

says he is going to balance the budget, and he has a balanced budget plan. It is \$62 billion out of whack. If we add the \$62 billion surplus in Social Security that he is counting on to cook the books, it is \$120 billion in red. The same thing with the Republicans.

If we have the courage, and I pray that we still do, if we have the courage to come forward with a plan to balance the budget, and yet if we shift \$62 billion over from a Social Security trust fund in an accounting trick that we cannot use, then we are \$62 billion short.

So I support the gentleman from Wisconsin [Mr. NEUMANN]. Does the gentleman from South Carolina support the gentleman from Wisconsin's proposal?

Mr. SANFORD. I do. As we both know, it will not save Social Security in the long run, because we have this giant demographic shift coming our way as the baby boomers begin to retire in 2012, and there are 730 million. They are about double the size of the generation before and double the size of the generation after.

In other words, it will not save us from that avalanche of graying in America, if you want to call it that, that is headed our way, but it would certainly be a step in the right direction. And most importantly, as the gentleman suggests, if Washington is to be trusted, we have to have, in essence, honest accounting.

For us to say a trust fund, but it is not really a trust fund, is not honest accounting. For us to use Social Security moneys to in essence mask the size of the real operating budget here in Washington again is not an honest accounting. What I hear from folks back home in my district say is that they would like to see honest accounting, and they would like trust fund money to stay in its trust fund.

Mr. SCARBOROUGH. When you talk about honest accounting, and talking about trust, I have to tell the gentleman, his job is going to be made more difficult, the job of the gentleman from Wisconsin is going to be made more difficult, and this institution's job is going to be made more difficult in this area and the entitlement area in general, because of the shameless display we saw over the past 2 years of those who would attack us because we were trying to keep Medicare solvent.

The gentleman talked about the trustees. They told us that Medicare was going bankrupt. So we had a group of people step forward with a bold proposal, and the Speaker of the House, who has been fodder for every political campaign over the past 2 years, the Speaker actually had the courage to step forward and say, I know Medicare is the third rail of American politics, I know we are not supposed to touch entitlements; but it is dying and we had better fix it now. If we do not fix it now, we are going to have to pay for it later, and it is going to be seniors and

middle-class taxpayers who take the biggest hit if we do not fix it now.

So we stepped forward and we had the courage to do something 2 years ago. Unfortunately, we paid for it in political terms, because there were others that used that against us.

I have to say that if I could do anything this session, it would be to once again instill in the hearts and minds of all these people the courage to step forward and do what has to be done to make Medicare solvent, to make Social Security solvent; because all these other issues about cutting a program 2 percentage points or 4 percentage points, or increasing school lunch programs 4 percentage points instead of 6 percentage points, they are irrelevant.

In the long run, they are irrelevant economically, because it is Medicare, it is Social Security, it is Medicaid that is expanding at such a rapid clip that it is going to overwhelm all of us, it is going to overwhelm this Congress, and it is going to create an economic meltdown if we do not do something about it.

Mr. SANFORD. Mr. Speaker, I thank the gentleman very much. I appreciate him letting me borrow a little of his time.

Mr. SCARBOROUGH. I thank the gentleman, because it does really play into what we were talking about before, and that is talking about creating a civilization that is more connected, more closely connected to the views of our Founding Fathers, to the views of Washington and Jefferson and Lincoln, than to the cultural views of what happened in the 1960s or what is happening now: The life of Larry Flynt or the words of Madonna or the actions of Dennis Rodman.

We have to step forward and not be afraid of our past but embrace our past, embrace the ideals of our Founding Fathers who said, "We have staked the entire future of the American civilization not on the power of government, but on the capacity of Americans to live and govern and control themselves according to the Ten Commandments of God"; or the ideals of Jefferson, who said that the government that governs least governs best.

Those are not radical ideas. Those are ideas for the 21st century. Those are ideas that are going to overwhelm the liberals anyway, that are going to overwhelm the radicals anyway. We are moving from an industrial age to an information society, where information disseminates, and just as the agrarian age had a decentralizing impact and the industrial age had a centralizing impact, the Information Age once again is going to empower the individual.

We in Washington should get out of the way and let individuals live as they choose to live, let individuals study as they choose to study, let them worship as they choose to worship, let them spend their hard-earned tax dollars as they choose to spend the money that they make, and we need to get out of their way and let them prosper.

If we do that, we will once again be the great civilization that we once were. We will once again be what Abraham Lincoln spoke about when he said America was the last great hope for a dying world. We still are. We have just gotten off track in the past 30 years.

And hopefully what we did yesterday, what we tried to do over the past 2 years, will begin to bear some fruit. We will create America, we will build a bridge to the 21st century also that will not be based on what happened over the past 30 years, but instead based on those great and lofty ideas that we find in the writings and words of our Founding Fathers.

RESIGNATION AS MEMBER OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you that in order for me to accept an appointment by Democratic Leader Richard Gephardt to a seat on the House Permanent Select Committee on Intelligence, it will be necessary for me to interrupt my service on the House Committee on Veterans' Affairs and as Ranking Member of its subcommittee on Oversight and Investigations.

Rule 19 F. of the Preamble and Rules of the Democratic Caucus provides that no Democratic Member of the Permanent Select Committee on Intelligence may serve on more than one standing committee during that Member's term of service on the select committee. However, the rule also provides that Members shall be entitled to take leaves of absence from service on any committee (or subcommittee thereof) during the period they serve on the select committee and seniority rights on such committee (and on each subcommittee) to which they were assigned at the time shall be fully protected as if they had continued to serve during the period of leave of absence.

While I will remain committed to protecting and enhancing the needs and benefits of our nation's veterans, this letter constitutes notice of my intent to take the necessary leave of absence from the Committee on Veterans' Affairs in order to accept an appointment to the Permanent Select Committee on Intelligence.

With kindest regards, I remain

Sincerely yours,

SANFORD D. BISHOP, Jr.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

CIVIL LIBERTIES, WHERE AMERICA IS HEADED, ITS PROBLEMS AND THEIR SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I have asked for this special order today to continue

a discussion that I started 2 weeks ago with another special order on the subject of civil liberties, where the country is going, and what some of our problems are and how we can solve them.

I am a freshman Congressman right now serving in the 105th Congress, but I served here in the Congress a few years back. I had four terms which were ended in 1984. I now return to the U.S. Congress, and probably the most common question asked of me since I have been back is how are things different. In many ways they are very similar and in some ways that is very disappointing, but in other ways they are different and hopefully we are making some progress in solving some of our problems.

The big difference, though, that I have noticed, both here on the House floor as well as watching television over the past 2 years, is that the House floor has been used in a different manner. I think the atmosphere is somewhat less relaxed. I think Members frequently are more on edge, and there may be a little less friendship, which to me is a bit sad. But also we have noticed that the House floor can be used for personal and political attacks, which I find not to be the best way to use the House floor.

□ 1430

As a matter of fact, I have more or less pledged to myself and to my constituents that is not the reason I have come to the Congress, to use the House floor for anything political or personal. Even if those attacks may occur against me on the House floor, I will choose not to answer them on the House floor because I do not think that is proper. If attacks occur, I will answer those attacks or charges in another way but not here on the House floor.

Mr. Speaker, in the recent special order that I did, I talked basically about the coming welfare bankruptcy of the welfare state. And I think that is one of the reasons that there are so many conflicts here on the House floor, because we are not yet seeing this in economic terms. There is still a sentiment, both in the country and in the Congress, to continue to spend a lot of money.

We have heard discussions about Social Security, and the difficulty in solving this problem and whether Social Security or any other benefits, there is a tremendous demand to continue these programs, but it is getting very, very difficult to raise the revenues. Certainly there is not an environment here today to introduce new programs and new welfare entitlements. So this difficulty in finding the funds has led to some of the problems on the House floor.

It is easy for a very wealthy country to continue to get involved in redistribution of wealth, but once the country is getting smaller and the economic conditions are such, it is a much more

difficult, much more difficult problem to solve. I think that we should do everything conceivable here on the House floor to show respect to each other. I think it is important that we show friendship. And over and above all that, I think if we are serious about the ideas, there is no reason why we cannot have some enjoyment in doing this, in trying to solve our problems.

Mr. Speaker, I would like to take this moment to just quote one sentence from my previous special order dealing with the rising police state and the attack on our personal civil liberties. In that order, I say, centralizing powers and consistently expanding the role of government require an army of bureaucrats and a taxing authority upon which a police state thrives. And I am suggesting here, as I did before, that this is not the right direction to go and that many Americans are sincerely concerned about the power and the authority of the Federal Government. This has not been our tradition. This is not part of our Constitution. But certainly in the last several decades, we have had an accumulation of power here in Washington.

Also, my solution or my suggestion to solve these comes in thinking about the philosophy of government. If we do it just in a technical fashion and think that all we have to do is have a line item veto or have revenue scoring or have a balanced budget amendment, I think we are missing the whole point because I think it is a much bigger issue. I think it is a philosophic issue, not a technical or budgetary issue, and all of this is related to how we look at the important role for government.

The decision that we as Members of Congress have to make is whether or not government should have the power and the authority to do what they do. And in order to answer that question, we really have to ask it first. Does the Government really, does the Federal Government really have the power and the authority under our constitutional system of law to do as much as they are doing? I challenge that because I quite frankly believe that we here in the Congress do not have the authority that we have exerted here over the last several decades.

Mr. Speaker, my personal philosophy is this. It conforms with what I believe the Founders believed, that is that government should be precise. Government should be there for the protection of liberty. We should not concede to the Government the right and the power and the authority to use it in order to bring about social and economic changes. Most individuals recognize that you cannot force other individuals to do things that you want them to do. But so often we allow the Government to do the same thing. We grant them this power and authority to try to mold the country, mold people's personal behavior and of course mold the world as we intervene in so many places around the world.

In many ways, I use a political golden rule to address this subject. That is

that we must reject the use of force, personally and politically, to try to bring about these changes. Some would say, well, that sounds like pacifism because you do not want to confront, you do not want to use the authority of the state. I do not want to use the police. You do not want to use a gun to force people to do the things that you think are necessary and to obey the law.

But it is not pacifism. It is far from that. It is a system of government that is designed to encourage tolerance and volunteerism to solve our problems. The role of the state is limited to that of protecting liberty, providing for the national defense, and to make sure that individuals do not violate these rights as well, that individuals, when individuals exert force and violate another individual's rights, that certainly invites the role of government to come in and solve that problem.

In recent years, we have seen some, a better discussion about what we have to do. In the last Congress we have seen a step in the direction of at least trying to take some of these powers and some of the authority away from Washington and delivering it back to the States. Quite frankly though, I am not convinced that block grants is the whole answer, leaving the money in the States would be a much better way.

Mr. Speaker, at least the discussion is much better. We have now talked about returning the management and the financing of welfare back to the States. I find that encouraging. There are a lot of us in Congress now talking about the same thing about education. Nationalizing our educational system really has not done that much more for education. You can draw a graph and show that, as the funding went up for national control of education, the quality of the education went down directly. The same thing could be said about medicine.

It is easy to accept the argument by many of us here in Congress that welfare should be a State function, education should be a State or local function. But so often there is a resistance and no consensus on what we should do with the police powers, whether we are fighting the war on drugs or the war on the environment or whatever. But under the Constitution, it was never intended that police powers would gravitate as they have here in Washington.

So my suggestion here is that we should seriously think about that in the area of police activity, because now we have a national war on drugs which is a total failure, has not done any good, has done great harm. Not only has it not solved the serious problem that we face with the massive use of drugs, this very dangerous precedent, but it also has cost a lot of money, and it has been a cost to our civil liberties.

So in the name of the drug war, we have sacrificed much, both in terms of money and our liberties, while failing to solve our problem. The same could be said about the war on guns. The war

on guns only started recently. It is interesting to note that the war on guns and the war on drugs really got a tremendous boost in 1934. Prior to that, it was assumed by everybody in this country, under the Constitution, that deregulation of guns would be handled by the States. Yet endlessly we are writing laws and pursuing the gun rather than the criminal. In the same way, we are making very, very strong attempts to all the educational problems and medical problems, social problems and the environmental problems, all through regulations coming from Washington.

Now, you might say, well, that really is not a police function. We, all we do here in Congress is we write regulations. We are not authorizing guns to go and perform certain acts. But regulations have the force of law, and when you have the force of law, it is at least a threat of a government agent coming with a gun and threatening an individual either with a hefty fine or with imprisonment. So the rejection of the use of force also rejects the notion that you threaten to use force because the threat of force, if you have the power to do it, is just as sinister and just as dangerous as the force itself.

Mr. Speaker, many people in this country already concede that the concept of private property rights has just about been extinguished. And some would argue and say, how could that be. We all own our homes. We own our property. We own our farms and we own our ranches. But when they stop to think about it, they look at the tax burden we have. Now total taxes are about 50 percent, but when we pay our property taxes, we are merely paying rent to the Government. But the Federal Government is very much involved in this because they are writing regulations. And they have to go through numerous bureaus and agencies just to be able to use their own land, and frequently they are not allowed to use their own land.

So the concept of private property ownership has been seriously undermined in this country, and it continues to be further threatened by the radicals who believe that individuals should not have the right to use their land as they see fit.

The concept of liberty is indeed threatened. I believe there is less liberty in this country than there was 20, 30, 50 years ago. Certainly there is less liberty than was intended by the founders of this country. And as our liberties are diminished, we see the expanding role of the Federal Government, we see the expanding role of the bureaucrats who are now quite capable of carrying guns themselves.

But one of the symbols I think that comes from the Federal Government in their policing activities that dramatizes so well a serious problem that we face, that is that frequently on TV we see that we have these attacks or these confrontations with the citizens where the TV company is called out, the news

media is called out there to witness this wonderful event on how our government is enforcing the law. But very frequently, as I am sure so many of us here in the Congress have witnessed, is that our police force, whether it be the FBI or the BATF, they will wear a ski mask. Is it not interesting.

Mr. Speaker, why would they wear a ski mask in a free society to protect the people? I do not know the exact answer for that, but I would think that in a free society our policemen would be much more ready to show their badge, show their warrants and not wear ski masks. Our police are supposed to be our friends to protect us, not the kind that will break down and break into our houses with a mask on.

A lot of good intention goes into so much of our legislation here in the Congress, and yet I do not believe the good intentions themselves will be much good if we are using the wrong ideas. If we do not accept another notion about the role for government, if we do not accept the fact that economically we are facing bad times ahead because we literally cannot afford the welfare warfare state anymore, I think that conditions are going to get much worse because, as the people become frightened and concerned about their future, unfortunately there will still be a large number that will come here and lobby for more government rather than less, failing to realize that it was the size of government and the scope of government and the way we ran our monetary system that was the problem rather than the fact that we need more liberty, not more Congress, more congressional activity.

Today we have a bunch of laws on the books that permits and encourages the search and seizure and confiscation of property. We have 100 laws on the books today that allow confiscation of property without due process of law. Once the property is seized, it is up to the American citizen to prove that the property was seized incorrectly. Instead of honoring the constitutional commitment to innocent until proven guilty, it has been reversed as it is with the IRS. We are guilty until we prove ourselves innocent to the agencies who threaten our liberties.

□ 1445

Another trend that has occurred here in the last several years is disturbing to me. That is the willingness of our police agencies in the Federal Government to find the suspect rather quickly and then demonize the suspect in public.

The best recent example of course would be Richard Jewell, with the accusation that he ignited that bomb at the Olympics. Here is a man, hopefully he will get his redress in court, but it was still a perfect example of how our police officers took it to the media. That is no way for an American citizen to have their rights protected. Our goal and our obligation is to protect the rights, not to abuse and undermine the rights of our citizens.

What has all this done to us? Well, I think what it has done and has led to is that many Americans now are fearful, fearful of the Government. The Government is supposed to be our friend. We in the Government are supposed to be befriending the citizens and reaching out to them and taking care of their freedoms to make sure they are secure, secure that if they know they have a conflict, that we can settle the conflict in court, that we should be secure from outside threat.

Yet today many, many Americans feel very insecure. They feel insecure economically, they are not certain about what will happen in their economic future, but that is an economic issue. But what I am talking about here today, many of them feel insecure in their personal life. It is very intimidating to the average American if they receive a registered letter from the IRS, very, very intimidating, and it causes a great deal of anxiety. So obviously our tax system is a serious problem to all of us. But the people are not happy and they are not satisfied and they are very, very fearful of what is happening.

Now, some may write this off and say that the Congressman is just making this up because the American people are not fearful, everybody is very content and they are satisfied with the success of the welfare state and they are satisfied with the policing activities of all the agencies of government. But not too long ago, there was a poll done. The poll was very interesting. They wanted to find out how the American people felt about this very issue. They asked a rather strong question. They asked, do you feel like there is an immediate threat to your rights and freedoms from the Federal Government? The answers coming back to the Gallup Poll were slanted in one direction to such a degree that they could not even believe the results, so they went back and redid it, because they thought the people they were polling did not really understand what they were saying. So they were trying to get another answer. But the same answers came up again: 39 percent of our people feel immediate threat to their rights and to their freedoms by the Government. Maybe it is not true, but it is very important that they think that. I have seen other polls that were actually even worse than that, where people were fearful of the Government and are not satisfied with the way the Government operates.

The pollsters then decided they wanted to know, well, these must be all the right-wing extremists that are fearful of the Government and, therefore, we will just put them in a category and write them off, so they checked to find out whether these were liberals or conservatives that expressed this fear of the Government. It turned out that more liberals were fearful of the Government than the conservatives. This probably should not surprise us too much when you think of some of the

law enforcement that occurs and the abuse of civil liberties in our inner cities. It was just the other day I saw something in the New York Times that said that some teenagers were shot rather quickly, unarmed teenagers and then the questions were asked afterward. I realize how difficult a situation the police get into, but it still is well known that the abuse of police powers in the inner cities is there and something has to be done about it.

Senator Wallop when he left the Senate expressed some sincere interest in this particular subject and I believe is continuing to do some work in that area. He was shocked because so many of his constituents would come up and express their fear of the Government, whether they were the environmental people or whatever, but then they would quickly add after they told him about the problems they were facing, and the constituent would say to him, "Don't do anything. I don't want you to even rock the boat, because I'm fearful that they will come and get me."

That is a serious charge, and that comes from a respectable Senator who continues to work on this problem.

A couple of years ago, there was a group of individuals who banded together because they too were concerned about the growing police powers of the Federal Government, and they wrote to the President and they were expressing to him that he should do something about this, that the police powers of the Federal Government were indeed violating the civil liberties that we were acting in a perverse manner, we were not protecting liberty, we were destroying liberty.

I want to read from that particular letter that went to the President. He said he was urging the President to review the policies and practices of all Federal law enforcement agencies and to make recommendations and steps that must be taken to ensure that such agencies comply with the law. This review is necessitated by widespread abuses of civil liberties and human rights committed by these agencies and their failure to undertake meaningful and ameliorative reforms.

Federal police officers now comprise close to 10 percent of the Nation's total law enforcement force. Today some 53 separate Federal agencies have the authority to carry guns and make arrests. This represents an enormous expansion in recent years in terms of both personnel and jurisdiction. What is lacking, however, is a systematic oversight and review of Federal police practices.

Certainly we need oversight, but we also have to raise the question of whether this is the proper place to put the police. In the Constitution there are three Federal crimes listed. Today we have literally thousands. Nobody would know because we here in the Congress write the laws and the agencies write regulations that have the force of law.

They go on in this letter to point out some of the problems that they see.

Improper use of deadly force, physical and verbal abuse, use of paramilitary. That implies military law. Use of paramilitary and strike force units or tactics without justification. Use of no-knock entrances without justification. Inadequate investigation of allegations of misconduct; use of unreliable informants without sufficient verification of their allegations; use of contingency payments to informants, giving them an incentive to fabricate the information since payment is usually contingent on conviction; entrapment, unnecessary inducement of criminal activities as an investigative technique; inappropriate and disproportionate use of forfeiture proceedings to obtain financing for law enforcement equipment and activities; use of military units and equipment in the course of domestic law enforcement; pretential use of immigration laws and Immigration and Naturalization Service personnel for nonimmigration law enforcement.

Again, who is complaining to the President about this? Are these the rightwing extremists which is implied by so many in the media, a rightwing extremist attitude and idea that we have to curtail the Federal Government in their police powers? No; there are others who are interested in civil liberties as well. Let me just read a couple of names of the individuals who signed this letter to the President asking him to look into the matter. Ira Glasser, executive director of the American Civil Liberties Union; Eric Sterling, president, the Criminal Justice Policy Foundation, Arnold Trebach, president, Drug Policy Foundation; James Grew, president, International Association for Civilian Oversight and Law Enforcement; John Hingson, president, National Association of Criminal Defense Lawyers, not exactly a conservative group; Mary Broderick, director and defender, Division of the National Legal Aid and Defender Association.

So these are the people who are concerned about civil liberties. I think we all should be concerned about civil liberties. We certainly should, because we have the responsibility as we write law and as we perform oversight that our goal is to protect liberty, not write laws that end up undermining and demeaning the whole concept of liberty.

Just to use something more recent, the associate director of the American Civil Liberties Union has just written recently an editorial for Scripps-Howard, just a few months ago. In this letter, in this editorial, he says:

A powerful nation orders its telephone companies provided with foolproof wiretap access to the national communications infrastructure. The national police agency, which in recent years has been dramatically increasing the number of wiretaps, then demands the resources to tap one of every 100 telephone lines in the country's most populous area. The government claims it needs these new powers to combat domestic terrorism, but its own records show that only a microscopic portion of its wiretaps could have

anything to do with what might be called terrorist activity.

If it is not for terrorist activity, why do they need so many wiretaps? What is the purpose? He goes on to say, and in a way lectures us, he says:

This is precisely the sort of invasion of our privacy that during colonial times caused American patriots who had experienced general searches by the British to rebel and to adopt the protection of the Fourth Amendment to the United States Constitution. I think it would do us all well if we did look and read the Constitution and specifically in regards to this subject, the Fourth Amendment.

Again, this comes from not a rightwinger, but somebody from the American Civil Liberties Union, and we should not ignore that.

I would like to mention a few of the more startling cases that have occurred over the last 4 or 5 years. Some are well-known, some are less well-known, making the point that we do have specific examples of how our Government has overstepped its bounds.

One of the cases, and this first case I am going to talk about is fairly well-known. I think a lot of people and a lot of Members will have heard of it, but I just want to bring it up once again so that we do not forget because the problem has not been solved.

The first case occurred in 1992, and it involved a gentleman by the name of Don Carlson from San Diego. The DEA and the U.S. Custom agents raided his home. The claim was, the suspicion was, that it was a vacant drug storehouse. He arrived at home at 10:30 p.m. and the house was under surveillance at that time, and he walked in. If they were to issue a warrant, he was available. But he went to bed and after midnight the agents broke through the door, and he immediately thought he was being robbed. He reached for a legal firearm to defend himself, he did not fire a shot, he was shot three times, including once in the back, after he had been disarmed.

Now he did not die. He survived. He is disabled, but he has a lifetime of medical expenses as well as being disabled. No drugs or illegal weapons were found. The paid informant that gave this information had never specified which house to break into. So that is a shortcoming on the police activities of those individuals that went in.

Another case, 1991, Sina Brush, from New Mexico: 60 agents from the ATF, DEA, National Guard and the Forest Service charged that this Sina Brush possessed illegal drugs. They broke in, tore the place up, no drugs were ever found, but Mrs. Brush and her daughter who were not dressed, only partially dressed, were forced to kneel in the middle of the room during this whole episode while being handcuffed, and this all came about because of unreliable sources accusing them of being involved in the drug trade.

Another case, and this case is pretty well-known and that has to do with Donald Scott from the ranch in the Santa Monica Mountains. This was in

1992 as well. This occurred in the middle of the night. Why do they have to go in the middle of the night? This is a terrible thing for a free country to have police agents going in the middle of the night. You never hear of the same individuals going in the middle of the night into the inner city, but outside the city they are more likely to go in the middle of the night. This involved the DEA and some local police activity, and they were of course looking for drugs. The wife started screaming, and Scott grabbed a weapon because he did not even know who was coming into his house. He was quickly shot and killed.

□ 1500

No drugs were found, no illegal weapons were found in this house, and yet a man lost his life not at the expense of a burglar, but at the expense of his careless attitude about our policing activities that we have allowed to occur here in the U.S. Congress.

Another case: Louis Katona from Bucyrus, OH, a part-time police officer, had a run-in with the Federal police. He was a gun collector, and the BATF raided his house because it was said that he might have an illegal weapon.

As a matter of fact, the charge that was—that he was alleged to have committed was that he counterfeited, that he actually forged a document and signed it for the police chief. But after the dust settled they found out that he done everything properly, took the forms to the police chief and the police chief's AA, the administrative assistant, signed the bill, signed the document, and yet they went in and tore up his place with the idea of trying to find this illegal weapon.

Finally—at least finally all charges were dropped, but that is at a tremendous cost. And there was an additional problem there too because Mrs. Katona was pregnant at the time, and she was roughed up in the episode, that very night started to bleed and then subsequently had a miscarriage, and it very well could have been related, and most likely was.

I recall a personal case that occurred while I was practicing ob/gyn back in my home district, and my patient and my patient's husband appeared on the scene at a dock. They were getting off their boat. The husband went down first. He walked accidentally into a drug bust. He was quickly apprehended, thrown down on the deck, handcuffs put behind him, and he was merely standing by. He just happened to be a passerby.

When his wife spotted this, she rapidly ran down, and she was approximately 6 months pregnant, and she said, "What are you doing to my husband?" And they quickly did the same thing to her, slapped her down, put handcuffs on her back, her hands on her back, and put her on her stomach. Now fortunately she did not miscarry, but it could very well have caused a miscarriage, and yet it was all done in

the name of solving this drug problem which continuously gets much worse.

Harry Lamplough, a gun collector from Wellsboro, PA, had a run-in as well with our national police. There were 15 to 20 ATF agents that went into his house, and these agents all wore masks in the middle of the night. Lamplough, his wife and his attorney, who at one time was an ATF Assistant Director, verified the story that was told afterward.

And the agents came in, and they were looking for a particular gun. But in the meantime they took all his business records, they took all his mailing lists, they took his personal records, his birth certificate, his marriage certificate, baptismal records, mortgage records, and medical records. Lamplough was a cancer patient. They took his medication and strewed it on the floor, spread it all over the house and was a great deal of problems to him. And then, to add insult to injury, one of the agents stepped on their cat. But that was not enough. He picked it up and threw it at a tree and killed the cat.

During the whole time it was verified that very, very abusive language was used. Mrs. Lamplough was threatened that if she did not inform on her husband, that she would be thrown in prison under the worst of circumstances.

These things should not happen in America, we should not permit them to happen, and hopefully they are not happening as often, but I am not totally convinced of that.

Another case, Paul and Patty Mueller of St. Louis, in 1996, a more recent case. The ATF came in, a dozen men, kicked the door down. They never knock on the door and ask. They kick the doors down. Even if they have a key, they kick the door down. They threatened to kill the dog. Mr. Mueller had his hands bound, he was pushed to the floor at gun point, and they kept yelling and screaming "ATF, ATF." These people were very innocent, and they had no idea who they were or what was happening, and they were fearful for their lives. They thought they were being wrong.

It was an hour later that the ATF officers presented a search warrant. No weapons were found, no drugs were found, but a paid informant gave the information which turned out to be wrong. There were no apologies and no payment for the damages.

There was a case up in—another case in Pennsylvania. James Corcoran, a police officer, had been arrested on a gun charge, and when it finally got to court, it came out in testimony and it was admitted by the BATF that they tampered with the weapon and made it into an automatic weapon in order to convict him of a crime. Fortunately, that case was cleared up because they were able to get the BATF to admit this.

Another case, Gilberto and Josefine Gomez, a couple years ago, Mexican citizens. They came to the United

States. They were legal immigrants. They had—Gilberto had an accident, and he won in a suit, compensation suit, he won \$19,000, and he was taking it back to Mexico in cash because he was not sophisticated enough to have a checking account nor do wire services or do any of that, and he had proof of it. He carried proof of where the money came from.

But when he got to the border he was arrested, the money was taken from him, and then when it was realized that this looked like legitimate honest money, they made an offer to him. They wanted him to settle out of court, and they say, we will give you back \$13,000 if we can keep \$6,000. That was the bargain they offered him. He refused that. I do not know for sure if that was totally settled and he got all his money back, but for the most part once the property is confiscated, once the money or property is taken by the Government, which is not by due process of the law, it is very, very difficult to get these funds back.

Just recently this past week there was an article in the Wall Street Journal that dramatizes a case that adds to this sentiment of the people, why they are not happy with the Federal Government, they are not happy with us here in the Congress because they see stories like this. But not only do they read about these stories, they know about these stories. You hear them endlessly if we just will listen to our constituents.

In March of—well, this was a story about James J. Wilson. He was a developer in Maryland, nearby here, and he is actually an American success story. He started a construction company in 1957 with nothing. He had \$760, and now he has been charged with a very, very vicious crime, and he was charged with filling a wetlands with water. I mean that is serious, and unfortunately for him, he has a long way to go to win, but he is a fighter and let us hope he does win.

In his trial, which occurred just recently, he had some environmental experts testify in favor of him and say there has been absolutely no negative environmental impact on what he was doing in his development. When he started his development in Maryland, he went to the Corps of Engineers, and he got approval, and they said that there were no hazards, and he was given the approval to proceed. But in the middle of his development they came by and they reassessed it. I guess they came by right after it rained, and they saw a damp spot, and they said "Ah, ha, you have wetlands on your land. You will stop, stop the development." He did. He never once violated a cease and desist order.

But he was not very happy. He was losing a lot of money. It was something that he had been given original approval for, they changed the rules, and now they were accusing him of this vicious crime, and he was upset, so he filed suit. He had not talked to the

Senator who was told by his constituents: Do not do anything, it is dangerous if you do anything. But he did not have that advice, so he went, he filed suit against the Federal Government.

And what happened? His noncriminal charges turned into criminal charges for what he had done.

Now this is interesting. It is said that he has violated the Clean Water Act of 1972. If you go back and read the Clean Water Act of 1972, it talks very clearly about not discharging any pollutant into a navigable water. That is basically what the Clean Water Act was about in 1972. But with regulations and with court rulings this has evolved into a monstrous piece of legislation which has encouraged the Wall Street Journal in their article to talk about the wetlands gestapo. And this is not just from some fringe newspaper. They are talking about a Federal Government agent running a gestapo-type agency.

And the case has pursued; he has lost one case, but it is still, hopefully, something he can win. But the Government is saying that they have the right and the authority to regulate this. Their constitutional argument is that at one time somebody knows of some beavers on that land, have not been caught and transferred over the State line. Now if that is not the most gross distortion of the interstate commerce clause I have heard, I do not know what it could be. The interstate commerce clause by our Founders was written for the purpose not to regulate interstate commerce, which was done throughout the 20th century, but it was written precisely to break down the barriers between the States, and it is doing exactly the opposite right now.

Now where Mr. Wilson deserves a lot of credit is the fact that he is not arguing this on a technicality. He is arguing this on a constitutional issue, that they do not have the right, the Federal Government does not have the right, to come in and regulate and harass as they have done.

The tragedy, of course, is that he has gone through his first trial, he is fighting on principle, he spent \$5.7 million on legal fees, he lost, he got fined personally \$1 million, his company was fined \$3 million, and he is sentenced to 21 years in jail for being an American dream story, going from nothing, building, being a developer, doing his very best to follow the rules, providing jobs. We are going to put him in prison; that is what we are doing today.

No wonder people who are really ambitious are so often encouraged to take their businesses elsewhere. Whether it is labor law regulations, environmental regulations, or health regulations, they are just too burdensome for so many of our business people that it is so much easier to just take the business overseas, and this is a good example of why we encourage so many of our jobs to leave our country.

Big question here is: Do we in the Congress think Government is too big?

I think the American people think our Government is too big and it is too abusive. And in a personal way it is too intrusive in our personal lives, whether we are wiretapping too many telephones or whether we are stopping too many people and taking their money and assuming they are convicts and criminals even without any due process of law and without probable cause. The big question is: Is this out of control? Is it reversible? That is the question we have to ask. I hope it is reversible; that is one of the reasons why I came here to Washington, because I would like to reverse some of this. It needs to be reversed because if we continue in this same direction, we are all going to suffer.

We must do something about this. This country is a great country, but we have to know what it was that made it great. We have to understand the principles of liberty. We have to understand why individual liberty precludes redistribution of wealth, protecting our rights, protecting our civil liberties, providing for a national defense, and not to micromanage every piece of property and threaten people with jail and have our doors broken down with a police, Federal police that wear masks. We have to really think seriously about this and do our very best to change it.

I understand there are some moves in the Congress to bring about a more sensible approach on the seizure of property and the forfeiture, and, hopefully, that will do some good.

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I do not think a lot will be accomplished unless we address the overriding subject of what the role of Government ought to be. Unless we decide we want a government that protects liberty, and that we have respect for our Constitution and the rule of law, I do not believe that we will get rid of the Federal police force very easily.

The agents that we see performing these acts that I am complaining about, Mr. Speaker, in some way I am critical of it, and every one of us has personal responsibility in obeying orders. Wartime is never an excuse.

But in many ways, I have a lot of sympathy for the agents. I do not place a lot of blame on the individual agents, because for the most part, I will bet if we looked at all the BATF officers and all the FBI officers, I believe they are very honest, decent American citizens, believing in their hearts that they are doing the right thing, that they are following and enforcing the law. We all know that in a civil society we have to have law and we have to have law enforcement. They probably feel very good about what they do.

I do think there has to be a limit. Certainly if we are using war gases and participating in raging fires that burn up little children, I think we should question it. I think if we are—as individuals, if the policeman is asked to shoot somebody in the back or he ends

up shooting somebody in the back, or shooting an unarmed mother holding a baby, yes, there is some personal responsibility there.

But I am also convinced that the overwhelming number of individuals that work for all our agencies in Government are probably very decent American citizens trying to do their very best to obey the law and do a good job.

The agencies of Government bear some responsibility; not the agents, but the agencies. Policy is very important. The agencies we create, the administration in power, has a lot to do with policy, but policy is very, very important. So the administrator that we have of that policy, the current President, has a great deal of responsibility in how these laws and the enforcement of the laws are carried out. They bear some responsibility.

Then again, there is another group. There is another group that has a lot of responsibility, and now that is hitting closer to home. Ultimately these agents, these agencies, and this policy comes from here. It comes from the U.S. Congress.

The BATF officers and the FBI are not vigilantes. They get their authority and they get their funds from us. So if we do not like what they are doing, and I do not, I do not go and complain bitterly about the agent himself because he has an infraction, or something did not work as well as he thought. That is not the problem.

The problem here is that policy being carried out by the administration has originated here in the House and in the Senate, and we provide the funding. So if we create these agencies and allow them to happen, then the responsibility falls on us.

Ultimately, the responsibility falls on the people, because we should be a reflection of the people. So when the people object enough, maybe the Members of Congress will do something about it. But I just want to make that point one more time; it is not the individual agent who creates the problem, it is the policy. It is the philosophy of Government. It is we here in the Congress who pursue and permit these things to occur.

What will the solution be if we decide that we have overstepped our bounds? Of course, we can start repealing, we can start doing more oversight, we can start putting more rules and regulations to restrain; but overall, the real solution comes from us upholding here in the Congress our oath of office, which should be the rule of law; that is to obey the Constitution.

The Constitution does not authorize so much of what is going on. It just is not there. If we take our oath of office seriously, we will not continue to finance these agencies of Government. We here in the Congress create the agencies. The agencies are permitted then to write the regulations. The regulations themselves have the power of law.

Then we permit the agencies to become the Justice Department as well. They can be judge and jury. They do not go into civil court, they go into the administrative courts. This is part of our problem. Not only do we give them the power of the administration, we give them the power of the judiciary. We give these agencies the police powers as well. So we have created a dictatorship within our system when we create these agencies of Government.

All rules, all agency regulations, should be approved by the U.S. Congress, and we should do something to curtail the power and the authority of these agencies through limiting of their funds.

It is not difficult, Mr. Speaker, on what to do. The answers are written very clearly in the document we have sworn to uphold. If we read and obey the Constitution, the solutions will come to us. We must work for a moral and just society. We must reject the notion of violence. We should never condone the idea that the Government is there to force people to act in certain manners. And if we do this, I am totally convinced that we will have a much freer and more prosperous society.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. STRICKLAND (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. STABENOW (at the request of Mr. GEPHARDT) for today on account of official business.

Mrs. MALONEY of New York (at the request of Mr. GEPHARDT) for today on account of attending the funeral of the former Speaker of the New York State Assembly, Stanley Fink.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

(The following Members (at the request of Mr. PAPPAS) to revise and extend their remarks and include extraneous material:)

Mr. COOK, for 5 minutes, today.

Mr. PITTS, for 5 minutes, on March 12.

Mr. SHIMKUS, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, today.

Mr. RYUN, for 5 minutes, today.

Mr. PETERSON, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. CANNON, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BOB SCHAFER of Colorado, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Member (at the request of Mr. DAVIS of Illinois) to revise and extend his remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. LANTOS.

Mr. GORDON.

Mr. MENENDEZ.

Mr. HILLIARD.

Mr. DEUTSCH.

Mr. MARKEY.

Ms. MCCARTHY of Missouri.

(The following Members (at the request of Mr. PAPPAS) and to include extraneous matter:)

Mr. BARRETT of Nebraska.

Mr. BARR in two instances.

Mr. MCCOLLUM.

Mr. NETHERCUTT.

Mr. WELLER.

Mr. RADANOVICH.

Mr. JONES.

Mr. RAMSTAD.

Mr. CALLAHAN.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. JONES.

Mr. SUNUNU.

Mr. MORAN of Kansas.

Mr. SMITH of Michigan.

Mr. BERMAN.

Mr. OBERSTAR.

Mr. WAXMAN.

Mr. SERRANO.

Mr. GILMAN.

Ms. DELAURO.

Mrs. KENNELLY of Connecticut.

Mr. SOLOMON.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, March 10, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2113. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; Tennessee [Docket No. 97-009-1] received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2114. A letter from the Administrator, Food Safety and Inspection Service, transmitting the Service's final rule—Poultry Inspection: Revision of Finished Product Standards With Respect to Fecal Contamination [Docket No. 94-016F] (RIN: 0583-AC25) received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2115. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case No. 95-14, which totaled \$958,239, occurred when personnel obligated fiscal year 1993 operation and maintenance, Air Force (O&M, AF) funds for work that was not needed until fiscal year 1994, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2116. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900-A153) received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2117. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Restrictions on Advances to Non-Qualified Thrift Lenders [No. 97-12] received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2118. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon Designation of Areas for Air Quality Planning Purposes: Oregon [OR64-7279a, OR36-1-6298a, OR46-1-6802a; FRL-5696-8] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2119. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon [OR59-7274, OR60-7275; FRL-5696-6] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2120. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Source-Specific RACT [PA069-4040, PA078-4041, PA083-4043; FRL-5698-7] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department [AR 059-0005a; FRL-5697-3] received March 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2122. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Brunei (Transmittal No. DTC-46-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.