



THE NEW YORK STATE COURT SYSTEM

The Court of Appeals sits atop the judicial system of New York State. The Court of Appeals makes the final decisions of law in New York State, unless the case involves a Federal matter.



The Court of Appeals is New York State's highest court. It is composed of a Chief Judge and six Associate Judges, each appointed to a 14-year term. New York's highest appellate court was established to articulate statewide principles of law in the context of deciding particular lawsuits. The Court generally focuses on broad issues of law as distinguished from individual factual disputes.

There is no jurisdictional limitation based upon the amount of money at stake in a case or the status or rank of the parties.

(information provided by the New York State Court System) www.courts.state.ny.us

THE AMERICAN COURT SYSTEM: FROM THE SUPREME COURT TO THE TRAFFIC COURTS

CONGRESSMAN MAJOR OWENS INVITES YOU TO A 11th CONGRESSIONAL DISTRICT TOWN MEETING

Monday, March 20, 2006 - 7:00pm
At St. Francis College (Callahan Room)

CITIZENS MUST MORE DILIGENTLY WATCH THEIR JUDGES AND COURTS

Congress of the United States
House of Representatives
Washington, DC 20515

Official Business

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Representing the 11th Congressional District
Congressman
Major R. Owens
Crown Heights • Brownsville • Flatbush • East Flatbush • Park Slope • Cobble Hill • Kensington • Windsor Terrace • Carroll Gardens • Midwood • Ditmas Park • Prospect Heights • Brooklyn Heights



THE COURTS BELONG TO ALL AMERICANS

Dear Neighbor:

From the U.S. Supreme Court to the traffic and small claims courts, the palaces of justice belong to all American citizens. The recent spotlight on the confirmation of Supreme Court Justice Alito has alerted the nation to the critical role our courts play. All of the judiciary systems in America are in one way or another connected since the final decision on the constitutional rights of any citizen rests with the U.S. Supreme Court. Corruption at any level within our courts threatens to infect the entire system. Recent Federal Court rulings related to the way New York State Supreme Court judges are elected brings the problem directly home to the 11th District and the rest of Brooklyn. Please join us in the search for greater citizen wisdom on this critical issue.

Sincerely,

Major

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www.house.gov/owens

THE ISSUE OF EMINENT DOMAIN



Congressman Owens addresses constituents on the issue of eminent domain.

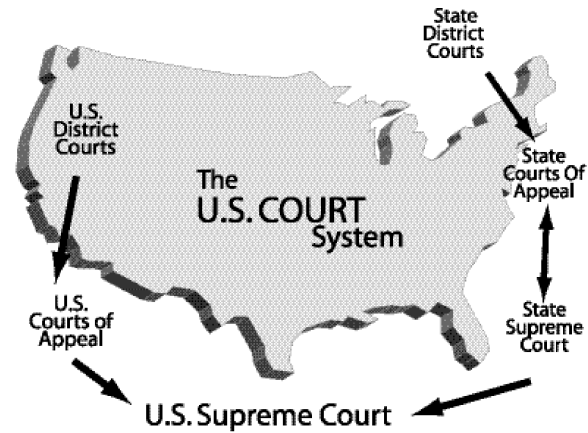
A June 23, 2005, Supreme Court ruling held that under the "Fifth Amendment Takings Clause", the sovereign power of eminent domain can be used to transfer private property to new private owners for the purpose of economic development. As your Congressman, I have vigorously supported legislation to amend this blunder. I voted for **H.R. 4128***, which prohibits states and their political subdivisions from using eminent domain to transfer private property to other private parties for economic development. In addition I voted for **H. Res. 340**, which expresses

the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in *Kelo v. City of New London*. Both of these measures passed in the House of Representatives.

* To learn more about this legislation or others please go to www.thomas.loc.gov.

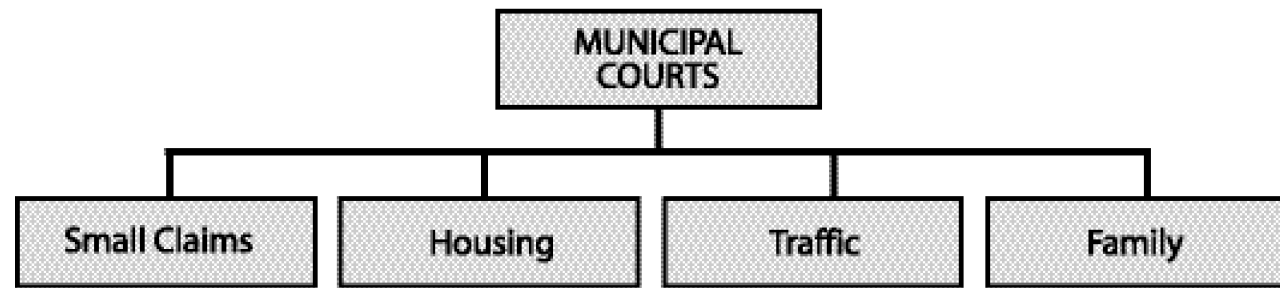
THE SUPREME COURT

WHAT IS THE SUPREME COURT?

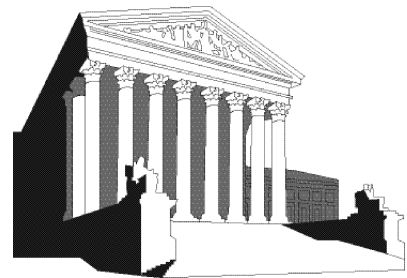


The U.S. Supreme Court consists of the Chief Justice and eight Associate Justices. Power to nominate Justices is decided by the President, and made with the advice and consent of the Senate.

Judicial review puts the Supreme Court in a pivotal role in the American political system, making it the referee in disputes among various branches of the Federal, as well as state governments, and as the ultimate authority for many of the most important issues in the country. For example, in 1954, the Court banned racial segregation in public schools in **Brown v. Board of Education**. The ruling started a long process of desegregating schools and other institutions.



U.S. SUPREME COURT RULINGS



The Voting Rights Act of 1965 is now "settled American law" which provides an "enhanced opportunity" for minorities to be elected where they have a significant community of interest. There is a need for political parties to adopt strong positions in support of fulfilling the spirit and intent of the Voting Rights Act and to support the desirable goals that make Power Sharing possible.

Federal Election Law provides an avenue for unlimited expenditures for certain types of communications and these communications are constitutionally protected First Amendment Speech. This ruling creates a loop-

hole for the rich to circumvent the intent of the Federal Election Campaign Act and funnel enormous amounts of money into Federal elections. I support the public financing of campaigns in order to prevent the corruption and manipulation of Federal elections.

Affirmative Action jurisprudence was settled in the Michigan higher education cases wherein the Supreme Court ruled that the University's Law School had a "compelling" interest in the educational benefits that flow from a diverse student body - thus justifying its consideration of race in its admission policies. I will continue to wholeheartedly support positive steps to increase the representation of women and minorities in areas of employment, education, and business from which they have been historically excluded.

Gun Control - The Supreme Court has consistently ruled that the Second Amendment protects the rights of the well-regulated militias of the states, not individual citizens, to keep and bear arms. I wholeheartedly supported the **Brady Handgun Violence Prevention Act** and will continue to advocate for tougher domestic gun control laws.

JUDICIAL REFORM



In January, U.S. District Court Judge John Gleeson declared the process--that permitted political bosses to control the way State Supreme Court justices are selected--unconstitutional and ordered it halted immediately. He ordered that they instead hold primaries until state lawmakers passed legislation setting up a new system. State Supreme Court justices serve 14-year terms. Incumbents hold more than half of the 25 seats that will come up for election this November. It is my position that State Supreme Court justices should be elected rather than appointed.

SIGNIFICANT LEGISLATION

Lobbying Reform - Corrupt and unethical behavior has again reared its ugly head in Washington DC. The



Honest Leadership and Open Government Act of 2006, of

which I am an original cosponsor, will fix the gift and travel rules, increase transparency and accountability, close the revolving door

between government and lobbying firms and allow

the public to see what elected representatives are doing. Also I will be **introducing legislation which mandates public financing for federal elections and the provision of free time over publicly owned airwaves for debates for contests at all levels.**

Hurricane Katrina - Six months after hurricane Katrina struck, the people of the gulf coast are still being left behind to suffer the indignities of their involuntary displacement. The absence of a sense of urgency, on the part of our government, to help Katrina survivors return home raises questions of ethnic cleansing. Along with the Congressional Black Caucus I have supported efforts to move comprehensive legislative solutions (**H.R. 4197**) to this crisis in the Gulf Coast and will continue to push for statutory and regulatory remedies to protect all Americans from similar government blunders in the future.

Seaport Security - The decision to allow Dubai Ports World (DP World), a company owned by the government of the United Arab Emirates (UAE), to gain control of significant operations at several U.S. seaports is part of a pattern of ill-conceived policies that threaten America's security. I vigorously oppose this

or any deal which would turn over the operations and control of America's seaports to foreign entities that may jeopardize America's security.

Cell Phone Safety - The jury is still out on the health risks associated with long-term exposure to radiation from cell phone antennae sites. In response to concerned individuals and community groups, I will pursue new policies on antenna placement that will mandate input from community groups and residents before any installation of cellular base stations are approved.

Medicare's Drug Benefit (Part D) - Last November, I strongly opposed **H.R. 1-The Medicare Prescription Drug and Modernization Act of 2003**. It is hastily developed legislation which has caused considerable confusion while rewarding large pharmaceutical companies by contributing to the rising cost of prescription drugs. The best practical information on Part D may be obtained by contacting the Medicare Rights Center by visiting **www.medicare.gov** or calling **800-MEDICARE (800-633-4227)**.

Pakistan continues to receive far less aid from the U.S. than it deserves. The President's appointment of his father to serve as an envoy is not enough to resolve this deficit. **I have sponsored a letter to President Bush urging more positive action before we lose Pakistan as a major loyal ally.**

CFE (Campaign for Fiscal Equity) - After more than twelve years of litigation New York's highest court ordered the Governor and the legislature to obey a court ruling and provide \$9.2 billion for physical facilities and to increase the annual State aid for operating schools by \$5.6 billion over a four year period. The Governor continues to refuse to obey the court order. This issue of adequate and equitable educational opportunity is a nation wide concern which is why I wholeheartedly support the **Student Bill of Rights (H.R. 2178)**.