

communications and to its participation in public policy.

Daralee "Dee" Schelling passed away this week at the age of 57. She will be greatly missed.

Dee was the executive director of the New Mexico Broadcasters Association for 14 years and she was well-known among State legislators for her participation in legislative issues regarding broadcast interests.

In addition, she handled media relations for New Mexico First, an organization that Senator DOMENICI and I formed in 1986 to encourage citizens to take an active role in studying the long-range issues facing our State. Dee was with us from the beginning.

She was born in Colorado, but came to New Mexico in the mid-1960's to work in advertising. She became the first female ad agency president in our State and handled many major accounts including various movie promotions and the Double-Eagle II trans-Atlantic balloon crossing—an event which is a source of pride to New Mexicans and is commemorated at the Smithsonian Air and Space Museum.

Dee's many public service accomplishments included service on numerous Greater Albuquerque Chamber of Commerce, Ski New Mexico, and Project I committees.

She will be remembered fondly by many.

#### PRESS FREEDOM IN HONG KONG

Mr. PELL. Mr. President, I rise today to speak out on behalf of freedom of the press in Hong Kong. As we approach Hong Kong's July 1, 1997 transfer to control under the People's Republic of China, there is great fear that one of the fundamental tenets of a free society—freedom of the press—will not survive the transition. China's track record on press freedom leaves much to be desired; the current Hong Kong Government should be actively working to shore up legal support for the press before it hands over control to Beijing.

The grand experiment of democracy in the United States would have surely failed were it not for a free press. Our founders realized that its importance was not only for general education, but also for exposing the dangers of would-be oppressive officials and prodding leaders into more ethical behavior. Our Nation's history has proven that the scrutiny of public light forces public officials both to serve the interests of the public and to serve honestly far better than they would without that scrutiny. Benjamin Franklin once said that "whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech." It is precisely this fear—that the PRC will attempt to overthrow Hong Kong's current way of life by stifling its press, with the quiet acquiescence of the current authorities—that I wish to address today.

Hong Kong boasts of one of the freest media systems in all of Asia, with more

than 70 daily newspapers. The press is privately owned, offering Hong Kong citizens access to a broad range of political and social views. But journalists in and out of Hong Kong cite the present administration's sluggish pace in revising anachronistic press laws as one of their key sources of fear for the press after 1997.

Current Hong Kong laws which restrict press freedom are rarely applied by the government, but an authoritarian regime could easily use them to prohibit the expression of any objectionable ideas. These laws—which are inconsistent with Hong Kong's own Bill of Rights—include the Emergency Regulations Ordinance, which gives the Governor broad powers of censorship during loosely defined "emergencies"; the Crimes Ordinance, which defines any publication or speech "intending" to foster hatred of the government as seditious; and the Official Secrets Act, which makes unauthorized publication of information illegal. Some of the democratically elected members of the Legislative Council, along with independent journalists groups such as the Hong Kong Journalists Association, have repeatedly urged the government to repeal or amend these laws. These same reformers have also urged the Hong Kong Governor's office to enact legislation which would provide greater access to information, similar to the United States Freedom of Information Act. But the current administration continues to move slowly, to the point of delay. There is no reason to believe that the successor Chinese administration will be any more willing to undertake these reforms; it is likely to oppose them outright. The time to make these changes is now. Above all, the government should refrain from introducing any new laws which in any way restrict the press' right to function independently. A recent call by pro-Beijing Legislator Law Cheung-kuok for hearings to consider regulating newspaper prices, a move that appears to be aimed specifically at controlling the Oriental Daily News, is exactly what the Hong Kong government should not be doing.

Joseph Pulitzer argued that "publicity may not be the only thing that is needed, but it is the one thing without which all other agencies will fail." There is no point of having a freely elected democratic government if there is no way to freely report on its actions and to expose its abuses. A free press is the only guarantor of the people's right to know what their government does and the best guarantor of their right to offer alternative views. Hong Kong's press must remain free and unrestricted if the colony's current rights are to be maintained. The colonial government has the immediate responsibility of ensuring that it does.

#### PROGRESS AGAINST FRAUD IN POLITICAL ASYLUM

Mr. KENNEDY. Mr. President, this is the first anniversary of a major initia-

tive by the Immigration and Naturalization Service to reduce illegal immigration by cracking down on fraudulent asylum claims. One year ago, INS Commissioner Doris Meissner put new regulations into effect which have more than doubled the number of asylum officers, increased the number of immigration judges and streamlined the asylum application process.

The results have been dramatic. In 1 year, there has been a 57 percent reduction in new asylum applications. Clearly, there has been a reduction in the filing of fraudulent claims. In addition, 84 percent of new asylum claims are now heard by INS within 60 days. This initiative is a major success story in the Clinton administration's ongoing effort to combat illegal immigration.

In coming weeks, the Senate Judiciary Committee will recommend comprehensive immigration reforms. A large part of these reforms focus on the need to reduce illegal immigration, including steps to deal with abuse of the right of asylum.

As the INS has shown, asylum abuse can be remedied—without denying true refugees the right to apply for asylum. They deserve adequate time to learn how to apply for asylum, overcome their fear of authority, and obtain help with their applications. We must avoid unfair restrictions that result in real harm to true refugees.

I ask unanimous consent that recent articles on the major progress against asylum abuse be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 15, 1996]

#### SOME PROGRESS AT INS

A year ago, the Immigration and Naturalization Service put into effect new regulations to control abuse of the political asylum program. Commissioner Doris Meissner recently released figures that indicate progress. The problem has been this: Although immigration law authorizes sanctuary to be given to people in fear of political persecution at home, too many undocumented immigrants had figured out that they could indefinitely postpone deportation merely by requesting asylum. They would be automatically given work permits, and, because of the backlog of cases awaiting adjudication, they could often disappear into the general population without much chance of being found. In 1994, 123,000 new applications were filed (up from 56,000 three years earlier), and the backlog exceeded 425,000.

In response, the INS decided to issue work permits only to those granted asylum or waiting more than 180 days for an adjudication. Within a year, applications dropped by 57 percent to 53,000. Then Congress approved a request for more asylum officers and judges, and the new positions—which are still being filled—have enabled INS to complete more than twice as many cases as it did last year. Finally, most individual claims for asylum are heard within 60 days instead of waiting months, or even years, as was the case before. While the backlog remains almost unchanged, the figure is deceptive, inflated by a sizable number of petitions filed pursuant to court order by certain Salvadorans and Nicaraguans.

Although some challenge has been made to the claims of progress made by the INS, it is

certain that considerable distance has been covered in improving procedures. And this kind of effective enforcement is, paradoxically, the best way to deal with the anti-immigration political climate. Legal immigrants and those who have valid claims for asylum will be the beneficiaries of policies that make the law work as it is meant to—and should—work.

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,

Washington, DC, January 4, 1996.

INS SUCCESSFULLY REFORMS U.S. ASYLUM SYSTEM

WASHINGTON, DC.—A Clinton Administration initiative to reform the U.S. asylum system has achieved dramatic success in its first year, INS Commissioner Doris Meissner announced today.

On the first anniversary of the initiative, Commissioner Meissner said that the unprecedented reforms have substantially lowered the incidence of fraudulent claims by eliminating the virtually automatic issuance of work authorization documents to all asylum applicants. "INS has removed the primary incentive for baseless asylum claims," she said, "resulting in the fair and prompt adjudication of newly filed cases for the very first time. With this attack on fraud, we have closed a back door to illegal immigration."

Over the past year, the Administration's landmark reforms have reduced the number of new asylum claims filed with the INS by 57 percent. In addition, these initiatives enabled INS asylum officers to double their productivity, completing 126,000 cases during 1995 compared with 61,000 in 1994. INS' new regulations to improve productivity and prevent misuse became effective on January 4, 1995.

Commissioner Meissner said, "The U.S. asylum system was broken for many years, but today our asylum system is fair and efficient. The 57 percent reduction in new asylum cases is evidence that the INS has eliminated incentives for asylum abuse. At the same time, we have greatly improved the system's ability to quickly provide protection to those who deserve it."

In response to a mandate from President Clinton in July 1993 to overhaul the inefficient and long-neglected U.S. asylum system, INS established asylum reform as a top priority. New regulations which took effect one year ago today eliminated easy access to work authorization and streamlined the process.

Applicants for the first time are required to personally appear at an asylum office to receive notification of the asylum decision. At that time, the applicant is granted asylum or is served with charging documents which formally begin deportation proceedings.

The Administration also sought the resources necessary to improve and update the system and secured them through the 1994 Crime Bill. In addition to more than doubling the authorized number of INS asylum officers from 150 to 325, the Crime Bill significantly increased the number of Immigration Judges from 112 to 179.

Additional indications of the success of asylum reform include:

Currently 84 percent of individual claims for asylum are heard by the INS within 60 days.

In 1995, the issuance of charging documents doubled (from 29,000 in 1994 to 65,000 in 1995), placing twice as many applicants directly in deportation proceedings.

"By limiting the availability of work authorization to only those applicants who are

granted asylum or are not promptly adjudicated, the Administration has significantly reduced the potential for baseless claims. At the same time, INS has streamlined the entire asylum system. And we will continue to make dramatic progress in resolving this long-standing problem," Commissioner Meissner added.

[From the Washington Post, Nov. 12, 1995]

DON'T GUT POLITICAL ASYLUM

(By Philip G. Schrag)

For many years, the United States has granted political asylum to victims of persecution who come to our country and seek our protection. Now, however, Congress is on the verge of abolishing the right of political asylum.

Congress is not proposing to repeal the asylum provisions of the Refugee Act of 1980. An outright repeal would probably never pass, because many in Congress, recalling America's sorry treatment of refugees during the Holocaust, accept the humanitarian premises underlying asylum. Rather, the abolition is in the form of a new, apparently innocuous "procedural" requirement. The House Judiciary Committee recently adopted, as an amendment to this year's immigration reform act, a proviso that denies asylum to any person who applies for it more than 30 days after arriving in the United States. A Senate subcommittee has approved a similar proposal.

If this bill becomes law, the asylum process will shut down because, as a practical matter, it is impossible for an applicant to file that quickly. Most refugees fleeing persecution must give top priority to searching for their American relatives and acquaintances. In many cases, they do not speak English. They are not permitted to hold jobs in the United States. They must immediately find ways to feed themselves and their children. It takes weeks for them to find minimal housing and to achieve the most basic orientation to American culture. Months may pass before they even learn that if they want asylum, they have to file an application with the Immigration and Naturalization Service (INS) on Form I-589.

After refugees learn about asylum and obtain the form, they will discover the daunting task ahead of them. The form itself is quite complicated: seven pages, plus eight pages of fine-print instructions. It is only available in English and must be completed in English. It requires applicants to prove that they have a well-founded fear, should they be deported, that they will be "persecuted" because of their "race, religion, nationality, political opinion or membership in a particular social group"—all legal terms of art that have been interpreted by many courts. Because the legal standard has been embellished by judicial decisions and because a lawyer can help \*\*\* case effectively, an applicant is well advised to have an attorney help compile and organize the supporting documentation. Mistakes can literally be fatal, resulting in deportation into the hands of a persecutor.

At present, most asylum applicants need weeks or months to find a lawyer, especially if they need one who will handle the application free of charge. Even now, only a few neighborhood offices that offer free legal help to the poor handle asylum cases, and Congress is slashing the budget of the Legal Services program.

Once the applicant finds a willing lawyer, however, more inevitable delays are in store. The instructions for the application form "strongly urge" applicants to "attach additional written statements and documents that support" their claims, including "newspaper articles, affidavits of witnesses or ex-

perts, periodicals, journals, books, photographs, official documents, other personal statements, or evidence regarding incidents that have occurred to others."

The law students who help prepare these applications under my supervision in an asylum law clinic at Georgetown University Law Center spend at least a month of nearly full-time work putting together just one application for a client. Obtaining supporting affidavits or even such elementary documentation as birth and death records typically includes, among other things, making repeated telephone calls to people in the country from which the applicant has fled (sometimes with interpreters on the line) and exchanging numerous faxes with witnesses and officials there. These communications are expensive as well as time-consuming.

Similarly, obtaining accounts of arbitrary imprisonment, torture, rape and other human rights violations from local \*\*\* many weeks of investigative effort. Finding experts who know about human rights violations against the applicant's tribe or ethnic group is also an arduous and lengthy process.

The attachments to support an application can include several hundreds of pages of evidence, and the file can be several inches thick. It is not reasonable to expect a refugee to develop such a file within 30 days after arriving in the United States, with or without the help of a lawyer.

A few years ago, the asylum program was abused by large numbers of applicants who were not genuinely eligible for it, but the federal government closed this loophole by ceasing to issue work permits for people whose applications have not yet been approved. In July, Commissioner of Immigration Doris Meissner reported that "after years in which fraudulent asylum claims were routinely filed as a backdoor way to enter the U.S., INS finally has \*\*\* stopped the abuse."

Congress should preserve the asylum program. At the very least, Congress should not abolish asylum by invisibly and irresponsibly imposing a procedural requirement that is impossible to satisfy. Fewer than one percent of the 900,000 people who immigrate into the United States each year are asylees. This small immigration program poses no serious problems and is worth keeping. When we give sanctuary to victims of oppression we demonstrate to everyone the most humanitarian impulses of the American spirit.

CONGRESSMAN FLOYD SPENCE  
NAMED THE RESERVE OFFICERS  
ASSOCIATION OF THE UNITED  
STATES 1996 MINUTEMAN OF THE  
YEAR

Mr. THURMOND. Mr. President, on January 24, 1996, my able colleague from South Carolina, FLOYD SPENCE, the chairman of the House National Security Committee, received the 1996 Minuteman of the Year Award from the Reserve Officers Association of the United States. He is most deserving of this high honor. Throughout the 25 years that FLOYD SPENCE has served in the House of Representatives, he has been a strong advocate for ensuring that our Nation's defense capabilities are second to none, and he has demonstrated great leadership ability as