

I ask my colleagues to help me bid a very fond farewell to Joe Sandoval, whose personality, intellect and integrity have made him much beloved by his many friends in California. I wish Joe and his family the best in their new home.

## CHILD CUSTODY PROTECTION ACT

SPEECH OF

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 30, 1999*

Mr. PAUL. Mr. Speaker, in the name of a truly laudable cause (preventing abortions and protecting parental rights), today the Congress could potentially move our nation one step closer to a national police state by further expanding the list of federal crimes and usurping power from the states to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to be amongst those members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across state lines for ignoble purposes.

As an obstetrician of more than thirty years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this "medical" procedure. At the same time, I have remained committed to upholding the Constitutional procedural protections which leave the police power decentralized and in control of the states. In the name of protecting states' rights, this bill usurps states' rights by creating yet another federal crime.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 1218. H.R. 1218 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children?? Absolu-

tely. Should the law respect parents rights to not have their children taken across state lines for contemptible purposes?? Absolutely. Can a state pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions?? Absolutely. But when asked if there exists constitutional authority for the federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some states. To the extent the federal and state laws could co-exist, the necessity for a federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza*, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of the unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Most recently, we have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist stated in his year-end report "The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress' tendency in recent decades to make federal crimes out of offenses that have historically been state matters has dangerous implications both for the fair administration of justice and for the principle that states are something more than mere administrative districts of a nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying

on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate federal law, or an "adequate" federal law improperly interpreted by the Supreme Court, preempts states' rights to adequately address public health concerns. *Roe v. Wade* should serve as a sad reminder of the danger of making matters worse in all states by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the federal government. There was a time when a popular bumper sticker read "It's ten o'clock; do you know where your children are?" I suppose we have devolved to point where it reads "It's ten o'clock; does the federal government know where your children are." Further socializing and burden-shifting of the responsibilities of parenthood upon the federal government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, H.R. 1218.

## TAIWAN'S ANNOUNCEMENT OF ASSISTANCE FOR THE KOSOVAR REFUGEES

**HON. OWEN B. PICKETT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1999*

Mr. PICKETT. Mr. Speaker, on Monday, June 7, 1999, President Lee Teng-hui of Taiwan made the following statement regarding assistance to Kosovar refugees:

"The huge numbers of Kosovar casualties and refugees from the Kosovo area resulting from the NATO-Yugoslavia conflict in the Balkans have captured close world-wide attention. From the very outset, the government of the ROC has been deeply concerned and we are carefully monitoring the situation's development.

"We in the Republic of China were pleased to learn last week that Yugoslavia President Slobodan Milosevic has accepted the peace plan for the Kosovo crisis proposed by the Group of Eight countries, for which specific peace agreements are being worked out.

"The Republic of China wholeheartedly looks forward to the dawning of peace on the Balkans. For more than two months, we have been concerned about the plight of the hundreds of thousands of Kosovar refugees who were forced to flee to other countries, particularly from the vantage point of our emphasis on protecting human rights. We thereby organized a Republic of China aid mission to Kosovo. Carrying essential relief items, the mission made a special trip to the refugee camps in Macedonia to lend a helping hand.

"Today, as we anticipate a critical moment of forth-coming peace, I hereby make the following statement to the international community on behalf of all the nationals of the Republic of China:

"As a member of world community committed to protecting and promoting human rights, the Republic of China would like to develop further the spirit of humanitarian concern for the Kosovar refugees living in exile as well as for the war-torn areas in dire need of reconstruction. We will provide a grant aid equivalent to about US \$300 million. The aid will consist of the following:

1. Emergency support for food, shelters, medical care, and education, etc. for the Kosovar refugees, living in exile in neighboring countries.

2. Short-term accommodations for some of the refugees in Taiwan, with opportunities of job training in order for them to be better equipped for the restoration of their homeland upon their return.

3. Furthermore, support the rehabilitation of the Kosovo area in coordination with international long-term recovery programs when the peace plan is implemented.

"We earnestly hope that the above-mentioned aid will contribute to the promotion of the peace plan for Kosovo. I wish all the refugees an early return to their safe and peaceful Kosovo homes."

This important announcement demonstrates the dedication of democratic Taiwan to the promotion of peace in the Balkan region and to the return of the Kosovo refugees. I am pleased that Taiwan has chosen to assume such an active and praiseworthy role in issues of concern to the international community.

CONSTITUTIONAL AMENDMENT  
AUTHORIZING CONGRESS TO  
PROHIBIT THE PHYSICAL DESECRATION  
OF THE FLAG OF THE  
UNITED STATES OF AMERICA

SPEECH OF

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 1999*

Mr. BISHOP. Mr. Speaker, to an overwhelming majority of the American people, the flag has almost a sacred meaning that words cannot adequately define—something that stands for the country's most fundamental principles of justice and opportunity and for the millions of men and women who have made freedom possible by defending these principles.

Opponents of our amendment believe flag desecration should be allowed as a right of free expression. While I understand their position, I strongly disagree with it.

Preventing someone from burning and mutilating the flag in public does not diminish the values on which the country is founded, including free expression. Instead, by protecting the flag, I believe we uphold these values, we honor them, we strengthen them.

Throughout history, in fact, our country has recognized certain limitations on freedom of expression, including libel and slander laws, laws protecting the nation's security, and laws to keep tax returns confidential. Until 1990, when the Supreme Court issued its ruling in a close 5-4 vote, anti-flag desecration laws were considered a legitimate exception by the court.

By passing this amendment, we can restore the historic respect that we pay to the country's ideals and to the service and sacrifice that it has taken to keep them secure.

WARTIME VIOLATION OF ITALIAN  
AMERICAN CIVIL LIBERTIES ACT

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1999*

Mr. ENGEL. Mr. Speaker, I rise today with my colleague from New York, Congressman LAZIO, to introduce the Wartime Violation of Italian American Civil Liberties Act. This legislation brings to light a tragic episode in our nation's history when Italian Americans were considered enemy aliens. The civil liberty abuses that Italian Americans suffered during this time period are not well documented and are not well known, but they did occur and the truth about this story, *Una Storia Segreta*—the Secret Story, must be told.

December 7, 1941 is a date that is very well known, it is the day that the Japanese bombed Pearl Harbor. What is not so well known is that on that day Italian Americans became enemy aliens. FBI agents, military personnel, and local police began rounding up Italians labeled subversive and dangerous. Ironically, some of those labeled dangerous aliens had fought alongside the United States Armed Forces during World War I. Even more ironic is the fact that many Italians deemed enemy aliens had sons in the United States Armed Services fighting to protect the freedoms that were being taken away from their parents. Such is the case with Joe Ardent. Joe entered the service and did not know until he returned home that his father had been restricted, fired from his job, and considered an enemy alien.

Mr. Speaker, during World War II, 600,000 Italian Americans were classified as enemy aliens, more than 10,000 were forcibly evicted from their homes, 52,000 were subject to strict curfew regulations and hundreds were shipped to internment camps without due process. These civil liberty abuses stretched from coast to coast as California fishermen had their fishing boats confiscated and were either interned or forced to relocate, while on the east coast, Ellis Island, the world renowned symbol of freedom and democracy, became a detention center for enemy aliens. No Italian was exempt from these injustices. Ezio Pinza, the star of "South Pacific" and the singer of the signature hit "Some Enchanted Evening" was detained at Ellis Island. Pinza was accused of altering the tempo of his voice in order to send messages to the Italian government. Although these charges were clearly ludicrous, it took several high powered attorneys and two hearings to prevent him from being interned.

We must ensure that these terrible events will never be perpetrated again. We must safeguard the individual rights of all Americans from arbitrary persecution or no American will ever be secure. The least our government can do is try to right this terrible wrong by acknowledging the fact that these events did occur. To that end, this legislation calls on the Department of Justice to prepare a comprehensive report detailing the government's unjust policies and practices during this time period. Included in the report will be an examination of ways in which civil liberties can be safeguarded during times of national emergencies. This report is essential in order to ensure that our history is well documented as those who do not learn from history are doomed to repeat it.

Mr. Speaker, this legislation also calls on the President, on behalf of the United States government, to formally acknowledge our government's systematic denial of basic human rights and freedoms to one of the largest ethnic communities in the United States. As we begin our Fourth of July recess, let us take this opportunity to reflect upon the debt we owe the Italian American community and ensure that the American public recognizes these injustices of the past in order to prevent them in the future. Sixty two of my colleagues have joined me in cosponsoring this bill, and I ask you Mr. Speaker, and the rest of my colleagues to support this important legislation.

INTRODUCTION OF THE ARCTIC  
TUNDRA HABITAT CONSERVATION  
ACT

**HON. JIM SAXTON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1999*

Mr. SAXTON. Mr. Speaker, I am pleased to introduce the Arctic Tundra Habitat Emergency Conservation Act. This legislation will address the devastating impact that an exploding population of light geese is having on the fragile Canadian Arctic tundra.

The U.S. Fish and Wildlife Service has been monitoring light geese populations for over 50 years. During that time, the population that migrates in the Mid-Continent region has increased from 800,000 birds in 1969 to more than 5 million geese today. This population is projected to increase more than five percent each year and, in the absence of new wildlife management actions, there will be more than 6.8 million breeding light geese in three years.

While these geese are fully protected under the Migratory Bird Treaty Act of 1918, this unprecedented population explosion is creating serious problems. The geese's appetite for Arctic coastal tundra has created a strip of desert stretching 2,000 miles in Canada. These birds are world-class foragers, and their favorite foods are found in the 135,000 acres that comprise the Hudson Bay Lowland Salt Marsh ecosystem. In fact, they like this vegetation so much they are eating it much faster than its ability to regrow. These geese are literally eating themselves out of house and home and, in the process, destroying thousands of acres of essential, irreplaceable nesting habitat. These wetlands are critical to the survival of not only light geese but hundreds of other migratory species including brants, black ducks, mallards, and dozens of songbirds.

According to various scientists, one-third of the lowlands habitat has been destroyed, one-third is on the brink of devastation, and the remaining one-third is overgrazed.

In response to this growing crisis, representatives from the U.S. Fish and Wildlife Service, Canadian Wildlife Service, various State fish and game agencies, and nongovernmental organizations including Ducks Unlimited and the National Audubon Society formed the Arctic Goose Habitat Working Group. This ad hoc group met over a period of many months, and the results of their deliberations were incorporated within a report entitled "Arctic Ecosystem in Peril". While this report issued in