

Just over 200 years ago, the idea was the Bill of Rights, adopted to make sure American citizens would never be subject to arbitrary federal intrusions on their liberty.

In the aftermath of the Civil War, the idea was embodied in the 13th, 14th and 15th amendments abolishing slavery, conferring citizenship and extending voting rights to a sizable and productive segment of our society.

In the first two decades of the 20th century, the idea was women's suffrage. In the middle decades, the idea was fulfilling the promise of the 13th through 15th amendments.

The idea now is the Balanced Budget Amendment.

In "My American Journey," Colin Powell says correctly the "great domestic challenge of our time is to reconcile the necessity for fiscal responsibility with the explosive growth in entitlement programs," and that we have to face up to reducing the entitlement system or raise taxes to pay for it—we cannot continue to pass on to "your children and grandchildren the crushing debt that we are currently amassing as their inheritance."

Nobody these days is expressing much disagreement with the general's point. Eliminating the deficit is the motherhood issue of the '90s. Everybody is in favor of it. The question I ask opponents of a Balanced Budget Amendment is: If they are so in favor of motherhood, what do they have against marriage? Why should we not solemnize with a constitutional contract our commitment to do what they agree must be done about our spending?

Two of William F. Buckley's current "Firing Line" series feature the Balanced Budget Amendment. I was part of the team supporting it; the other side was led by Sen. Daniel Patrick Moynihan. I think most observers would agree that nobody opposing the amendment is likely to grasp and articulate the arguments more effectively than he, so it follows for me that if his points can be addressed, the case for the amendment is made.

The senator asserts that we should not try to solve every political problem by tinkering with the Constitution. True, but if it were not for some tinkering in 1913, the senator would now occupy his office only if he were able to campaign as effectively among members of the upper house of the New York legislature as he does among the state's registered voters.

We have been trying to fix the deficit problem with legislative action for more than 20 years, but our legislative and executive branches have lacked the political will to get it done. Some political problems can be solved only by amendment. The 17th Amendment was not tinkering, and neither is the Balanced Budget Amendment.

The senator noted that states have become dependent on federal monies, and he asked what the impact of the amendment would be on Ohio. The answer is it will be a \$2.4 billion hit or about 8 percent of the state's budget. Cutting spending enough to make up for this loss will not be fun, but we are already making plans to do it, and other states can do the same.

Opponents say the federal budget is too complex, that a workable amendment simply cannot be drafted. If they really believed that, we would not be having this debate. The opponents would pass it, watch it fall of its own weight, spend around the wreckage, and blame proponents for a dumb plan. Forty-eight states have a working balanced budget requirement. It is precisely because it can be made to work at the federal level that they are so against it.

Opponents say an ironclad amendment would leave us unable to come up with funds

to fight wars or recessions. One sentence from the 14th Amendment will dispose of this objection: "Congress may, by a vote of two-thirds of each house, remove such a disability." And if two-thirds of each house cannot be persuaded to agree, then maybe the bills for such wars or economic problems are not ones we should leave for our grandchildren.

The historian Henry Brooks Adams wrote in 1907 in "The Education of Henry Adams" that "Practical politics consists in ignoring facts."

With the amendment, our elected representatives at the federal level will have to choose between offending taxpayers by paying for programs as we go or offending important constituencies by facing the fact that we cannot afford their programs. With no amendment, our politicians can meet the Adams test of practicality by continuing to ignore the fact that their programs are affordable only if we stick generations to come with the tab.

The only salient questions about a Balanced Budget Amendment have been asked before in the context of all the other amendments.

If not us, who? If not now, when?

The questions are unanswerable for opponents of the amendment. For proponents, the answers are clear.

The who is us. And the time is now.

#### STEMMING THE RISING TIDE OF ILLEGAL IMMIGRATION: THE NEXT STEPS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 27, 1997*

Mr. BEREUTER. Mr. Speaker, the Immigration and Naturalization Service [INS] recently announced that the estimated population of illegal aliens living in the United States increased by well over 1 million people to a total of 5 million in the last 4 years. This revelation should act as a call to action for all who serve the best interests of our Nation. The integrity and well-being of the United States continues to be under siege from a rising tide of individuals who, by entering the U.S. illegally and exploiting the rights and privileges accorded to legal residents, demonstrate a fundamental lack of respect for this country's laws and the rights and commitments of American citizens who honor and abide by them.

Mr. Speaker, illegal immigration continues to have a profound negative impact on our job market and workforce, our public assistance programs, our educational institutions, and our health care system. Moreover, massive illegal immigration places a tremendous strain on the social fabric of this Nation and our society's capacity to continue to welcome generous numbers of legal immigrants to America. The negative impact of illegal immigration is being felt by not just one or a few regions of the country in particular; it is being felt throughout the Nation—from the rural communities of Nebraska and Iowa to the metropolitan areas of New York and California.

Last year, the 104th Congress took a major step toward stemming the tide of illegal immigration when it passed the most sweeping immigration reform legislation introduced in recent history, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. However, it is clear that further steps need to

be taken. Mr. Speaker, this Member commends to his colleagues the following editorial written by the Norfolk Daily News in Norfolk, NE. It touches upon some of the areas in which the U.S. Government can take additional positive steps in the effort to stop illegal immigration. If we as a nation are to stop illegal immigration, we must stop illegal aliens from using fraudulent documentation and acquire jobs and other benefits accorded to legal residents, and we must improve upon recent efforts to stop aliens from gaining long-term illegal residence in the United States by overstaying their visas.

In implementing voluntary worksite enforcement and pilot programs in employment eligibility verification, reducing the number of work authorization documents, and making border crossing identification cards tamper-resistant, Congress and the administration has taken some necessary initial steps toward hindering the ability of aliens to illegally enter the U.S. for employment or other purposes. It is imperative that the establishment of tamper-resistant Social Security cards and the implementation of tested, effective, mandatory employment eligibility verification programs be among some of the next steps that this country takes in addressing the problem of illegal immigration. In this Congress, the Gentleman from the 8th Congressional District of Florida, Mr. McCollum, has introduced legislation of which this Member is proud to be an original cosponsor. This legislation would improve the integrity of the Social Security card and system and provide criminal penalties for fraud and related activity involving work authorization documents.

Mr. Speaker, more time is needed to adequately measure the beneficial effects of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. It is clear to this Member that the 105th Congress and the administration must work together and propose additional tough measures that will assist in closing the door to massive numbers of illegal aliens. A country that cannot effectively control its borders against illegal immigration is failing a basic responsibility of a sovereign nation.

[From the Daily News, Feb. 19, 1997]

#### MORE ILLEGALS DESPITE REFORM—NUMBERS MUCH THE SAME AS IN 1986 WHEN NEW LEGISLATION WAS ADOPTED

There are 5 million illegal immigrants in America, according to the Immigration and Naturalization Service. It is an estimate only. That means the problem is the approximate equivalent of that which prompted the Immigration Reform and Control Act of 1986. Under that act, 3 million long-termers were legalized and subsequent steps were taken to limit new illegal arrivals.

Obviously, and despite strengthening border patrols and creating additional physical barriers, the flow continues. Many (41 percent by INS estimates) of the illegals are people who entered the United States legally but have simply remained in the country after their visas expired.

A stab at immigration reform last year, which increased the enforcement manpower levels to create tighter border control, does not appear to have had much effect.

Members of Congress continue to reject the idea of a mandatory identification card for workers. But with such a system, fake documents might not be quite so easy to obtain. Employers could be expected to exercise more control in hiring.

Americans already carry driver's licenses; photo IDs are required for air travel these

days. Social Security cards are needed, though there is no penalty for not having one in your billfold. Americans who want to travel abroad do have to prove citizenship and be issued passports.

So the intrusion on personal freedom of an identification card for workers seems slight under the circumstances. And if it would be a help to employers to make sure they are not hiring illegals, and to all those officials being paid to enforce immigration laws, then it would be worthwhile.

Injustice is done to all legal immigrants and to all American citizens and taxpayers by ineffective controls. Surely the requirement for ID cards is preferable to financing higher barricades or hiring more border patrol officers.

## ONE OF AMERICA'S GREATEST TREASURES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to recognize one of Mississippi's most outspoken heroes and one of America's greatest treasures. Although the contributions that Americans of African descent have made to this country are inexplicably woven into the very fiber of freedom and democracy upon which this country was founded, they are consistently overlooked and seldom find their place in history books alongside those of their white counterparts. However, because the recognition of these contributions has been relegated to 1 month out of the year—this month—instead of everyday, I would like to take a moment to share with you an article from "The Mississippi Link", a paper in the district I represent. This article commemorates the life of Mr. R. Jess Brown—Civil Rights pioneer and true supporter of democracy.

"R. JESS BROWN: A MEMORIAL TRIBUTE TO KEEP HIS MEMORY ALIVE"

(By Nettie Stowers)

SPECIAL TO THE MISSISSIPPI LINK

R. Jess Brown, a citizen of Mississippi residing in the city of Jackson, in September, 1988 was summoned by the U.S. Congressional Black Caucus and the Congressional Black Caucus Foundation, Inc. to the Nation's Capitol. Brown had been invited to attend and participate in "A Special Tribute To A Great American, The Honorable Thurgood Marshall, U.S. Supreme Court Justice" that was hosted by the Black Caucus and Foundation.

This invitation to attend and participate in the tribute was due Brown, in part, because the Jackson, Miss. attorney had been a member of the NAACP Legal Defense Fund which had also included Justice Marshall. According to the Magnolia Bar Association, in his august career, Brown "played a major role with the NAACP Legal Defense lawyers in (ending) the discrimination against Blacks in the areas of transportation and other public accommodations along with (the) Honorable Thurgood Marshall, then Associate Justice of the United States Supreme Court (now deceased); (the) Honorable Constance Baker Motley and Robert L. Carter, now (both are) residing judges in the United States District Court for the State of New York; and other NAACP Legal Defense lawyers."

At this tribute, billed as "A Special Tribute To Thurgood Marshall . . . The Lifetime

Companion For Justice For All People . . .", Brown was rubbing elbows with people who held esteem for equal justice for all Americans such as Wiley Branton, Sr., Esquire, (now deceased); U.S. Representatives Louis Stokes, Michael Espy, Mervyn Dymally, Walter Fauntroy and Julian Dixon; William Coleman, Jr., former Secretary of the Department of Transportation; Ramsey Clark, former U.S. Attorney General; and AME Bishop H. H. Brookins.

Brown was accustomed to such invitations and honors: a civil rights lawyer, he had served as a member of the team lawyers who had systematically dismantled the discriminatory segregationists and "Jim Crow" laws in America, especially in the South and Mississippi. Brown's contributions to American society are a reading of U.S. History and Mississippi History.

In 1948, Brown joined Gladys Noel Bates in seeking equal salaries for black teachers in Jackson when very few, if any, blacks dared to oppose the historically white supremacy power structure in the Magnolia State. Jether Walker Brown, his widow who still lives in Jackson, said "when Jess stepped in to help Mrs. Bates, almost no one was speaking to her because of intimidation by whites. Jess stepped in and almost immediately made the Black people feel ashamed for their actions." Jether Brown went on to say that "things were not easy for him (Jess) or any of us during this time. Anyone or any group associated with helping Blacks get equal treatment "receiving death threats harassment and vindictive and cruel intimidation; this included men, women and children. This was especially true for Jess, me and our two children. Oh Lord, it wasn't easy!"

Mrs. Brown also said that her husband represented a lot of Black people in cases where Mississippi sought the death penalty; but, these Black folk were never executed because her husband would keep on appealing their cases until some judge or court would overrule Mississippi's decision to execute.

In the 1950's Brown filed the first civil rights suit in Mississippi in Jefferson Davis County seeking the enforcement of the right of Black citizens to become registered voters. He was successful in obtaining Clyde Kennard's release after Kennard was convicted for the theft of chicken feed after attempting to register to vote at Mississippi Southern University. In the 1960's, Brown was among the team of lawyers who represented James Meredith in opening the doors of Ole Miss to Blacks.

The civil rights lawyer represented Mack Charles Parker in the Circuit Court in Pearl River County, Miss., who was lynched and thrown in the Pearl River after Brown raised the jury selection question prior to Parker's trial. And, while serving as counsel for the American Civil Liberties Union (ACLU), Brown was successful in obtaining reversals of convictions of Black defendants because discrimination against blacks in jury selection in Scott and Warren Counties.

Before Brown's untimely death in 1989, Attorney Firnst J. Alexander, Jr., assisted Brown in obtaining an acquittal for a Black defendant accused of being involved in attempted armed robbery of an alleged white victim in Neshoba County, Miss., where the alleged victim was shot.

Mrs. Brown said, "All of R. Jess' cases were important; but I'd say that lawyers in the State of Mississippi were hard to find and Mississippi had a rule that out-of-State civil rights lawyers could not come in and represent the people who were suffering and dying from discrimination—a local lawyer had to take the lead." That's how we got some of the lawyers in Mississippi whose names are a part of civil rights history like Carsie Hall, Jack Young, Sr. and others.

Brown served on the executive board of the National Bar Association, he received numerous honors and awards which includes the C. Francis Stratton Award of the National Bar Association, the NAACP Legal Defense and Educational Fund Award; and, the Illinois State University Award of Achievement. Brown's fraternal affiliations included Phi Beta Sigma Fraternity, the Elks, and L.K. Atwood Lodge. Brown was a member of Pratt United Methodist Church in Jackson, Mississippi.

When asked about her greatest contribution to R. Jess' and his undaunted efforts to gain equality under the law for American with African heritage, Mrs. Brown said "R. Jess was a humanitarian, educator, and fighter for civil rights. I made my contribution as a friend, wife, mother to our children and someone with whom he could confide and consult with on any subject. I have given it to R. Jess, he valued and respected my opinions and my knowledge."

AT FIRST GLANCE FACT ABOUT R. JESS BROWN

September 2, 1912—December 31, 1989.

Formal Education: Public Schools of Muskogee, Oklahoma.

Undergraduate Education: Illinois State University.

Graduate Education: Indiana University.

Legal Education: Texas Southern University School of Law.

Admitted To Practice Law: All Mississippi State Courts; U.S. District Courts for the Southern/Northern Districts of MS.

Profession: High School Teacher, College Professor, Lawyer.

Married to Jether Lee Walker Brown; Jackson, MS.

Children: Jacqueline Brown Staffney; Jackson, MS and Richard Jess Brown; Jackson, MS.

## MAJOR ACCOMPLISHMENTS

Filed the first civil rights suit in Mississippi seeking the enforcement of the right of Americans with African heritage to become registered voters.

Represented James Meredith in opening the doors of the University of Mississippi to American with African heritage with other lawyers from the NAACP Legal Defense Fund.

## MEMORIAL TRIBUTE

The Magnolia Bar Association (R. Jess Brown was a co-founder) presents the R. Jess Brown Award to a deserving attorney.

R. Jess Brown Park; Capitol Street; Jackson, Mississippi.

## INTRODUCING THE LAND RECYCLING ACT OF 1997

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. GREENWOOD. Mr. Speaker, today I am introducing the Land Recycling Act of 1997, legislation designed to spur economic growth in virtually every community across the country, particularly in America's urban core.

## THE BROWNFIELDS EPIDEMIC

My bill is an aggressive attack on brownfields, abandoned or underutilized former industrial properties where actual or potential environmental contamination hinders redevelopment or prevents it altogether. The U.S. Environmental Protection Agency [EPA] estimates that there may be as many as 500,000 such sites nationwide. In my own congressional district, the southern portion of