

of us here carry that says, "The President shall have the power to grant reprieves and pardons for offenses against the United States."

You notice, Mr. Speaker, it doesn't give any conditions, except he can't pardon someone who has been impeached. It doesn't require that a committee decide who is to be pardoned. It doesn't require that the Justice Department do anything or be even involved in the process. It gives the power of pardon and commutation to the President; and he has that right to pardon anyone he wishes, and I uphold his right to do so.

But in jail today in the Federal penitentiary somewhere across our United States are two individuals who I think should be pardoned, or at least their sentences should be commuted. And numerous people on the House, on both sides, have asked the President to look at these cases and pardon these two individuals, especially in light of their appellate court hearing that took place just a few weeks ago in the Fifth Circuit Court of Appeals in New Orleans, Louisiana. Of course, those two people are Border Agents Ramos and Campion, who I feel like were unjustly convicted by an overzealous prosecution, a comment that was made by one of the Federal judges on appeal, "overzealous prosecution."

But be that as it may, and it seems to me that they have been imprisoned a year now, most of that time they have been serving solitary confinement. For what crime? Well, because they supposedly violated the civil rights of a drug smuggler bringing drugs in from Mexico worth about \$1 million. And the United States Government, rather than prosecute the drug dealer, prosecuted the Border Agents because they didn't follow policy, protocol, filling out appropriate forms after this shooting took place. But they go make a deal with the drug dealer. They make a deal with the devil, and they get testimony from the drug dealer in their trial. Talking about the Federal prosecution made a deal with him.

But, you see, that whole case kind of has some bad things that happened. We had learned, several of us, that while the drug dealer, granted immunity, that means they are not going to prosecute him, to testify, and before the trial took place, he brought in another load of drugs from Mexico to the United States worth about \$700,000.

The U.S. Attorney's Office, in a carefully worded propaganda piece, denied that that ever occurred. But since we saw, and I have seen the DEA report, we knew a second drug deal took place. And now, finally, after this took place and many of us knew about it, the Federal Government has decided to prosecute the drug dealer on that second case; conspiracy to import drugs into the United States, and charging a new indictment with three offenses, conspiracy to commit crimes against the United States.

So the Federal Government makes a deal with the drug dealer. He brings in drugs after the deal is made. Now he is in jail. And it seems to me, justice would demand that these two Border Agents be released at least until this appeal is over with. But I think they should have their sentences commuted or even they should be pardoned by the President.

But I say all that to say the bureaucrats say, Oh, these two Border Agents haven't followed protocol. They haven't applied the right way, they haven't filled out the right forms for a pardon and a commutation of sentence. Well, the Constitution that I just read doesn't require forms to be filled out for people in prison to get a pardon. I don't remember Mr. Scooter Libby filling out some kind of form to get a pardon. He didn't even ever go to jail. He just got a Get Out of Jail Free card. He was pardoned. The President had the absolute right to do that. I don't quarrel with that. President Nixon got an absolute pardon by President Ford. He didn't fill out any forms to get that pardon.

So, Mr. Speaker, I recommend and urge the President to commute the sentences of these two Border Agents. And he can do it on his own. He doesn't need permission from some bureaucracy, and I hope he does so and does so quickly.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

(Mr. SNYDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DRUG SENTENCING REFORM AND COCAINE KINGPIN TRAFFICKING ACT OF 2007; AND YOUTH VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening for two important matters. And I believe that when we listen to our colleagues speak about fairness, as my good friend from Texas, Congressman POE, just did, I happen to agree with him that there are instances where we must respond to the unfairness of the justice system in the instance of these two Border Patrol agents who are incarcerated while the drug dealer goes free. But there are also commonsense approaches that we must make to address the question of the overall unfairness in the system.

Today, I introduce H.R. 4545, which is the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007, and it responds to the cry of the U.S. Sentencing Commission and the U.S. Supreme Court, by no means liberal bastions, that have argued and have

been convinced that the disparities in sentencing between crack cocaine and cocaine is patently unconstitutional and unfair. And it was the Supreme Court on December 10 that restored the broad authority of Federal District judges to sentence outside the sentencing guidelines and impose shorter and more reasonable prison sentences for persons convicted of offenses involving crack cocaine.

Right now, we know it takes \$20,000 to incarcerate someone in the prison. But these justices and the U.S. Sentencing Commission said that it is important to end the disparity and not to give more for crack used, unfortunately, by the poorest of Americans, and allow those who use the high-priced cocaine, not really that different, to get off almost scot-free.

This bill tracks the Supreme Court decision, but, more importantly, it includes an offender drug treatment incentive grant program, and it places and increases an emphasis on certain abrogating factors such as selling drugs to children. And it has penalties for the real bad guys, and those are the major drug traffickers.

We must get a grip on the inequity of the justice system that allows some who can sit in their living room and smoke cocaine to get off easier than those who are on the streets with crack. We want to get rid of all uses of drugs, but we have to be fair in the justice system.

I also rise, Mr. Speaker, and I hope my colleagues will join me in cosponsoring H.R. 4545. We introduced it today with 20 sponsors, including a member of the leadership, and we are grateful and hopeful that we will get a hearing on this legislation. But I also join my good friend, Congressman JOHN LARSON, to be able to step on the line, to stomp out the violence that our children are participating in.

Some few years ago, I was on the select committee against violence headed by my former colleague Martin Frost. Let me just say to you that homicide is the second leading cause of death among 15- to 24-year-olds. Twenty-seven thousand young African Americans were murdered in this country over the last 5 years of the Iraq war; there have been fewer than 1,500 killed in Iraq. The murder of a teenager costs about \$1 million in loss and accrued costs. A teenager disabled by gunshot costs about \$2 million. Seventy-one percent of police chiefs and sheriffs and prosecutors nationwide agree that there must be programs for preschool children and after-school programs. But, more importantly, parents and teachers and the faith community and Members of Congress must stand against this violence.

The killing of Sean Taylor by those under 20 years old. The killing of Deputy Constable in my district, Odom, whose funeral I went to, killed by those who were 11th and 12th graders in one of Houston's high schools.

We have to stand and denounce violence, but we must intervene with

proactive preventative programs. And I would call upon this leadership to establish a select committee against youth violence. It is that much of a crisis. The question of the proliferation of guns in the hands of youth, the kind of youth that would go in and commit suicide but kill eight individuals or more in a Nation's shopping mall, or the kind of youth that would leave his Christian home of homeschooling and shoot those innocent persons at a missionary training school in one of the Nation's churches.

What is going on in America? What is going on is silence. And, therefore, we are here today joining with Congressman LARSON and my colleagues to stand against silence. Let us establish a youth commission, a youth select committee against youth violence in the United States Congress, and let our voices ring out so that we can save our children.

Madam Speaker, I rise today to urge my colleagues to support the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007. I am introducing this important legislation today so that we may finally eliminate the unjust and unequal Federal crack/cocaine sentencing disparity in America. The time has come to finally right the wrongs created with the original drug sentencing legislation in 1986.

As a senior member of the Judiciary Committee, I have always been an outspoken advocate for justice and equality in our criminal justice system. For the last 21 years, we have allowed people who have committed similar crimes to serve drastically different sentences for what we now know are discredited and unsubstantiated differences. For the last 21 years, the way we have punished low-level crimes for crack cocaine and powder cocaine have been unjust and unequal.

In 1986, Congress linked mandatory minimum penalties to different drug quantities, which were intended to serve as proxies for identifying offenders who were "serious" traffickers (managers of retail drug trafficking) and "major" traffickers (manufacturers or the kingpins who headed drug organizations).

Since 1986, the severity of punishment between those sentenced for crack cocaine offenses and powder cocaine offenses has been extremely disproportionate, a 100 to 1 ratio to be exact. This has resulted in not only an unequal and unjust criminal justice system, but also a prison system which is overflowing and overburdened with individuals who were not in actuality major drug traffickers.

The U.S. Sentencing Commission recently issued a report that unanimously and strongly urged Congress to: (1) act swiftly to increase the threshold quantities of crack necessary to trigger the five- and ten-year mandatory minimum sentences so that federal resources are focused on major drug traffickers as intended in the original 1986 legislation; and (2) repeal the mandatory minimum penalty sentence for simple possession of crack, the only controlled substance for which there is a mandatory minimum for a first time offense of simple possession. The Sentencing Commission also unanimously rejected any effort to increase penalties for powder since there is no evidence to justify any such upward adjustment.

Moreover, numerous reputable studies comparing the usage of powder and crack cocaine

have shown that there is little difference between the two forms of the drug, which fundamentally undermines the current quantity-based sentencing disparity.

Accordingly, I am introducing this legislation based on these recommendations and after the U.S. Supreme Court released two opinions in 7-2 decisions this past Monday, December 10th, restoring the broad authority of federal district court judges to sentence outside the Sentencing Guidelines' range and impose shorter and more reasonable prison sentences for persons convicted of offenses involving crack cocaine. In the most high-profile of the cases, *Kimbrough v. United States*, the Court held that sentencing judges could sentence crack cocaine defendants below the Guidelines' range to reflect a view that crack sentences have been set disproportionately high in comparison to cocaine sentences.

Additionally, the U.S. Sentencing Commission has been urging Congress to drop its 100-1 crack-to-cocaine ratio approach, and the Court held that judges may take into account the evolving view that both drugs merit equal treatment when calculating prison time.

It is time for Congress to act. This bill will eliminate the disparities in cocaine sentencing and the current mandatory minimum for simple possession. In addition, this bill will increase emphasis on certain aggravating and mitigating factors, create an offender drug treatment incentive grant program and increase penalties for major drug traffickers. Most importantly, this resolution will enact the measures that the U.S. Sentencing Commission has requested from Congress.

This legislation will also fundamentally change the way we punish drug traffickers. This legislation dramatically increases the monetary punishment for those convicted of trafficking drugs and at the same time creates grants for States to create incentive based treatment programs for low-level drug offenders.

Blatant and unjust inequality under the law must end. This bill will ensure that those individuals who have violated the law will be punished fairly, relative to the punishment. We cannot allow this injustice to continue, and I urge you to support this timely resolution, which is supported by the Open Society Policy Center, the Sentencing Project, the ACLU, the American Bar Association, and the Drug Policy Alliance. I also want to thank Senator BIDEN for introducing the companion to this legislation in the Senate earlier this year.

Madam Speaker, I rise today to join Congressman LARSON and a number of my other colleagues to discuss the very serious issue of youth violence. As Chair of the Congressional Children's Caucus, I have placed the protection and promotion of the rights of our nation's children at the forefront of my legislative agenda, and I am deeply troubled and concerned about the rising tide of violence among America's children.

Madam Speaker, news stories in recent weeks and months have illustrated a painful fact: that violent crime is again on the rise in the United States, and that the specter of violence is increasingly affecting our nation's children. Earlier this year, we were all stunned by the shooting spree that transpired on the campus of Virginia Tech, and only last week we witnessed the tragic rampage by a 19-year old young man in a Nebraska shopping mall. Only yesterday, according to media reports, six stu-

dents were injured, two critically so, when their school bus came under gunfire in Las Vegas, in an attack which investigators believe may have been linked to a school fight earlier in the day.

These tragic anecdotes are emblematic of a larger problem: the rising prevalence of violent crime in our society. According to news reports, the past two years have seen a trend of increased violence; last year violent crime rose 2 percent in the United States. Children are not immune to this brutality. Homicide is now the 2nd leading cause of death among 15- to 24-year olds. Gang violence is certainly linked to many of these cases, and youth-gang related homicides have risen by more than 50 percent since 1999.

Madam Speaker, according to the Centers for Disease Control, in 2003, 5,570 people between the ages of 10 and 24 were murdered. This works out to a shocking average of 15 young people killed every single day. Of these victims, 86 percent were male, and 82 percent, a clear majority, were killed with firearms.

Some sectors of our society are more vulnerable to this rising tide of violence. Homicide is now the leading cause of death for African Americans between the ages of 10 and 24, and the 2nd leading cause of death for Hispanics in that age range. For American Indians, Alaska Natives, and Asian/Pacific Islanders, it is the 3rd leading cause of death. Over the past five years, there have been 27,000 young African Americans murdered in our nation, as compared to less than 1,500 African Americans killed, in the same period of time, in the Iraq war.

These disparities are evident in my home state of Texas. In 2003, the child death rate in Texas was 24.4 deaths per 100,000, a slight increase over the previous year. The rate of death for African American children in Texas was significantly higher than the rate for their White or Hispanic peers. In addition, in 2003, all Texas children were most likely to die from accidents, but while the second most prevalent cause of death for White and Hispanic children was disease, the second most common cause of death for African American children was homicide. For teenagers, deaths by accident, homicide, and suicide accounted for the majority of deaths among 15-19 year olds. While White teens were 50 percent more likely to commit suicide than their Hispanic peers, and almost 2.5 times as likely as their African American peers, African American teens were over twice as likely to die of homicide as Hispanic teens, and seven times more likely than White teens.

Our children should not have to grow up under a shadow of fear. In a nationwide survey of high school students published by the Centers for Disease Control and Prevention, about 6 percent of respondents reported not going to school on one or more days in the 30 days preceding the survey because they felt unsafe at school or on their way to or from school. Madam Speaker, this is absolutely unacceptable. We cannot tolerate our children being scared away from the classroom by the threat of violent crime. We cannot allow violence to keep the young people of our Nation from receiving the education they need to fulfill their goals and dreams.

Our Nations' cities are paying a high cost for their violent crime. While I am extremely wary of attaching monetary value to the lives of our children, I believe it is worth noting

that every murder of a teenager, according to estimates, costs the city in which it is committed roughly one million dollars. I mention this statistic only to highlight the economic benefit of working to prevent youth violence, on top of the obvious social and humanitarian motivations. Analysis has shown that for every dollar spent on youth violence prevention, \$14 is saved that would be spent in the justice system. If prevention is made a priority, studies show, preemptive programs will reap dividends in the future.

The rising rate of incarceration is of great concern to me, particularly as it harshly affects communities of color. According to the Justice Department, if the 2001 rates of incarceration were to continue indefinitely, a white male born in the U.S. would have a 1 in 17 chance of going to state or federal prison during his lifetime, a Latino male would have a 1 in 6 chance, and a Black male would have a 1 in 3 chance of going to prison. These disturbing statistics speak to the ongoing racial divides in our society, as well as to the lack of opportunities for young men in many of these communities. I believe that, in this Congress, we have made some progress toward creating and proliferating opportunities for all the young people of our nation to improve their potential; I also believe we have a great deal of work left to do in this regard.

Madam Speaker, despite a spate of recent shootings that have demonstrated the prevalence of school violence, the news is not all bad. Studies have shown that school-associated violent deaths account for less than 1 percent of homicides among school-aged children and youth.

However, even if schools are the safest place for our children, it remains indisputable that young people are increasingly the victims of violent crime, and that crime and violence in schools remains far too prevalent. In 2004, over 750,000 young people, ages 10–24, were treated in emergency departments for injuries sustained due to violence, according to the Centers for Disease Control. In a CDC survey conducted in 2004 of high school students across the nation, 33 percent reported being in a physical fight at least once in the year preceding the survey. Seventeen percent reported carrying a weapon on one or more of the 30 days preceding questioning. Another survey estimated that 30 percent of 6th to 10th graders were involved in bullying, either as a bully, a target, or both.

Madam Speaker, Americans pay \$90 billion in taxes every year for the criminal justice system. They pay an additional \$65 billion annually in total private security costs. This works out to approximately \$535 a year for every man, woman, and child in America. I would suggest that addressing the causes of youth violence in our country, and working to prevent it in the future, would be a much better direction to concentrate our efforts. Doing so will save American taxpayer dollars, but, far more importantly, it will save the lives of our sons and daughters.

Madam Speaker, youth violence has a profound affect on communities across our nation. In addition to tragic injury and death, youth violence escalates the cost of health care, reduces productivity, decreases property values, and disrupts social services.

I look forward to working with my colleagues to make a reduction in youth violence a reality. According to 71 percent of police chiefs, sher-

iffs, and prosecutors nationwide, providing more pre-kindergarten programs for pre-school age children, as well as after-school programs for school-age children, would be the most effective strategy for reducing youth violence. I believe we, as a Congress and as representatives of the American people, must ensure that the protection of our children is at the forefront of our legislative agenda.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

(Mr. McCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

(Mr. KING of Iowa addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mrs. JONES) is recognized for 5 minutes.

(Mrs. JONES of Ohio addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LINDA T. SANCHEZ) is recognized for 5 minutes.

(Ms. LINDA T. SANCHEZ of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. CLARKE) is recognized for 5 minutes.

(Ms. CLARKE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

YOUTH VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, thank you for this opportunity to speak to this important issue that we have been talking about that has been brought to the floor by Congressman LARSON.

As we all know, the pendulum seems to be swinging in an opposite direction as relates to our young people. According to the Center for Disease Control, homicide is the second leading cause of death among 15- to 24-year-olds in this country. More closely, homicide is a leading cause of death for African Americans the ages of 10 to 24, the second leading cause of death for Hispanics ages in the same category, and the third leading cause of death for Native Americans, Alaskans, and Asian Pacific Islanders.

The recent shootings in Omaha, Nebraska; Cleveland, Ohio; Blacksburg, Virginia; and actually my own hometown of Newark, New Jersey, have shone a harsh light on the rising crime epidemic plaguing our country. Our country has a proliferation of weapons. It is estimated that there are 300 million weapons in this country, one for every man, woman, and child. There seems to be a romance in some areas with guns, the fact that they can be purchased so easily in many parts of our country. Our State of New Jersey has one of the strongest antigun laws in the country; however, people can come in from other States and bring them in. We had four children, four young people, college students executed, four at one time, in a playground, almost gangster type.

And so we have to do something to stop this epidemic which is plaguing