

Somehow, the Federal Government does not believe that Kansans and Americans know how best to use their own land. Instead of making the rights of private property a priority, the Government has made recreational use a priority.

This error in Federal legislation needs to be rectified. My bill would change the law and restore private property rights issues to the State, and ensure Kansas farmers and property owners the use of their own land by conforming the national railway abandonment law to the Constitution.

Madam Speaker, I urge my colleagues to support this bill and to restore private property rights to Americans.

#### AUTOMATIC DEPORTATION CAN BE UNJUSTIFIED AND CRUEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, last year in a combination of procedural outrage and substantive outrage, we enacted into law, over the objection of myself and many others, provisions which made deportation automatic in a number of cases where deportation is inhumane, disruptive not just to individuals, but to other countries, and wholly unjustified.

No society has an obligation to tolerate within its midst people who are a danger to others, people who disrupt the lives of others. We have had deportation laws on the books to protect us in those situations, although they have not always been enforced with the vigor which should have obtained.

Last year, reacting to the terrorism and other things that happened, we passed legislation to try to improve our internal security. Much of that was sensible and I voted for it. Some of it was simply abusive, demagogic, and cruel. One example was what we did in deportation.

What we said was, in effect, if one has ever been convicted of a felony, one will be automatically deported, despite the virulence of the offense, and in particular, regardless of whether or not in the interim one had become a good citizen.

Let me give an example of what this outrageous law now requires. I recently received a letter, in July, just before we broke, from Michael Carter from the Center of Health and Human Services, a drug treatment center in my district. He told me about a client of his.

He says, this man has been in recovery for 6 years and he is receiving treatment. Due to recent changes in immigration laws, he is being deported due to a charge of possession of heroin in 1989. Since that time, he has had no further incidents, but he is being deported.

Let me read this essay from this dangerous criminal that this Congress is insisting be deported, and let me make it very clear, this is not the fault of the Immigration Service. They have to deport this man because we made it mandatory, foolishly, cruelly, and without justification.

Dear Congressman, I am a 31-year-old man that came to this country when I was 3 months. I was brought up an American and that is all I know how to be. In 1986, I lost three of my fingers in an industrial accident in work. I went through 3 years of surgery and physical therapy. Unfortunately, I found relief from my pain through the use of drugs. I know it was the wrong thing to do, but I got a false sense of comfort from it.

In 1989, I was arrested in Providence, Rhode Island, for heroin and I got 2 year's probation. I made it through those years without incident. I got help for my problem in therapy. I have never been in jail and I am still in therapy.

Let me just note here, as his counselor has said, he has since that time been free of drugs, free of any incident. He had a drug problem. He should not have had it; he acknowledges it. He was found guilty of possession, no violence, no theft; he hurt himself, no one else. He was sentenced only to probation. Now he is going to be automatically deported.

Let me read a little bit more.

Two years ago I applied for citizenship while I was going to trade school. Instead of citizenship, I was arrested. This month I was deported. I go back to court on the 4th of August. I graduated from the New England Tractor Trailer School of Rhode Island, and I have my class A driver's license. I have a corporation interested in giving me a job, but it is on hold.

Sir, I made some mistakes when I was a young man, a kid. But my convictions are 9 to 12 years old and I am showing you my record, and you will see I have had most of the charges dismissed. I have 3 young children, babies, age 3, 5 and 6 years of age. My oldest daughter has cystic fibrosis and she needs the care and love of both of her parents, sir.

I am not a bad person. I am not a terrorist. I am a man who made some mistakes when I was a foolish kid. Sir, I love my children very much, more than life itself, and I have the means to support my children very well with the career I intend to make for myself. I can go anywhere in this country and get a good job driving tractor trailers. I do not know how to write or read Portuguese. I know just enough language to get by.

Where am I going to live? How am I going to eat? I don't know the answers to these questions myself. I am terrified. All of my family is here. I don't know why they want to take a father away from his children. Did I do something that bad where my children are going to lose their father?

I am a 31-year-old Catholic that wants to work hard, pay his taxes, become a citizen, vote, raise my children the best I know how and help them live the American dream. Sir, in my heart and soul I am an American. I love this land and I would die for it.

But he is going to be deported. This is a man, now 31, who when he was very young, after an accident, became addicted to heroin. He should not have been addicted to heroin. He was sentenced to 2 year's probation. He completed that sentence successfully. He

has now been in treatment. He has for 8 years been a good citizen. He has since that time brought three children into the world whom he is trying to bring up and protect.

By an arbitrary and thoughtless act of this Congress, well, I should not say thoughtless, unfortunately, thought went into it, he will be deported, no matter how good a citizen he is. No matter how clearly we can establish that he is no threat to anyone, he will be deported and he will be sent to a country which is a foreign country to him.

I hope we will, in this House, change the law and prevent this sort of injustice from being visited on this individual, his children, and other people.

CENTER FOR HEALTH AND

HUMAN SERVICES, INC.,

Fall River, MA., July 24, 1997.

DEAR CONGRESSMAN FRANK: — is my client. He has been in recovery on this clinic for 6 years and receiving treatment. Due to recent changes in Immigration laws, he is being deported due to a felony charge (possession of Heroin in 1989). Since that time he has had no further incidents. Due to the new law, having had a prior felony, Immigration wants to deport him.

Both he, his family, and I are asking for any assistance you might be able to provide, to prevent this from happening.

— is thirty one years old, a father of three US citizen children and has a wife soon to obtain citizenship. He had three fingers severed on his left hand and is partially disabled, but does have a CDL license, Class A.

He wants to work and provide for his family, however, if he is deported, he will not be able to parent his children for five years. Any assistance would be highly appreciated.

Thank you,

MICHAEL D. CARTER, MA, LMHC.

FALL RIVER, MA.

DEAR CONGRESSMAN FRANK: Im a 31 year old man that came to this country when I was the age of 3 months, I was brought up an american and that's all I know how to be. Anyway Sir, about two years ago I decided to go back to trade school, because in 1986 I lost three of my fingers in an industrial accident in work. I went through three years of surgery and physical therapy. Within the second year I unfortunately found relief for my physical and emotional pain through the use of drugs. I know now it was the wrong thing to do but I got a false sense of comfort from it. In 1989 I was arrested in Providence RI for heroin. I got two years probation, and I successfully made it through those years without incident. I got help for my problem and therapy which I'm very grateful for. I never been in jail sir and I'm still in therapy which I'm very grateful. Two years ago I applied for my citizenship while I was going to school. But instead of my citizenship I was arrested by the I.N.S. This month I was deported, I go back to court on the 4th of August. I appealed this decision. I graduated from New England Tractor Trailer School of Rhode Island I now have my C.D.L. class A driver's license, I have a lot of corporations that are interested in giving me a job, a career sir. But because of what's happening to me it's on hold, Sir, I made some mistakes when I was a young man, "A kid". But all three convictions are nine to twelve years old. I'm showing you my record sir and you'll see I have almost 75 percent of the charges brought against me were dismissed because I didn't do wrong and I didn't do things the way they said I did and I proved

it. Sir I have three young children, babies ages three, five and six years of age. My oldest daughter has Cystic Fibrosis, and she needs the care and love of both of her parents. Sir I'm not a bad person, I'm not a terrorist. I'm a man who made some mistakes, when I was very foolish kid. Sir I love my children very much, more than life itself, and I have means to support my children very well with the career I intend to make for myself.

Sir I can go anywhere in this country and get a good paying job driving tractor trailers. Sir I love this country. I came to this country in 1966 and this country is all I know. I don't know how to write or read Portuguese. I know just enough language to get by. Sir where am I going to live, how am I going to eat. I don't know these questions myself, I'm terrified Sir. All my families are here in the U.S. I don't know why they want to take a father away from his children. Did I do something that bad where my children are going to lose their father for. Sir why even live anymore. I'm scared Sir. I'm sorry for the people who died in Oklahoma, but I didn't kill them. I didn't blow up the Trade Center. I'm sorry for the people who lost their children, the children who lost their father, the wife who lost her husband. But that's what the country is doing to me and my family. I'm a 31 year old Catholic that want to work hard, pay his taxes, become a citizen and vote, raise my children the best I know how and help them live the American Dream. Like my parents did, work hard and they became citizens of this great land. Sir in my heart and soul I am an American. I love this land and would die for it if I had to, to protect it and protect democracy here and in the world. I don't know if you can help someone like myself a statistic to the I.N.S., but a father and financier to my family. If you can help me in anyway, I thank you and am in your debt and prayers for my lifetime, "thank you Sir."

Thank you Congressman Barney Frank.

#### WHAT IS REALLY NEEDED FOR CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Good morning, Madam Speaker. The only thing more complicated today, Madam Speaker, than our current campaign finance system is the Tax Code. But the solution of ridding the ills of the current system is not by making things more complicated, as much of the legislation that is being offered today in Congress does.

Now, some have suggested that our first amendment rights should be curtailed in order to create some type of mythical level playing field for Federal elections. Now, the minority leader, the gentleman from Missouri [Mr. GEPHARDT], was quoted this year as saying, in *Time Magazine*, 1997, February 3, "What we have here are two important values in direct conflict. Freedom of speech and our desire for healthy campaigns and a healthy democracy. You can't have both."

Quite frankly, I find this viewpoint wrong. In fact, I believe one can have freedom of speech and healthy campaigns. The American people should

never be forced to lose a part of their precious freedom in order to pursue a socially engineered campaign finance system.

The courts have been very clear that the Government cannot restrict the freedom of American citizens in an effort to implement strict expenditure and contribution limits. In *Buckley versus Valeo* the U.S. Supreme Court, in 1976, ruled that "In the free society ordained by our Constitution, it is not the Government, but the people, individually as citizens and candidates and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign."

What we need to do is to enforce the campaign finance laws that are already on the books and then work together to simplify the laws so the American people are being well served.

The modern campaign finance system was dramatically affected in 1908 during President Teddy Roosevelt's administration, when corporate contributions were banned. Congress then mandated in 1910 that Federal candidates disclose all campaign contributions.

Congress thoughtfully extended a corporate ban to include labor unions beginning in 1943. Corporations and unions, after these bans, could then only give to Federal candidates through Political Action Committees, PAC's. PAC's are separate, segregated funds that pool voluntary contributions from designated classes of individuals such as members of unions and employees of a company to give or spend in Federal elections.

Now, the Hatch Act in 1940 had also limited all campaign contributions to \$5,000. The Hatch Act was then applied to union PAC's when union contributions were banned from Federal elections.

Now, as we all know, the flurry of campaign finance laws in the 1970's revolved around the Watergate scandal. The legislation from the 1970's imposed limits on contributions, required uniform disclosure of campaign receipts and expenditures, and established the Federal Election Campaign Commission, the FEC, as a central administrative enforcement agency. A part of these reforms that limited certain expenditures was struck down by the Supreme Court in the landmark case of *Buckley versus Valeo*.

These laws imposed limits of \$1,000 per individual every election on contributions to candidates, parties, and PAC's, and a \$5,000 limit for PAC's every year. An aggregate limit was set on individuals and PAC's at \$25,000 per year that could be given to all Federal candidates, parties, and PAC's.

Again, what is needed now is not to make the laws more complicated. Rather, simplicity is the path to strengthening our system and gaining credibility with the American people. We can also gain a tremendous amount of credibility with the American people

by actually investigating and enforcing the current law.

So, Madam Speaker, this morning my message is, like the Tax Code, simplicity and enforceability are what is needed today in the campaign finance reform matter. No matter what laws are put in place, we will have smart people stretching those laws. We need to enforce the laws that are on the books and keep them simple and understandable.

#### IMMEDIATE FUNDING FOR EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, Democrats this week will continue our effort to improve our Nation's public schools. We believe strongly that every child in America should have access to quality public education. Unfortunately, the Republican leadership keeps trying to erode support for public schools. House Democrats' priorities for education include reducing overcrowding in schools, as well as rebuilding crumbling schools.

The dire need to invest in the physical infrastructure of our schools is a matter that every Member of this body has become very familiar with in the last several weeks, and I am referring of course to the delayed opening of the school year right here in the District of Columbia. Because of the decrepit physical conditions of many schools in the District of Columbia, the opening of the school year has been postponed by a minimum of 3 weeks. Talk has surfaced in recent days that the 3-week extension may not be enough, and this is indeed a sad state of affairs. Many school systems across the Nation, including schools in my home State of New Jersey, are badly in need of physical improvements and other upgrades to meet the challenges of the 21st century.

The General Accounting Office has noted that approximately one-third of all schools serving 14 million students are now in need of substantial repair or outright replacement. The GAO has also noted that half of the Nation's schools have at least one unsatisfactory environmental condition. Indeed, as school enrollment continues to grow in the coming years, the need for additional space and modern facilities will be more acute than ever.

For this school year, 1996-97, elementary and secondary school enrollment was a record 51.7 million. That record has been broken by this year's all-time high enrollment figure of 52.2 million. In other words, from last year to this year, the record was broken again.

To put it in perspective, there are more students enrolled in school now than there were when the baby boomers reached their peak school enrollment number in 1971. According to