that are involved in this type of activist behavior and legislating from the bench. Every single Federal judge takes an oath to uphold the Constitution. When they fail to do so and let their own whims and ideological positions interfere with applying the Constitution, not interpreting but applying, these judges have failed to fulfill their term of good behavior, and they should be fired by impeachment.

Likewise Californians that are outraged, like I am, should be up in arms and should take action to initiate a referendum to pass a State constitutional amendment to enforce their will and overturn these judges' despicable opinions, and these judges deserve to be censured or sent home for bad behavior.

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

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## SUBSIDIARITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I rise to speak about the role of government in our collective political lives and of the relationship between such government and civil society.

It has been 219 years since this new constitutional republic formally entered the international stage. In 2008 I am privileged to stand in this historic Chamber of the United States House of Representatives in the second session of the 110th Congress. We should, representative and citizen alike, take great pride in our collective perseverance. Our longevity and survival as the numerically and geographically largest and most prosperous republican form of government in recorded human history is a testimony to the strength of this polity.

An important part of that proud history has been our commitment to seriously debating the contours of any entity which we constitute to exercise power over the source and content of self-government: that is, ''We the People.'' In other words, we must continue to ask ourselves, what is the proper scope and role of governmental powers in and around our lives?

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My colleagues, ''subsidiarity'' is a word not often used on this floor. Yet, is a word and concept which is foundational to much of what we do as representatives, the system of government under which we operate and the presuppositions upon which much policy is debated in this Chamber as well as in that other body.

Subsidiarity. It has been defined as the belief that ''a community of a higher order should not interfere with the life of a community of a lower order, thereby taking over its function.'' Subsidiarity ''holds that nothing should be done by a larger and more complex organization which can be done as well by a smaller and simpler organization. In other words, any activity which can be performed by a more decentralized entity should be. This principle is a bulwark of limited government and personal freedom.''

Other intellectual and philosophic traditions have spoken of sphere sovereignty, principle pluralism and federalism. But behind all of these complex-sounding terms is a simple fact, understandable by each of us, that there should be a proportional relation between the proximity of an individual and the amount of power of any governmental entity, be it local, county, State or Federal, may possess in relation to them.

In other words, that government which is closest to us is usually the best government for which we should give function. Let me give the analogy of a human body. If we would say the body politic is like a human body, we would say that a healthier body politic is one which, like the human body, is infused with activity, or energy. In other words, if you had a human body, and you had oxygenated blood that only went to 90 percent of it, that 10 percent might very well die and be considered unhealthy.

If you would have 100 percent of the oxygenated blood go to the brain, the rest of the body could not function, and the body would therefore die. Similarly, with the body politic, if all the power and if all the energy is visited here in Washington, D.C., the rest of the body politic tends to wither. It loses its energy. It loses its enthusiasm. And ultimately, it withers and dies.

Thus, as citizens, we do not, or should not, think it wise nor reasonable to immediately ask the Federal Government, the unit of government that is most distant from our lives, to solve each and every problem which our family, our neighborhood, our town, our city, our county, our State, or our region can address. Or, as academics may describe it, subsidiarity provides appropriate discernment for responses to respective needs in particular ways.

Foundational to the proper functioning of subsidiarity is a commitment to constitutionalism and the rule of law. In 1852, that great ex-slave, writer, abolitionist and statesman, Frederick Douglass, called the Constitution ''a glorious liberty document.'' Because of the principles contained within it, and the antecedent rights which it protects, we cannot quarrel with Douglass' description. His description is apt because the Constitution enshrined a system of government, based upon a moral foundation, which thereby allows the people to rule through majorities, and nonetheless simultaneously protects fundamental minority rights.

Now, while we ourselves have not always lived up to it, subsidiarity requires, and the Constitution affirms, that no citizens, based upon arbitrary and amorphous demarcations like skin color, are permitted to be excluded from ''the governed'' from which consent is required.

Thus, intrinsic to a proper understanding of and commitment to subsidiarity, the rule of law embedded within the Constitution requires a reasonable moral foundation upon which to anchor our commitment to law and the system of governments which we implicitly or explicitly support. As Robert P. George has written, ''Where reason has no sway in practical affairs, the sole question is who has the power.''

Severance from a moral foundation would leave our belief in and carrying out of the rule of law without a means by which to be secure. Law itself becomes power. Arbitrary will becomes the corrupted lodestar of societal comprise and the entire depth of justice, which now becomes a completely vacuous term. To use an analogy from Roy Clouser in his book, ''The Myth of Religious Neutrality,'' ''even the most violently anarchistic organization would quickly fall apart if it became devoid of all observance of norms of fairness or trust among its own members.'' And while although often unnoticed and unspoken in the day-to-day happenings of politics and life, the rule of law, constitutionalism and subsidiarity are vital guide-rails of our collective republican lives.

As Professor Robert George has said, ''The obligations and purposes of law and government are to protect public health, safety and morals, and to advance the general welfare, including preeminently, protecting people's fundamental rights and basic liberties.

''At first blush, this classic formulation, or combination of classic formulations, seems to grant vast and sweeping powers to public authority. Yet, in truth, the general welfare, the common good, requires that government be limited. Government's responsibility is