorado [Mr. DAN SCHAEFER] and I will be joined by other Members of this body, not necessarily as Members of Congress but as citizens of this country, and we will be joined by many other citizens who will join with us in Boston Harbor for a symbolic reenactment of the Boston Tea Party.

We will be in that harbor on an 18th-century style ship, and we will symbolically put the U.S. income Tax Code into a beautiful box labeled "Boston tea." And we will ceremoniously dump it into that harbor. We are doing it, by the way, with the proper permitting authority, because to leave that income Tax Code in the harbor would surely be a bad example of pollution. But we are going to do this demonstration along with many other Americans to begin this debate.

Is it time to get rid of this income Tax Code that is hurting Americans and hurting American jobs and debilitating the U.S. economy and replacing it with a simple straightforward consumption tax?

The debate will begin on April 15. The ceremony we have in Boston Harbor will hopefully be the start of that debate.

What essentially is wrong with the U.S. income Tax Code? The stories of IRS agents snooping into private businesses, the stories of 4 billion dollars' worth of computers that do not work are just the beginning.