

EXTENSIONS OF REMARKS

IN SUPPORT OF LEGISLATION TO PREVENT THE EARLY RELEASE OF VIOLENT FELONS AND CONVICTED DRUG DEALERS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. DELAY. Mr. Speaker, I rise to introduce a bill in this Congress that I first offered last April 23rd in the 105th Congress. The bill is simple—it ends forever, the early release of violent felons and convicted drug dealers by judges who care more about the ACLU's prisoner rights wish list than about the Constitution, and the safety of our towns, communities and fellow citizens.

Under the threat of federal courts, states are being forced to prematurely release convicts because of what activist judges call "prison overcrowding."

In Philadelphia, for instance, Federal Judge Norma Shapiro has used complaints filed by individual inmates to gain control over the prison system and establish a cap on the number of prisoners. To meet that cap, she ordered the release of 500 prisoners a week.

In an 18 month period alone, 9,732 arrestees that were out on the streets of Philadelphia on pre-trial release because of her prison cap, were re-arrested on second charges, including 79 murders, 90 rapes, 701 burglaries, 959 robberies, 1,113 assaults, 2,215 drug offenses and 2,748 thefts. How does she sleep at night?

Each one of these crimes was committed against a person with a family dreaming of a safe and peaceful future—a future that was snuffed out by a judge who has a perverted view of the Constitution.

Of course Judge Shapiro is not alone. There are many other examples. In a Texas case that dates back to 1972, federal Judge William Wayne Justice took control of the Texas prison System and dictated changes in basic inmate disciplinary practices that wrested administrative authority from staff and resulted in rampant violence behind bars.

Under the threats of Judge Justice, Texas was forced to adopt what is known as the "nutty release" law that mandates "good time credit" for prisoners. Murderers and drug dealers who should be behind bars are walking the streets of our Texas neighborhoods—thanks to Judge Justice.

Wesley Wayne Miller was convicted in 1982 of a brutal murder. He served only 9 years of a 25-year sentence for butchering an 18-year-old Fort Worth girl. Now, after another crime spree, he was re-arrested.

Huey Meaux was sentenced to 15 years for molesting a teen-age girl. He is eligible for parole this September after serving only two years in prison.

Kenneth McDuff was on death row for murder when his sentence was commuted. He ended up murdering someone else.

In addition to the cost to society of Judge Justice's activism, Texas is reeling from the fi-

ancial impact of Judge Justice's sweeping order. I remember back when I was in the state legislature, the state of Texas spent about \$8.00 per prisoner per day.

By 1994, when the full force of Judge Justice's edict was finally being felt, the state was spending more than \$40.00 every day for each prisoner. That's a fivefold increase over a period when the state's prison population barely doubled.

The truth is no matter how Congress and state legislatures try to get tough on crime, we won't be effective until we deal with the judicial activism.

The courts have undone almost every major anti-crime initiative passed by the legislative branch. In the 1980s, as many states passed mandatory-minimum sentencing laws, the judges checkmated the public by imposing prison caps. When this Congress mandated the end of "consent decrees" regarding prison overcrowding in 1995, some courts just ignored our mandate.

There is an activist judge behind each of the most perverse failures of today's justice system: violent offenders serving barely 40% of their sentences; 3.5 million criminals, most of them repeat offenders, on the streets on probation and parole; 35% of all persons arrested for violent crime being on probation, parole, or pretrial release at the time of their arrest.

The Constitution of the United States gives us the power to take back our streets. Article III allows the Congress to set jurisdictional restraints on the Courts. My bill will set such restraints.

I presume we will hear cries of "court stripping" by opponents of my bill. These cries, however, will come from the same people who voted to limit the jurisdiction of federal courts in the 1990 Civil Rights Bill.

Let us not forget the pleas of our current Chief Justice of the United States, William Rehnquist. In his 1997 Year-end Report on the Federal Judiciary, he said, "I therefore call on Congress to consider legislative proposals that would reduce the jurisdiction of federal courts." We should heed Justice Rehnquist's call—right here, right now.

Mr. Speaker, this bill is also identical to an amendment I offered last Congress to HR 1252, the Judicial Reform Act. That amendment passed 367–52. That's right, 367–52. While that is an overwhelming victory, it is not enough. I am saddened that 52 Members so callously voted against protecting the families they represent.

Despite the fact that the liberal legal establishment will fight against my bill and the families it will help protect, many of my liberal Democrat colleagues voted for my amendment last year.

They couldn't afford not to. How can any member of this body go home to their district and face a mother whose son or daughter has been savagely beaten and killed by a violent felon—a felon let out of prison early to satisfy the legal community's liberal agenda.

Judicial activism threatens our safety and the safety of our children, if in the name of

justice, murderers and rapists are allowed to prowl our streets before they serve their time. It's time to return some sanity to our justice system, and keep violent offenders in jail. I strongly urge my colleagues, for the sake of the families they represent, to support my bill.

INTRODUCTION OF BILL TO TAKE THE AIRPORT AND AIRWAY, THE INLAND WATERWAYS, AND THE HARBOR MAINTENANCE TRUST FUNDS OFF BUDGET

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. SHUSTER. Mr. Speaker, I am again standing before Congress requesting that the Transportation Trust Funds be treated fairly. The bill I am introducing today, referred to as the "Truth in Budgeting Act," is a bill I have introduced in the past. With the support of many members of Congress and of course, my colleague, Congressman JIM OBERSTAR, the Transportation and Infrastructure Committee was successful last Congress in passing into law the appropriate budget treatment for the Highway Trust Fund.

This Congress, we are asking that the remainder of the transportation trust funds be treated fairly. In short, the taxes which transportation users pay should be spent on the intended purposes.

During the past decade, aviation taxes have increased dramatically. In 1990, airline passengers and other users of the air transportation system paid \$3.7 billion in taxes and fees for their use of that system. By 1995, taxes had increased to \$5.5 billion. Now, in 1999, it is estimated that aviation users will pay over \$10 billion in aviation taxes and fees, almost triple the amount that they paid at the beginning of the decade and almost double what they paid just 4 years ago.

This increase is partly due to the increase in passengers and aviation activity. But it is also due to the fact that the tax rates have been dramatically increased over the past few years.

All these taxes go into a Trust Fund that was created in 1970. When this aviation trust fund was created, it was designed primarily to pay for improvements in the aviation infrastructure, such as airport improvements and the modernization of air traffic control equipment.

The problem is that this Trust Fund is part of the unified budget. As a result, it does not operate like a true trust fund. Under current budget rules, there is no assurance that tax revenues deposited in the trust fund will actually be spent on aviation infrastructure needs. Arbitrary budget caps often limit the amount that can be spent.

In fact, over time, aviation infrastructure needs have been dramatically underfunded. And, on occasion, money has been taken out

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