

EXTENSIONS OF REMARKS

MANAGED CARE IN THE DISTRICT OF COLUMBIA: IT MAY BE DANGEROUS TO YOUR HEALTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STARK. Mr. Speaker, in an effort to control Medicaid costs and to use the savings to expand coverage to additional uninsured residents, the Department of Health and Human Services has been granting Medicaid waivers to some States to experiment with various managed care systems.

The people being "experimented" on are poor people, people who have historically been unable to obtain adequate, dependable, quality health care.

One of the waivers which has been granted is to the District of Columbia. Following are some memos I've received from the House District of Columbia Committee Staff members indicating some severe problems with HHS's oversight of and the District government's operation of the D.C. program.

It is imperative that HHS give more attention to the operation of the District's program. The new leadership in the District government must take steps to improve the program and to ensure that private contractors are providing quality care to this vulnerable population.

The managed care problems in the District of Columbia are also occurring in other jurisdictions. HHS's entire "waiver" program needs strong congressional oversight in the 104th Congress.

NOVEMBER 7, 1994.

To: Pete Stark

From: Staff

Re: D.C. Medicaid Managed Care

Over the last few days I've talked to HCFA, several providers, community groups, and others about the District's new mandatory Medicaid managed care program. There appear to be several serious problems.

Five major problems include:

1. Recipients do not know they've been moved into managed care, how it works or that they've been assigned to an HMO. The District's procedures for informing recipients about the managed care program and getting them transferred in are inadequate. The three hospital outpatient clinics I've talked to estimate that 70-80 percent of their patients show up to get care and have no knowledge of the program, or of any choice they were supposed to make about doctors. The District's own data indicates that less than 25 percent of all beneficiaries choose a doctor during the 10-day choice period, while the other 75 percent (a large majority of whom later attempt to change) are assigned one. There are a number of practices that appear to contribute to the problem: letters sent to recipients explaining the program and what the recipient needs to do are unintelligible (I have read them, and without great effort cannot make them out), and are

not accompanied by any other efforts to educate recipients about the program; the letters provide misleading and incomplete information; there is no follow up when a letter comes back indicating an address change, etc; the 10-day "choice period" is horribly inadequate and by the time recipients actually get the letter, translates to a 2-3 day choice period; recipients are not being contacted within the required 30-day time frame by the HMO/doctor to whom they've been assigned; and according to counsel for a class action suit being brought against the District¹ provider lists are not even being sent to many recipients (they should be sent to recipients along with the letter informing them they have 10 days to choose).

2. Recipients have great difficulty disenrolling from a plan once they've been assigned to it, or believe they cannot disenroll (recipients should be able to disenroll at any time, without cause, by simply calling the program's "Helpline"—the central number that handles all enrollment, disenrollment, eligibility verification, and payment issues). Because such a small percentage of recipients actually select a doctor during the 10 day period they are given to make a selection, this problem affects the large majority of beneficiaries. The problem is apparently caused by a combination of factors: inability to get through to the "Helpline" (in a test of the system last Friday, I was on hold for 1 hour and 15 minutes before I hung up); incorrect information given by "Helpline" staff to recipients about their ability to change and about what they must do in order to change (a number of recipients have been told they must first call their HMO and discuss with them their reasons for wanting to disenroll); misleading information in letters that implies that recipients are not allowed to disenroll beyond a certain date; and slow processing of disenrollment requests (by law, all disenrollments must be processed within 60 days; many recipients, however, have seen waits of 4-5 months). Although the problem has apparently improved somewhat since a private company called First Health temporarily took over the Helpline, there is concern the problem will continue once the District takes back this responsibility.

3. Recipients have difficulty or are unable to get referrals for needed care. This problem has been particularly evident for pregnant women transferred into the program. It occurs when a patient shows up to see their old doctor and finds out she is now in managed care and has been assigned a new doctor. The recipient wants to keep her old doctor and needs treatment then. In order to get treatment at that time from her previous doctor/clinic, the patient is told—despite internal policy that allows the Helpline staff to approve referrals automatically for pregnant women—that she must first get a signed referral from the new primary care provider. Frequently, the new doctor/HMO refuses to provide the referrals, the patient is unable to

¹ The suit includes six claims—all relating to problems in the District's overall Medicaid eligibility determination process.

get in touch with him/her, or it takes several weeks to get the referral. Apart from the issues of disruption is care and choice, the referral problem is exacerbated by the fact that many pregnant women get assigned to pediatricians, interns, and other doctors who don't even do prenatal care, but are classified under the system as "primary care providers". Providence hospital has provided us documentation of 35-40 cases they had in a two week period involving pregnant women receiving prenatal care through their outpatient OB-GYN clinic (many of whom were in their last two weeks of pregnancy when they were shifted into managed care) who were unable to get referrals. Although I don't have documentation of this yet, Prudential is apparently going so far as to (illegally) tell their Medicaid members that they—as a rule—can only refer them to providers within their network.

4. Families are being split up under the program such that family members are being assigned to different HMO's or primary care providers. As far as I can tell, this is caused by the District's "automatic computerized enrollment" process that currently can only group and assign recipients on the basis of last name.

5. Medicaid recipients enrolled in certain HMO's appear to have access to only a very limited number of the doctors available to non-Medicaid enrollees in the HMOs. I do not yet have documentation of this, but if it is in fact occurring, such a practice would raise serious questions about access and quality of care, and potential questions about violation of current law.

NOVEMBER 10, 1994.

To: Pete Stark

From: Staff

Re: D.C. Medicaid Managed Care: HMO Provider Networks

Since my last memo I've received a list of the primary care providers in the Prudential and George Washington HMO's, as well as a list of the providers available to Medicaid members enrolled in these HMO's. In both cases, Medicaid members have access to only a small fraction of the network providers available to non-Medicaid members.

In addition to dramatically reducing the total number of primary care doctors available to Medicaid recipients—both in terms of the number that would otherwise be available under the District's managed care program, and in terms of the number that were available prior to managed care—the practice of limiting Medicaid enrollees to a subset of an HMO's providers appears to be prohibited under current law.

Information on the Prudential and George Washington networks, as well as a summary of current law and regulation affecting Medicaid member's access to HMO provider networks follows.

PRUDENTIAL AND GEORGE WASHINGTON NETWORKS

A comparison of the Prudential plans shows that:

- (a) While the company's complete HMO network (known as the Prudential HMO of the Mid-Atlantic) consists of 836 primary care providers, its current provider network

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for Medicaid members consists of 41 primary care providers.

(b) 426 of the network's 836 providers are within Prudential's own definition of the Washington DC Metro/Western Maryland Area (and are thus reasonably accessible, in terms of travel time, to District Medicaid recipients).

(c) Of the 42 providers listed in Pru's general HMO network within the District itself, 20 are not available to Medicaid enrollees (making any argument that the network was defined by what Providers are most accessible to District beneficiaries moot).

(d) And, perhaps most important, 22 of the providers in the provider network open to Medicaid members are not in Prudential's general HMO network (suggesting potential serious quality of care/credentialing differences that should be examined).

A comparison of the George Washington plans shows that:

(a) While the CWU HMO allows its non-Medicaid members to choose between two general delivery options—they can choose to receive care through either a network of participating private practice physicians or through one of six Health Care through a Health Care Center.

(b) Of the six Health Care Centers available to non-Medicaid members, five are not available to Medicaid members. Medicaid enrollees are limited to receiving care through only one of these six Centers and through one additional Center which is not available to GWU's non-Medicaid members.

(c) While the GWU HMO consists of more than 540 primary care doctors, a total of only 44 doctors are available to Medicaid members.

(d) Of the 540 doctors in GWU's network, however 135 are within the District itself (again, making any argument that the network has been defined to include those doctors most accessible to Medicaid recipients moot).

STATUTORY AND REGULATORY REQUIREMENTS FOR HMO MEDICAID PROVIDER NETWORKS

1. Although there are no District (or federal) laws that specifically address whether panels one companies' various plans must be open, there are two District regulations (both included in the District's "Regulations for Managed Care Providers that serve AFDC and AFDC-related Medicaid Recipients") that define requirements for access to providers and integration of Medicaid members into HMO health plans.

41 DCR 1766 (2307.5) states that "each AFDC and AFDC-related Medicaid recipient enrolled in a pre-paid, capitated provider's plan shall receive service through the same health care providers and facilities that serve non-AFDC and AFDC-related Medicaid enrollees."

41 DCR 1766 (2307.6) states that "each AFDC and AFDC-related Medicaid enrollee shall be fully integrated into the prepaid, capitated provider's plan membership and shall not be treated in a manner different from non-AFDC or AFDC-related Medicaid enrollees."

2. Although there are no federal statutory or regulatory requirements that specifically address what providers Medicaid and non-Medicaid members must have access to, there are two federal rules that addresses the scope of beneficiaries' access to providers. One focuses on Medicaid members' freedom of choice within an HMO, and another focuses on equality in access.

42 CFR 434.14 states that "the HMO must *** make the services it provides to its Medicaid enrollees as accessible to them (in

terms of timeliness, amount, duration, and scope) as those services are to nonenrolled Medicaid recipients within the area served by the HMO."

42 CFR 434.29 states that "the contract [between the state and HMO] must allow each enrolled recipient to choose his or her health provider in the HMO to the extent possible and appropriate." According to HCFA, this rule is designed to ensure beneficiaries' ability (a) to choose—versus be assigned to—providers within an HMO's network, and (b) to select from among all providers within a HMO that are accepting new patients.

MR. GINGRICH IS RIGHT ON THE NEED TO BUILD THE "SEAWOLF" SUBMARINE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. MACHTLEY. Mr. Speaker, since being elected to the House of Representatives in 1988, a year before the fall of the Berlin Wall and the symbolic end of the cold war, I have paid particular attention to the future of our national defense. I am proud of my service as a member of the House Armed Services Committee. I have worked hard to ensure that our men and women in uniform are trained and ready to fight and are equipped with the world's most modern and lethal weaponry.

Defense planning and budgeting is no easy business, especially with the uncertainties the Defense Department now faces from new threats abroad and at home due to a constrained budget environment. We are already seeing the first signs of a new, hollow Army, and I fear that we will soon experience the same hollowness in our industrial capability.

Like matters of troop readiness, the future of the Nation's defense industrial and technological base is too important to be decided by partisan politics. As I leave the House of Representatives, I am concerned about our ability to build the world's most quiet, technologically advanced, lethal, safe, and cost-effective nuclear submarines. I fear that the balance struck between our ability to design and engineer future submarines and the need to maintain even modest production of present generation submarines will be wrecked with little regard for our own future defense requirements.

But I am encouraged by some recent statements of the gentleman from Georgia, Mr. GINGRICH, regarding the future of the Nation's submarine industrial base and a vow to push hard for funding for SSN-23, the third and last *Seawolf* attack submarine, and for its successor, the Navy's new attack submarine.

Mr. Speaker, if there is no objection, I would like to enter for the RECORD an article from the October 16, 1994, New London Day headlined "Gingrich Endorses More Subs While Stumping for Munster."

Mr. Speaker, the gentleman from Georgia should be praised for his attention to matters of national defense during his tenure in the House of Representatives. As an Army brat, he knows first hand the importance of a ready military equipped with the most modern weaponry. Mr. GINGRICH has served on study

groups at the Center for Strategic and International Studies and other think tanks. I expect that he will continue to be a strong leader on matters of national defense in the 104th Congress.

It is clear from the article that the gentleman from Georgia has paid particular attention to the future of the submarine industrial base as the Nation develops and equips its post-cold-war military for the uncertainties of the next century. I was pleased to read that he told an audience in Connecticut that—

You can't allow our industrial base to collapse in the defense area. *** Developing the most acoustically silent submarine in the world takes years of technical skill.

And if that base ever disappears, it will take us 20 years to rebuild it.

The third and final *Seawolf* has been labeled an "industrial base" submarine due to its crucial role in maintaining the vital submarine industrial base. There is, Mr. Speaker, substantial military value for the submarine missions of the 21st century to justify the cost of completion of SSN-23.

The environment of the 21st century will demand a highly adaptable attack submarine for: covert surveillance and intelligence collection in the coastal regions; covert insertion and recovery of Special Forces; quick response, covert Tomahawk strike missions; antisubmarine warfare against modern diesel-electric submarines owned by rogue states like North Korea and Iran; and anti-SSN capability against missile submarines in the event Russia or China comes under control of unfriendly or erratic leadership.

The *Seawolf*, designed to be the world's most advanced submarine, has multimission capabilities that complement the less expensive new attack submarine and are much improved over those of the SSN-688I. The *Seawolf* has greater weapons capacity, higher speed capabilities, more internal space and a greater depth capability than the SSN-688I or the new attack submarine.

The civilian and military leadership of the Pentagon—the Office of the Secretary of Defense, the Department of the Navy, and the Joint Chiefs of Staff—all agree that the only way to preserve the nuclear submarine industrial base is to keep building submarines. Following detailed analyses and numerous studies, the Department of the Defense concluded that the most technologically and cost-effective path to take is the one it has embarked on: build the third and final SSN-23 *Seawolf* nuclear attack submarine in fiscal year 1996 and commence production of a the new attack submarine in fiscal year 1998.

The submarine supplier base represents a fragile national security asset. It is large and diversified, but is rapidly contracting due to cutbacks in military spending and changed defense priorities. There are approximately 600 major equipment suppliers and a total base of almost 3,000 companies when subtier and commodity suppliers are included. This nationwide network is made up of large firms that devote a small percentage of their engineering expertise and productive capacity to a small niche market, as well as small companies with such highly specialized products and skills that they are heavily—or even wholly—dependent on submarine work for their survival.

The importance of the supplier base is highlighted by the fact that shipyard costs account for about 35 to 40 percent of the total cost of a submarine; the remainder goes to hundreds of other suppliers for products and services furnished to the shipyard and the Navy.

Many of the companies that make up the submarine supplier base have gone through significant, and in some cases drastic, downsizing and reorganization in their efforts to remain viable. Some have abandoned submarine work or gone out of business altogether. Others will follow before the shakeout in the defense industry runs its course.

There is a great wealth of information available to all Members of Congress on the preservation of the submarine industrial base and the vast but fragile vendor base around the Nation that supports submarine building. I would urge my colleagues—and all new Members of the House of Representatives—to call the Defense Department for a detailed briefing on this important matter of national security that affects all of our constituents.

The gentleman from Georgia also spoke about the continuing Russian submarine production program. He stated: "People need to be aware * * * that the Russians are continuing the momentum of their submarine research. So you just can't stop with this generation [of submarine]. We've got to continue to work on the kind of breakthroughs that will allow us to build a next generation submarine. That submarine would be built in Connecticut."

Much of the information about the continuing Russian submarine research and production programs—as well as the growing Third World submarine threat—is classified and cannot be discussed publicly in any detail. I would encourage all of my colleagues and those newly elected Members of Congress to arrange a briefing with the Department of the Navy.

While the gentleman from Georgia acknowledged that he had in fact voted for a rescission of SSN-22 and SSN-23, the second and third *Seawolves*, during the Bush administration, he stated that his "presumption was that we'd come back and build number two the year after and number three the year after that," adding that, "It's a flat falsehood to suggest I ever voted to zero out the *Seawolf*."

Mr. Speaker, there will be those who will oppose building the third and final *Seawolf* for purely political reasons. But as Mr. GINGRICH knows, there is nothing political about ensuring the Nation's ability to first deter through strength any potential adversary, and if deterrence fails, fight and quickly win any conflict anywhere in the world. Preserving the nuclear submarine industrial base—first by buying the third and final *Seawolf* in fiscal year 1996 and then commencing production of the new attack submarine in fiscal year 1998—is an integral part of our national defense.

[From The Day, Oct. 18, 1994]

GINGRICH ENDORSES MORE SUBS WHILE STUMPING FOR MUNSTER

MINORITY WHIP'S CLAIM "LAUGHABLE," SAYS GEJDENSON

(By Stan DeCoster)

NEW LONDON.—U.S. Rep. Newt Gingrich, the controversial, conservative Republican who hopes to be the next speaker of the House of Representatives, on Monday de-

clared himself to be a major supporter of continued submarine construction at Electric Boat.

Gingrich made the comments before attending a \$100-a-plate fund-raising luncheon at the Lighthouse Inn for Edward W. Munster, the Republican who is trying to unseat U.S. Rep. Sam Gejdenson, the Democratic incumbent in the 2nd Congressional District.

The Georgia Republican vowed to push for funding of the third *Seawolf* in the next Congress as well as continued financing of the attack sub that will succeed the *Seawolf*.

"You can't allow our industrial base to collapse in the defense area," he said at a press conference. "Developing the most acoustically silent submarine in the world takes years of technical skill. And if that base ever disappears, it will take us 20 years to rebuild it."

Gejdenson called Gingrich's comments laughable, saying he voted in 1992 to rescind funds for the second and third *Seawolf* subs in support of then-President Bush.

"The 1992 vote was a referendum on the future of the *Seawolf* submarine, plain and simple," Gejdenson said. "We won that referendum, no thanks to Newt Gingrich."

Gingrich, who is minority whip in the House, likely would become speaker if Republicans gain enough seats in November to claim a majority.

He is traveling about the country in hopes of boosting the chances of GOP candidates, especially those such as Munster who are in competitive races. In a poll commissioned by The Day and released Sunday, Gejdenson had the support of 42 percent of those expected to vote and Munster 33 percent. David B. Bingham, the nominee of A Connecticut Party, lagged behind with 9 percent.

Gingrich had been expected to attend a Monday morning fundraiser for Kevin Vigilante, a Republican congressional candidate in Rhode Island. But Paul Moore, a Vigilante spokesman, said they couldn't sell enough tickets to make the event worthwhile.

About 65 people attended the Munster luncheon.

Inside the Inn, Gingrich met briefly with reporters, talking mostly about the future of submarines. He carried a letter for Munster, assuring the Haddam Republican that he would seek to place him on the House Armed Services Committee if he defeats Gejdenson, a 14-year incumbent.

Gejdenson has been criticized by some in southeastern Connecticut for not sitting on the committee, which establishes defense and military priorities.

Gingrich also defended the Republican "Contract with America," a compilation of Republican priorities that the GOP promises would come to a vote within the first 100 days of the 104th Congress. Munster has signed the contract.

Gejdenson has charged the contract is nothing more than "Reaganism II" that would provide tax breaks for the rich and cut Social Security and Medicare.

Democrats, according to Gingrich, refuse to say what they would do to move America ahead.

"They don't like our contract," he said. "But where's theirs?"

He said defense spending should be geared up, with some estimates the Clinton White House is short-changing the defense and military by \$80 billion and \$120 billion below needed levels. Regarding submarines, he said:

"People need to be aware—that the Russians are continuing the momentum of their submarine research. So you just can't stop

with this generation (of submarine). We've got to continue to work on the kind of breakthroughs that will allow us to build a next generation submarine. That submarine would be built in Connecticut."

He acknowledged that he voted for a "rescission" during the Bush administration that included putting off the second and third *Seawolf* subs.

"My presumption was that we'd come back and build number two the year after and number three the year after that," he said. "It's a flat falsehood to suggest I ever voted to zero out the *Seawolf*."

Gejdenson responded by issuing a partial transcript of President Bush's rescission notice. It stated: "Dissolution of the Soviet Union leading to a reduced threat, and the vigorous pace of U.S. submarine construction in the past decade, have eliminated the need for a new class of submarine."

"If," Gejdenson said, "the president's rescission package would have passed, the *Seawolf* program would have been dead. And EB would have closed its doors."

Gingrich said he regularly supported increased defense spending while Gejdenson voted the other way.

"Gejdenson was voting to cut defense and get more for Connecticut," he said. "And in the long run, that's not sustainable."

COMMENTS ON THE NATION OF MALTA

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. HILLIARD. Mr. Speaker, it is inherent in Washington's role as the Capital of the free world for heads of state to come here for consultations and discussions with the leaders of the United States, and unfortunately many of their visits go unnoticed. However, one such visit which did not go unnoticed was a tour by the Prime Minister of Malta, the Honorable Fenech-Adami.

Prime Minister Fenech-Adami was the leader of a delegation which included his deputy prime minister/minister of foreign affairs, the honorable Guido de Marco. The delegation from Malta met with President Clinton, the Secretary of State, the National Security Advisor, the chairman of the House Foreign Affairs Committee, as well as the chairman of the Senate Foreign Relations Committee.

It is wonderful for the United States to host a delegation of leaders from another nation who exemplify the characteristics of honor and integrity. In an age when many of the nations of the world are entangled in blood feuds and ethnic genocide, it is refreshing to know that there are still nations, like Malta, who have able and fair-minded leaders.

A recent article in the Washington Times by Andrew Borowiec, succinctly described the positive changes which the strategic island of Malta has undergone since the 1987 election of Dr. Fenech-Adami. I hereby submit the aforementioned Washington Times article for inclusion in the CONGRESSIONAL RECORD.

[From the Washington Times, Sept. 25, 1994]

**MALTA'S PRIME MINISTER TOUTS ISLAND AS
NEW BUSINESS BASE**

(By Andrew Borowiec)

Seven years of conservative rule have turned Malta into a prosperous island striving to become a major center of business activity in the western Mediterranean, its prime minister said yesterday.

Pointless prestige projects have been discarded, infrastructure has been developed, and Malta is anxious to join the European Union, Edward Fenech-Adami told editors and reporters of *The Washington Times*.

Because of structural problems in the EU, Malta's membership cannot be considered until 1996, "although legally we are entitled to it now," he said.

South of Sicily and a short distance from Tunisia, the "Island of Honey and Roses" remains painfully aware of the threat of Islamic fundamentalism battering Algeria.

Mr. Fenech-Adami described the Islamic movement as a "cauldron that has to be watched" and said the solution is "not to suppress it now and then, but eliminate it."

With a population of 370,000 and an area of 122 square miles, barely twice that of the District of Columbia, Malta is a bastion of Roman Catholicism. It has three churches per square mile.

The overwhelming influence of the church was challenged somewhat by the socialists who were voted out of power in 1987.

Overcoming the opposition of labor unions, the government this week drafted a major plan to revamp the huge shipyards it inherited from Britain upon independence in 1964.

Mr. Fenech-Adami described the agreement as a "milestone," saying Malta no longer will build ships, but will develop the yards into joint ventures making containers and cranes.

Trying to keep the shipyards working "was a desperate act on the part of the socialist government," he said. When the socialists flirted with Libya before the rise to power of Mr. Fenech-Adami's Nationalist Party, Libyan gunboats were repaired in the shipyards.

Although under his leadership Malta has distanced itself from Libya, Mr. Fenech-Adami said a "good working relationship" continues and "the proximity of Libya cannot be ignored."

Mr. Fenech-Adami said Malta has registered constant economic growth in recent years, including 8.1 percent last year. Unemployment is 4 percent on an island whose men in the past frequently left in search of work.

The inflation rate has been reduced to 4 percent, he said. "We now think of Malta as a hub, promoting it as a center of international trade and business activity."

Discussing the plans for Malta's EU membership, Mr. Fenech-Adami said: "The prospects are good. Malta has gained a lot of credibility. Our low unemployment—and I call it full employment—is due to the high degree of confidence."

TRIBUTE TO PAT RIESLER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to Pat Riesler, staff director of the Education and Labor Committee on the occa-

sion of her retirement at the end of the 103d Congress.

As the ranking Republican on the House Post Office and Civil Service Committee, I had the pleasure of working with Pat for 10 years. During that time, Pat served as deputy staff director and staff director of the House Post Office and Civil Service Committee. Pat was always ready and available to meet the needs of all the members of the committee on both sides of the aisle. Her political instincts, as well as her knowledge of the issues, were always well thought out and professional.

Pat Riesler came to Congress 31 years ago, and as Roll Call noted in its 1993 article, Pat Riesler was among the elite group of "Hill climbers." She started as a staff assistant and worked her way up to her current position as staff director of the Education and Labor Committee.

Mr. Speaker, Pat, who has always been pleasant and accommodating, has devoted her entire professional life to Congress, advancing a legislative agenda that was balanced and fair. Pat was especially instrumental in promoting the enactment of such reforms as the Federal Employment Retirement System, changes in the Federal pay statutes, the Ethics in Government Act, which established the Office of Government Ethics, and numerous other legislative initiatives that benefited Federal and Postal employees.

Accordingly, Mr. Speaker, I appreciate this opportunity to honor the outstanding career and contributions Pat Riesler has made to this institution, and I ask you and my colleagues to join me in wishing Pat a wonderful life and all the best in her future endeavors.

**CONSUMER PROTECTIONS NEEDED
IN HEALTH MANAGED CARE
PLANS**

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STARK. Mr. Speaker, managed care represents a threat and an opportunity. The threat is that quality care and innovative treatment will be sacrificed to short-term profit. The opportunity is the potentially wider availability of health care.

The tools of managed care—credentialing, case management, control of utilization, innovative use of information systems, and efficiency through total quality management—have been used in an attempt to lower costs through a more rational use of resources. The success of managed care programs is questionable, however, and numerous accounts of abuse in managed care programs are highlighted each day in newspapers, magazines, and scholarly journals. These accounts demonstrate the destructive potential of managed care approaches.

The following is a list of concerns extracted from recent articles. This list, combined with emerging data on the effectiveness of managed care programs presents convincing evidence that we are just beginning to understand the ramifications of one of the most dramatic trends in health care—that of managed

care. Regulation of the managed care industry is necessary to protect consumers' rights to quality health care.

ISSUES OF CONCERN IN MANAGED CARE

I. ENROLLMENT

Agents enroll beneficiaries who do not understand managed care restrictions.

Some beneficiaries have been enrolled and re-enrolled in plans dozens of times. This is often known as "churning of enrollees".

Lock-in provisions are often not explained. Enrollment of the beneficiaries is often done through M.D. offices without complete disclosure to the beneficiary.

Reports of mass enrollment by trickery. For example, reports state that citizens were asked to come to a local library to "practice" filling out their enrollment forms. The forms were then collected and used to enroll unsuspecting seniors in managed care plans.

II. MARKETING

Selective marketing is sometimes directed toward healthier seniors.

Reports that prohibition on marketing practices and fraudulent claims is being violated. Agents may excessively raise expectations of the beneficiary.

Ex. agents convincing seniors to switch HMO's using false attacks on competitor, e.g., not enough funds to pay doctors.

Out of network coverage can be misleading. For example, a seventy-five year-old woman with a broken hip was expected to travel across the country following initial hospitalization.

III. QUALITY OF CARE

Care decisions are often made by inexperienced gatekeepers instead of by on line physicians.

Inappropriate denial of procedures that are recommended by a physician and covered by Medicare.

Inappropriate delay in providing services/goods which the HMO approved (ex. wheelchair).

No professional obligation to the enrollee by the HMO similar to that of the MD/patient or nurse/patient relationship. The lack of professional relationship could limit recourse for appeal by patient.

Approved list of drugs (formulary) given to MDs may not include name brands.

Difficulty in getting any drug not on the formulary.

Quantity of drugs may be limited at the pharmacy so that patients have to make numerous trips to get the drugs for the prescribed number of treatment days.

Inappropriate refusal to cover a skilled nursing home or failure to develop a safe plan for patient discharge.

Medicare beneficiaries encouraged to disenroll from risk contract HMOs once they get sick.

High turnover of HMO physicians. There is a lack of care continuity.

Patients are assigned physicians rather than choosing them.

There is a need to protect patient confidentiality. For example, software packages for internal outcomes-related criteria are shared with health professionals in managed care plan/hospital not on patient case.

Enrollee complaints about waiting for appointments.

IV. OVERSIGHT/REGULATION

There is often no pattern for state regulation of HMOs. There are no uniform state quality assurance requirements.

Advocates express frustration at lack of oversight efforts in federal HMO regulation.

No uniform national standard requirement for solvency and quality assurance.

The split in oversight responsibility at the state level leads to gaps:

Insurance departments have oversight over business issues and contracts;

Health departments regulate quality of care and credentials of providers;

Complaints and ratings are areas of interaction. However, in practice, ratings are primarily dealt with by the Insurance Commissioners.

Preferred Provider Organizations (PPOs) are regulated only when they assume risk.

There is a lack of uniform comparative information on HMO plans for consumer use.

HMOs liability for denial of care may be inappropriately limited.

V. PROVIDER ISSUES

In some cases, there are limited contract termination rights for physicians.

There are some reports of limited referrals to specialists in the network when referral is appropriate.

Need for more comprehensive utilization review standards.

Unclear utilization standards.

Difficulties getting prior authorization.

Inadequately qualified reviewers.

Standards and process differ to every plan.

Plan standards and processes constantly changing.

No provider input into developing standards.

Some managed care plans use a physician's name in a marketing appeal without approval from the physician.

Some managed care plans do not notify physicians when they are seeking to create or expand a network.

Refusal to reimburse non-network providers for emergency out-of-area services.

"Gag rule" to limit information providers may give patients regarding alternative treatments (Rep. McDermott).

Non-HMO providers pursue patients for bills that are the responsibility of the HMO.

Some HMOs may hire "problem" physicians.

Providers rate/evaluated based on their cost of practice procedures (referrals/ tests/hospitalizations).

VI. GRIEVANCE PROCEDURES/DUE PROCESS

Review by an HMO may take as long as the HMO wants to extend it—time works against the elderly sick.

Failure of HMOs to meet requirements of notice of right to appeal.

Beneficiary needs notice of the right to submit independent information to support his position when a treatment is denied.

Beneficiary may be denied care without being shown the information on which the decision was made.

No paperwork means no notice of how benefits, particularly drug benefits, are calculated.

There is often no notice to the beneficiary that the drug benefit limit is fast approaching so that seniors can budget for payments that will be inevitable.

Wholesale drug price the HMO uses to calculate benefit may exceed retail cost at other pharmacies.

In many cases, there is no immediate access to an independent peer review authority.

There is no right to have representation at appeal.

Medicare beneficiary appeals take too long to resolve—4 to 6 months on average.

No advocates for the consumer in the HMO.

Beneficiaries have problems getting reimbursed for out-of-area emergency services.

A SPECIAL HARLEM HOMECOMING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. RANGEL. Mr. Speaker, I'd like to share with you and my colleagues here in the House, a story which appeared in the October 19, 1994 edition of the New York Daily News. The story is about a homecoming, a very special homecoming of friends, neighbors, and acquaintances from years past coming together for the annual gathering of residents of the Harlem River Houses.

It was the best of times and gives true meaning to what we term today as the good ol' days:

THEIR HARLEM HOMECOMING

(By Lenore Skenazy)

A PROJECT'S ALUMNI RETURN TO CELEBRATE THE OLD NABE

It could have been a Harvard reunion. The judge from Detroit greeted the cardiologist from California who joshed with the official from the UN who hugged the executive from CBS who called over the deputy commissioner of the NYPD * * *

Except it wasn't a Harvard reunion. It was a housing project reunion in a church basement on 151st St.: The annual gathering of folks lucky enough to have grown up in the Harlem River Houses—New York's first federally funded housing development.

"I don't think you'll find too many communities where folks will come back from the far corners of the nation for a reunion," says Don Matthews, a city housing honcho. "But I grew up here with a bevy of friends. This is truly the personification of community."

As it was born to be. In 1936, Mayor Fiorello LaGuardia helped break the ground for a great New Deal experiment: A housing complex straddling Seventh Ave. at 152d St. for low-income New Yorkers anxious to escape Harlem's tenements.

The project would be four stories high, sturdy and attractive. The apartments would overlook a courtyard, making it easy to keep an eye on the kids. The application process would be lengthy, affording a superselect tenant base: Only two-parent, stable-income, churchgoing families need apply.

And 11,000 did.

For 433 places.

"This was an experiment," explains Rodney Saunders, now an architect. "The idea was: If they were going to build more [public housing], this one had to work."

It did better than that. It became a lovely place to live.

"We were poor, but we didn't know it," recalls David Scott, now second in command at the NYPD. "It just felt so secure!"

It was secure, thanks, in great part, to the fact that all the adults looked out for all the kids. "If you were crossing the street and someone saw you, they'd call your parents and say, 'What's your son doing crossing the street?' Then some parent or your own parent would come and get you," says Don Fitzpatrick, who went on to become Andrew Young's policy affairs officer at the United Nations.

The shopkeepers—and there were 24 stores in the project back then—did the same thing. Buy a box of cigarets, "and before you got home they'd have called your parents to let them know you're smoking," recalls Peggy Grant Baylor, now a judge in Detroit.

"You were given very little room to do wrong," sums up George Edwards. "You really had to work to be a bad egg." If, somehow, you succeeded, you did not escape unpunished. The project's one and only security guard would give you a whack. And then your parents would do the same.

THE BEST OF TIMES

"I wish I could've grown up there," pines Joe Bourne, a former Harlem Globetrotter, who grew up on 144th St. He used to play ball against the Harlem River Houses kids and, the everyone else in the neighborhood, he considered them rich. "They had the best housing," he says. "the best everything!"

They even had some of the best athletes: John Carlos, who won the bronze medal for the 200-meter dash at the 1968 Olympics (and raised his hand in a black power fist at the awards ceremony)—he used to race from one end of the courtyard to the other. "And I'll tell you something," confides Saunders, the architect. "He wasn't even the fastest guy in the project!"

The Apaches, one of the five local baseball teams thriving at the time, became the first black team to win the citywide Police Athletic League championship. That was back in '49 or '50—no one can remember for certain. But they do remember what happened:

"Being from a poor neighborhood," says Emmett Baylor (now special assistant to the mayor of Detroit), he and his teammates were very attracted to the jackets worn by their opponents. "They were big, bulky, wool fleece jackets that the P.A.L. champions always got," Baylor recalls. "We said, 'Man, we will win those jackets!'" And they did win.

But they didn't get the jackets.

"They gave us runnerup windbreakers that they stitched 'Winner across,'" says Baylor, shaking his head. "This was not too long after Jackie Robinson [had broken the baseball color barrier]. The system could not stand a black team winning."

LOOK BACK IN NON-ANGER

The system could not stand too many blacks doing too well at anything, back then. But strangely enough, despite the rampant discrimination of the era, Harlem River's alums still remember a halcyon childhood.

"In the '50s and '60s, no one locked their doors," says Saunders. On sunny days, the kids played in "The Pit," a playground in the central courtyard. Rainy days, they'd chase each other through the tunnels connecting all the buildings.

"We'd play Wild Bill Hickok or Roy Rogers," Saunders recalls. "It was very clear in those days: Good guys versus bad guys. Nowadays you have a lot of anti-heroes. Kids are really confused about who the good guys are."

True, life in the 1990s is not simple. Drugs and violence pollute too many projects. Too few parents peer out the window. But to this day, the Harlem River Houses look good. There's a branch of the public library still operating in one of the buildings. Lots of trees—and little graffiti—grace the project. The Pit still beckons to kids.

If the early alums no longer live here, it's mostly because they've moved up and on.

"This was nice in the beginning," says Don Fitzpatrick, pointing to the project. "It's still nice. But now I have an apartment on Fifth Ave."

Thanks to a solid childhood in Harlem.

SPECIAL TRIBUTE TO STAFF

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. MAZZOLI. Mr. Speaker, I would like to take this opportunity to thank all current and former members of my staff for their tireless efforts and dedication to my office and to the Third Congressional District of Kentucky.

Over my 24 years in Congress, there have been hundreds of individuals who have dedicated their time, knowledge, and energy to my office. Although I do wish that I could list each one by name, I would just like to extend my most sincere gratitude for their years of service.

I would, however, like to thank specifically and by name my current Washington office staff: Dennis Ambach, Jayne Jordan, Jane Kirby, Alva Lewis, Christian Patterson, Henry Semple, and Greta Stovall. And I want to thank my office staff in Louisville: Ron Crawford, Sheila Embry, Anne Marks, Charles Mattingly, Diane Murrah, and Brenda Sweatt.

I would also like to mention my staff on the Subcommittee on International Law, Immigration, and Refugees, who have been so helpful and devoted over the years: Kevin Anderson, Lizzie Daniels, Judy Knott, Leslie Megyeri, Eugene Pugliese, and Katherine Urban.

I would also like to thank Renee Benjamin, Leslie Hawk, Michael Long, Janice Cassidy, and Ken McCarthy, who, although they left my office recently for other pursuits, will always be remembered for their hard work and loyalty.

I have truly been fortunate to have the support of a very capable staff, who, through their dedication, hard work, and loyalty, have enabled me to devote all of the talents of mind, body, and spirit that God has granted me to the people of the Third Congressional District of Kentucky. I am truly grateful to all of them and I wish for them much happiness and success in the future.

 TRIBUTE TO RUTH BRASWELL
TRUMAN
HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. ROSE. Mr. Speaker, I would like to take this time to recognize Ms. Ruth Braswell Truman, who will be celebrating her 80th birthday on January 8, 1995. Ms. Truman is a native North Carolinian and a constituent of mine. She was born in Winston-Salem in 1915 to Flora and Lonnie Braswell and attended R.J. Reynolds High School and High Point College.

After her move to Washington, DC, in 1936, she pursued a career with a major life insurance company where she worked until her retirement in 1973. Ms. Truman now resides in Wilmington, NC, and is an active member of Wrightsville United Methodist Church. I would like to congratulate her and extend the best wishes of the U.S. Congress as she approaches this great milestone.

JEFFERSON HIGH SCHOOL BEARS
HONORED**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. DINGELL. Mr. Speaker, I would like to recognize and pay tribute to the newly crowned Michigan High School Athletic Association Class BB football champions who hail from my congressional district, the Jefferson High School Bears.

Under the leadership of Head Coach Marc Cisco, Jefferson took the championship by defeating the defending State champion, the East Grand Rapids High School Pioneers. Coach Cisco has worked with assistant coaches John Castiglione, Russ Terrasi, and Dave Porter to oversee the development of a balanced team dedicated to hard work and discipline. Although the opposing team in the State championship game was larger, faster, and viewed by many as the likely winner, the near-flawless play of the Bears enabled them to capture the school's first State championship. The outstanding performance of the Jefferson players is demonstrated by the fact that the team was not assessed one penalty during the game.

On offense, the Bears' solid running attack, spearheaded by Jeff Kenney, Tony Panza, and Dave Gill, amassed 170 rushing yards and scored three touchdowns. Also contributing on offense with his smart play and leadership skills was quarterback J.D. Panza, who played despite a lingering shoulder injury. Finally, the exceptional performance of Jefferson's defense contributed mightily to the team's impressive win. Greg Maddux, Dennis Bowdler, Jason Miller, and the other members of the squad were able to keep the powerful Pioneer offense in check through four quarters of hard-nosed football.

To achieve an accomplishment of such magnitude takes a total team effort. Without unity, dedication, and hard work on the part of each player, the likelihood of success is greatly diminished. It is in this regard that the Jefferson High players deserve to be recognized as true champions. Their victory stands as a shining example to others of the seemingly insurmountable obstacles that can be overcome by those who commit themselves to teamwork and excellence.

Mr. Speaker, I am proud to honor the Jefferson High School Bears, and ask that my colleagues join me in congratulating these fine players and their coaches on a truly impressive achievement.

HIAS AWARDS DINNER HONOREES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. GILMAN. Mr. Speaker, this past fall the Hebrew Immigrant Aid Society [HIAS] held its annual awards dinner in New York City, and conferred celebratory awards to individuals who have contributed to humanitarian efforts.

One of those honored was our distinguished ranking Republican Member of the House Judiciary Committee, Representative HAMILTON FISH, Jr., who was awarded HIAS' Liberty Award.

The Liberty Award recognizes an individual who has helped further world peace and freedom. Congressman FISH, during his decades of service to his constituents, New York State, and the Nation, on the House Judiciary Committee, has made important and lasting contributions to the lives of immigrants and refugees. He is richly deserving of this award, and I wish to congratulate him on behalf of our colleagues in the House of Representatives.

Also recognized at the awards dinner were the recipients of HIAS' Harold Friedman Memorial Award. Benjamin and Vladka Meed of the American Gathering/Federation of Jewish Holocaust Survivors received this newly established honor, which recognizes former refugees who have achieved noteworthy success in the United States. Mr. and Mrs. Meed have devoted their lives to the memory of the Holocaust and the welfare of its survivors, and are leaders in Holocaust education efforts.

Accordingly, Mr. Speaker, I would like to share the acceptance speeches of Congressman FISH and Benjamin Meed with my colleagues. Their responses illuminate lifetimes of service for the benefit of others, as well as a dedication to one of the highest principles of Jewish tradition, that of *tikkun olam*, repairing the world. Accordingly, I request that their statements be printed at this point in the CONGRESSIONAL RECORD for the benefit of our Members and other interested individuals.

REMARKS BY THE HONORABLE HAMILTON FISH, JR., HIAS AWARDS DINNER, OCTOBER 13, 1994

I am honored to receive this award and humbled by the company of former recipients I am joining. Emanuel Celler and Peter Rodino, past chairman of the House Judiciary Committee, mentored me in immigration and refugee affairs. Father Ted Hesburgh led the efforts of the Select Commission on Immigration and Refugee Policy in articulating our national commitment to a generous immigration policy and a humane response to refugee crises.

HIAS' vigilance and guidance over the years energized and sustained those of us in the Congress who believe in the ennobling work of helping persecuted people. Under the leadership of Martin Kesselhaut and Marty Wenick, HIAS is a positive and constructive voice in the heated national debate over immigration policy. Ed Shapiro, a former HIAS president and personal friend, continues to inspire me with his involvement in HIAS' work of rescue and resettlement.

The Liberty Award has special meaning of me because I have admired—for many years—the devotion of the HIAS leadership and staff to compassionate values. The satisfaction I have derived, however, from participating in endeavors on behalf of refugees has been its own record. Over the years, opportunities to visit refuseniks in Moscow, spend time in Rome and Vienna with Jews in transit, and learn in Israel in the United States about the meaning of freedom directly from former victims of religious hatred is a source of continuing personal satisfaction.

The current refugee program for Jews from the former Soviet Union—as you all know so well—represents a culmination of our long struggle to lower emigration barriers. Opportunities for Jews in that region to find havens in Israel and in the United States must

continue to be facilitated and sustained. Any discussion of winding down U.S. admissions is premature because anti-Semitism remains a potent force. The Immigration and Naturalization Service refugee interviewing capacity in the former Soviet Union cannot be compromised if the essential humanitarian work of identifying individuals and families qualified for U.S. resettlement is to be maintained. Pressures to cut admission numbers must be resisted as long as significant backlogs remain.

This period of transition for me is an opportunity to reflect on the most significant migration-related legislation that has become law during my congressional service. Since 1980, in contrast to earlier periods, we have had a strong and flexible refugee law that can facilitate the expeditious admission of persons escaping persecution. We successfully resisted attempts, in the early 80s, to lump refugees and immigrants together under the same ceiling—a step that would have placed the need to save lives in competition with legitimate desires to bring relatives to this country. In enacting the Immigration Reform and Control Act of 1986, we sought to effectuate the interrelated goals of discouraging future illegal immigration and responding humanely to the plight of those undocumented aliens who already had become a part of our society. At the beginning of the new decade—with the passage of the Immigration Act of 1990—we gave enhanced expression to the principle of family reunification and provided expanded opportunities for persons without family ties to contribute to our country's economic life.

In my view, the major principles that find expression in American immigration and refugee law remain sound. The biggest challenge we face is sentiment that fails to distinguish between people who act in contravention of our laws without persecution claims and legal immigrants, asylees, and refugees who all must receive a welcome consistent with our traditions. HIAS has a critical role to play in preventing the erosion of support for our refugee and legal immigration policies.

The United States' willingness to welcome refugees and immigrants to our shores is one of the great sources of our nation's strength. The humanitarian work of providing refuge is satisfying not only because the United States—a leader in refugee resettlement—is helping people who need our assistance but also because that same effort adds to our country's vitality. When we display generosity toward persons escaping persecution, we not only express our compassion as a nation, but also advance the foreign policy interests of the United States, set an example for other countries, and reaffirm our commitment to individual freedom. Continued American receptivity to refugees must go hand in hand with an immigration policy that promotes the goal of family unity and gives expression to the values of a pluralistic society.

In the decade of the 90s, I have every confidence the United States will continue to benefit greatly from the contributions of those we welcome as refugees and immigrants. I look forward to remaining active on these issues of mutual concern in the years ahead.

Thank you.

HEBREW IMMIGRANT AID SOCIETY (HIAS)
FIRST ANNUAL HAROLD FRIEDMAN MEMORIAL AWARD

(Acceptance Speech by Benjamin Meed,
Co-recipient (With Vladka Meed))

Ladies and Gentlemen: Vladka and I are deeply moved to be honored as the first re-

ipients of the Harold Friedman Memorial Award. We also very much appreciate the kind words spoken about us here tonight. However, we feel that this award, although given to us, is really intended to honor the achievements of all of the Holocaust survivors who—with the help of the Hebrew Immigrant Aid Society—came to rebuild their lives in this and other countries.

It is a long way, in time, in distance and in feelings—from the German Nazi concentration camps, partisan forests, witnessing the destruction of the Warsaw ghetto and, after the war, the displaced person camps—to be here this evening to be honored by the HIAS. What survivor would have dared even to dream, 50 years ago, of such an evening as we are experiencing tonight?

I remember very clearly the day, almost half a century ago, when a gentleman, wearing the uniform of the UNRRA, climbed up the four flights of steps to the small apartment Vladka and I shared with others in Munich, Germany. That man came to give us the affidavit and other papers necessary to travel to the golden medina, the USA. His name was Mr. Ilja Dijour. At the time, he was the HIAS director of operations in Germany and Austria.

He spoke to us in Yiddish and made us feel that a family member had found us. We will never forget his kind words as he explained what our trip and our new country, America, would be like. He told us there would be many people there who spoke Yiddish, and that we would even be able to read a daily Yiddish newspaper and listen to the radio in our own language. He said, "In America you will feel at home."

We will never forget his thoughtful expressions of hope for our new life. I remember that when I asked him, why did you come to us, he showed us a telegram he had received from the Jewish Labor Committee in New York. The telegram said, "Your friends are waiting for you."

Today, I know how right he was. I still have Mr. Dijour's image in my mind. And whatever words I use tonight will not do justice to him and his actions in helping thousands upon thousands of people to come to the United States.

Two weeks later we were in Bremerhaven, along with a few hundred other Holocaust survivors, boarding the *Marine Perch*, one of the first ships to leave for the United States. Eight days later, on May 24, 1946, we arrived in New York. And as we left the ship, HIAS distributed to each one of us our first \$10 in U.S. currency. Excited but anxious, not knowing what to expect, we arrived in our first home in the U.S.: The HIAS building at 425 Lafayette Street. From there we started our new life in this country. Vladka and I are two among the hundreds of thousands of immigrants who have come here because of the tireless efforts of HIAS. For both of us, I thank you again for all the help we were given.

I also want to say something more about the Holocaust survivors who, many with the assistance of HIAS, came to and settled in this country. For many years, the images which came to mind when the word "survivor" was uttered were those terrible pictures of concentration camp inmates taken from the German archives. They are such pitiful images. But today, we survivors—who came from the pit of Hell itself—have shown the world a very different picture of our lives in these 50 years after the Holocaust.

Most of us came here with very little, or nothing at all. We knew nothing of this country's language or culture. Yet we did

not despair. Nor did we become embittered or controlled by hatred, as would have been easy based on our experiences. We worked hard—day and night—doing whatever was necessary to take advantage of the great opportunity this nation provided to start anew.

We know that America is a country built by immigrants, but Holocaust survivors are immigrants whose relatives were murdered, and the villages, towns and countries of our birth have become cemeteries. Jewish life and culture are gone from so many places. We had nothing to look back on, so we had to look forward. Here, in our adopted country, we gradually established new homes, rebuilt our families, provided our children with the best education, and contributed—in every way we could—to our communities and to the life of this great nation.

And the Holocaust not only robbed us of our homes and families; it also destroyed our chances for education. Yet education is so highly prized by us all, and I am proud to say that today the vast majority of our children—estimated to number close to 250,000—have academic degrees. These wonderful children are represented in every field of endeavor, and thirty percent of them are doctors, lawyers, and teachers.

In addition to our contributions to country and community—in the professions, business, the arts, and home life—survivors and their families have also become pillars of the Jewish community, holding leadership positions, supporting significant activities, and infusing Jewish life with their special energy.

It should also be said that if not for the motivation and support of survivors, there probably would be no Holocaust remembrance commemorations in the nation's capitol and around the country. And there would be far fewer, if any, Holocaust-related museums, memorials and resource centers. We are pleased that Holocaust survivors have taken on the mission of remembrance, and have been integral in helping to build the U.S. Holocaust Museum in Washington.

We are so proud of all that our fellow survivors have achieved, against overwhelming odds, in the past fifty years. Yes, we still have a long way to go. There are many things we still need to accomplish, both for ourselves and for history. Our principal enemy is time, but—somehow—our goals must be reached.

Again, we thank HIAS for its wonderful work through all of these years. We have learned through our terrible experiences that the greatest danger was, and will continue to be, indifference. HIAS has never stood idle. Instead, it has played a major role in helping our people wherever they are in need. HIAS has always understood that we must be our brothers'—and sisters'—keepers. HIAS embodies the best of the Jewish spirit.

Thank you for being with us tonight.

REMARKS OF BUREAU OF RECLAMATION COMMISSIONER DAN BEARD

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. MILLER of California. Mr. Speaker, the Bureau of Reclamation was created over 90 years ago as the Government agency dedicated to the goal of settling the West through

the construction of dams, reservoirs, and canals for delivering irrigation water. This construction legacy on rivers throughout the Western United States will undoubtedly continue to produce reliable water supplies for many years.

The realities of the changing needs of the West must be reflected in the mission of the resource development agencies that may have outlived their original purposes. In his 18 months as reclamation commissioner, Dan Beard has recognized this challenge and successfully transformed the Bureau of Reclamation into a water resource management agency and will be fully equipped to adapt to the changing water needs of the Western United States.

REMARKS OF DANIEL P. BEARD, COMMISSIONER, U.S. BUREAU OF RECLAMATION BEFORE THE INTERNATIONAL COMMISSION ON LARGE DAMS, DURBAN, SOUTH AFRICA, NOVEMBER 9, 1994

Thank you for giving me this opportunity to address the 18th Congress of the International Commission on Large Dams (ICOLD).

As most of you know, the United States Bureau of Reclamation, the agency I direct, was founded as a construction agency.

The results of our work are well known. Hoover Dam, Glen Canyon Dam, Grand Coulee Dam, and other works were monumental undertakings that are a source of pride to our nation and our employees.

In the last two years, however, we have come to the realization that we must make significant changes in USBR's program.

It is these changes I would like to discuss with you today.

There are several reasons why changes are taking place in USBR.

A premise for our program was the project costs would be repaid. We now realize the significant construction and operating costs of large-scale projects cannot be repaid.

Our experience has shown that the actual costs of completed projects substantially exceeded the original estimated costs, and many project benefits were never realized. We lost our credibility with the public and our political leadership because we failed to accurately estimate project costs and benefits.

The USBR generally served the needs of a few agricultural water users. We generally did not serve the needs of expanding urban populations. The result was that the base of support for our program declined.

Over time, our operating experience has given us a more clear appreciation for the secondary environmental impacts of the large-scale water projects we developed. We were slow to recognize those problems, and we are still learning how severe they are and how to correct them.

We have also come to realize there are many alternatives to solving water problems that do not involve dam construction. Non-structural alternatives are often less costly to implement and can have fewer environmental impacts.

What has been the result of these forces? The result is that the dam building era in the United States is now over. We can no longer count on public or political support for large, traditional construction projects. Those projects we have underway will be completed as quickly as possible. Any new construction will take place only in small increments, narrowly targeted to meet well-defined, but limited, objectives. We now anticipate facing the challenge of water man-

agement using the tools of the "Information Age"—improved data collection and modeling, geographic information systems, and demand-side management tools.

How have we in the USBR approached these turbulent times?

We have become realistic about our future. We recognize our budget and our staffing levels will decline, not increase, as our program changes.

In addition, we can't continue to do business the same old way. President Clinton and Vice President Gore have initiated a comprehensive program to reduce costs, eliminate unnecessary paperwork, reduce personnel, and deliver a better product in a shorter period of time. We have made a conscious choice to be a leader in this effort.

In brief, we needed to change and change quickly. And we have.

I initiated a top-to-bottom review of the agency which has led to a significant restructuring last April.

We've embraced a new philosophy of delegating day-to-day operating decisions to field personnel. We will give them the responsibility and authority to make decisions, within established general policy, without coming to headquarters for approval. We've also undertaken an aggressive restructuring designed to eliminate layers of unnecessary management and unnecessary practices.

Although we've just begun, the results are impressive.

We have reduced our budget request for this year by 12 percent—a \$93 million reduction.

Since May 1993, our staff level has been reduced by approximately 1,000 positions, or 13 percent.

We have reduced the number of senior level managers.

Our field offices have been given significant new authority and responsibility.

Our Denver office has been significantly altered. The new organization, now called the Reclamation Service Center (RSC), will be a customer service organization working for other parts of USBR.

In Denver and our regional offices, we have reduced at least two layers of management.

Finally, we have launched a series of new program initiatives, including expanded efforts in wastewater reclamation and reuse, an conservation.

One final note about the participation of the USBR in international activities. My attendance at this conference is not a coincidence. We have been an active participant in ICOLD affairs since it was founded. Previous Commissioners have been very supportive, and many USBR employees serve on committees.

The USBR will remain an active participant in the affairs of ICOLD. This organization offers all of us an opportunity to discuss, debate, and consider new approaches to solving the world's water resource problems. There is much we can learn from one another, and we want to continue that tradition.

As we seek to keep ourselves well informed, so should we seek to maintain an open exchange of information and opinion with all groups. USBR is committed to full disclosure of information to the public. Open access to information will be a hallmark of our operations, both domestic and international.

To President Pircher, Secretary General Cotillon, and Congress Chairman Val Robbroeck, thank you for giving me the opportunity to be with you this morning.

I am enjoying participating in this Congress during my first trip to South Africa. I look forward to meeting as many of you as possible during the rest of the week.

Thank you.

DRS. ERNEST AND DOROTHY GARCIA, EDUCATORS, PATRONS OF THE ARTS, AND COMMUNITY LEADERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. BROWN of California. Mr. Speaker, the husband and wife team of Drs. Ernest and Dorothy Garcia will be receiving the prestigious Golden Baton Award from the Inland Empire Symphony Association at a special tribute to be held January 14, 1995. The two have given countless hours of dedicated work and devoted the past 40 years toward the growth and improvement of their community.

Dr. Ernest Garcia began his career as an elementary school teacher in the Barstow School District. He eventually went on to continue his studies at the University of California, Riverside, and upon graduation Dr. Garcia returned to the Barstow school district as an assistant elementary principal.

In 1961, after having worked as coordinator and curriculum consultant in the Rialto Unified School District, he became the principal of George Dunn School. During a leave of absence, he worked on his doctorate at UCLA and worked for Systems Development Corp., in the area of educational technology. After completing his doctorate in 1966, he became a professor at the University of Redlands and later Cal State, San Bernardino. During these years, Ernest was also elected to the Rialto School Board. In 1979, he became the dean of the School of Education, where he served for 11 years.

Recently, I had the honor of attending a naming ceremony for the new Dr. Ernest Garcia Elementary School in the Rialto Unified School District.

Mrs. Garcia has an equally illustrious career as her husband. Dr. Dorothy Garcia has worked as an educational consultant and faculty member at both the university and elementary level, where she also served as a principal in the Colton Joint Unified School District. Additionally, Dr. Dorothy Garcia has worked on program quality review teams for the State of California, as well as volunteering her time by serving on numerous community boards and chairing several volunteer programs.

Dr. Dorothy Garcia has been recognized by the United Way and the Parent Teachers Association for her years of dedicated community service.

Since their retirement in 1990, Drs. Ernest and Dorothy Garcia have enjoyed traveling, spending time with their grandchildren, and continuing their active involvement in the community.

Mr. Speaker, I ask my colleagues to join me today in commemorating Drs. Ernest and Dorothy Garcia and the example they provide for all Americans.

IN HONOR OF HARDYAL SINGH,
PRESIDENT OF THE AMBEDKAR
INTERNATIONAL MISSION, U.S.A.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Mr. Hardy Singh, founder and president of the Ambedkar International Mission for his many contributions to the Indian community. Mr. Singh is also the president of the Federation of Indian Associations in New Jersey and senior vice president of the Indian National Congress of North America.

Mr. Singh's latest accomplishment will be celebrated on December 6, which is the anniversary of the death of Dr. B.R. Ambedkar. On this day, Mr. Singh will be honored for his efforts in naming a portion of Tonnel Avenue, between Kennedy Boulevard and Newark Avenue in Jersey City as Dr. B.R. Ambedkar Avenue.

Mr. Singh was the first Indian-American to be named a special deputy sheriff of Hudson County. He was successful in his campaign to have the Indian national flag raised at Jersey City City Hall. Mr. Singh's contributions to the Indian community also include the role he played in renaming Public School No. 23 to Mahatma Gandhi School, and the designation of Mahatma Gandhi Day by Gov. Jim Florio. He led the drive to change the names of two Jersey City Streets to India Square and Mahatma Gandhi Plaza. Mr. Singh was also instrumental in many programs designed to strengthen India-United States relations and increase American understanding of Indian culture and traditions.

Mr. Singh obviously understands the importance of achieving a better understanding of Dr. Ambedkar and Gandhian values of life, peace, and friendship. These are values we must all remember to uphold so that we can live together in harmony. I commend Mr. Singh for all of his hard work in the community and for devoting so much time and energy to maintaining India-United States relations. It is people like Mr. Singh who really make a difference in our society.

Please join me in wishing the Ambedkar International Mission a successful event and prosperous future. It gives me great pleasure to have people such as Mr. Singh in my district. I salute Mr. Singh for his many accomplishments and wish him much luck in the future.

A SPECIAL SALUTE TO CHARLES
O. HILL, ESSAY CONTEST WINNER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STOKES. Mr. Speaker, I am proud of youth throughout my congressional district who often exhibit tremendous talent and ability in both academic settings and throughout their respective communities. I rise today to salute a special young man, Charles O. Hill, whom I recently had the pleasure of meeting.

Charles is currently a ninth grade student at John Hay High School in Cleveland. Earlier this year while attending Central Intermediate School, Charles was the winner of an essay contest sponsored by the National Institution for Responsible Fatherhood and Family Development. The contest challenged youth to express their views on a very important subject, the issue of fatherhood. Charles' essay, entitled, "Greatest Dad," not only noted the difference between a "dad" and "father," but he also paid tribute to men, such as his own father, who take their responsibilities as fathers and parents seriously.

One of the prizes Charles was awarded was the opportunity to have lunch and a photo session with his Congressman. I was pleased to meet both Charles and his father, Jack Hill. Charles is an outstanding young man who is bright and articulate. He also has the potential to be a future leader. During our meeting, I was also struck by the close bond that exists between father and son. It became clear that Charles' essay was written from the heart about an individual whom he greatly admires.

Mr. Speaker, I want to share the "Greatest Dad" essay written by Charles Hill with my colleagues and the Nation. It is a very moving piece which deserves this kind of recognition.

GREATEST DAD

A dad is nothing but a man who makes a baby. He may or may not be able to take care of it. But a "father" to me, is a man who takes good care of his children.

Father—a male parent; one deserving the respect and love given.

The definition above is explaining a father according to the Webster's dictionary. To me a father has to be more than that. He has to have love in his heart, and everyday actions. A father gives his all toward his children not part of it.

A dad is a man who makes a baby and leave. I like to call them sperm donors. Sperm donors are one of the reasons that many male youth are being labeled trouble makers, hood rats, or just plain dumb, but they know no other way to live because their dad is not being a father.

A father don't necessarily have to give and give until he has no more. But gives to the point that his child will lay down and die for him. Many times I find out that people who join gangs, get into drugs, have no male figure in their home so they find security some place else, or the male figure is so weak that the child don't have faith.

Young female children need a father too, not just the male children, as I hear many times. Females need a father to have an idea of a good man.

School has a way of making life so plain about sex, but not about parenthood, they should at least give young people an idea of parenthood. Sex is easy. Being responsible and a good parent takes a lot of hard work and dedication.

To have a good father is a gift. A gift as good as good as life. Because a good father will raise a descent child along with the help of a good mother, to have a great life or simply succeed. Children have a responsibility to live life to the fullest and a father can help. So the bottom line is, having a "father" or a dad can make you or brake you.

—Charles O. Hill, Central Intermediate School.

A SPECIAL SALUTE TO DR. SELMA
BURKE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STOKES. Mr. Speaker, there are many African-Americans and other people of color who have made significant contributions to the development of this Nation. Today I come to share with my colleagues a special article which appeared in the Cleveland Plain Dealer newspaper about one such individual. The article explores the life of Dr. Selma Burke, a remarkably gifted African-American sculptor whose outstanding artwork has been featured at the Malcolm Brown Gallery in the 11th Congressional District.

Dr. Burke, now 93 years of age, was first noted for her mastery of art during the Harlem Renaissance period of the 1920's and 1930's. Her involvement in the field of art spans more than 5 decades. In fact, Dr. Burke remains one of the oldest African-American artists still actively involved in the visual arts. She is the founder of the Selma Burke School of Sculpture in New York City and the Selma Burke Art Center in Pittsburgh.

Despite the success Dr. Burke has enjoyed in the field of art, however, the recognition for one of her most famed works eluded her for many years. In 1943, Dr. Burke won the District of Columbia Fine Arts Commission competition for her bronze plaque of President Roosevelt. Today, this plaque hangs in the Recorder of Deeds Office here in Washington, DC, and according to scholars, is the basis for the image of President Franklin D. Roosevelt which appears on the United States dime.

Mr. Speaker, I recently had the pleasure of meeting with Dr. Burke during a special exhibition in Shaker Heights, OH. On Sunday, December 11, 1994, she was the guest of Ernestine and Malcolm Brown, two of Cleveland's outstanding individuals who are also the owners of the Malcolm Brown Gallery. To mark the occasion, I was proud to present Dr. Burke with a Congressional Proclamation in honor of her significant accomplishments. During her visit to Cleveland, this gifted artist spoke and told a fascinating story of how she began her career. Dr. Burke is an articulate and engaging speaker who held our attention to every word she spoke. Her appearance in Cleveland and other places was highlighted on the CBS Morning News. Thus, the Nation is now aware of the work of this great woman who says, "I was born to be a sculptor."

Mr. Speaker, I believe that Dr. Selma Burke deserves special recognition for her continued efforts to foster a greater appreciation for the arts. I am pleased to share with my colleagues the Plain Dealer article which traces the phenomenal history of this great African-American.

SCULPTOR, 93, CARVING ARTWORKS, OPINIONS
(By Steven Litt)

Selma Burke, 93, has earned more honors in her long career than many other 20th-century American artists. She first garnered attention as a sculptor in the Harlem Renaissance, the burst of art, music and literature by blacks in New York during the 1920s and

'30s. She later studied in Europe, founded an art school in New York and an art center in Pittsburgh, and was awarded nearly a dozen honorary degrees.

But one thing eludes her. It is credit for the portrait of Franklin D. Roosevelt that appears on the dime, which was issued by the U.S. Mint in 1946.

The dime bears the tiny initials "JS," which stand for John Sinnock, the former mint chief engraver who, according to Burke, copied a bronze portrait plaque of Roosevelt created by Burke in 1944 for the Recorder of Deeds Office in Washington, D.C.

"I'm so mad at that man," she says of Sinnock.

Officials at the mint say their records show Sinnock deserves full credit for the Roosevelt dime. But Burke isn't convinced. She says that because she is black, she will never get the recognition she feels she deserves.

"This has happened to so many black people," she says. "I have never stopped fighting this man and have never had anyone who cared enough to give me the credit."

It is a warm Friday afternoon in June, and Burke is musing over her career while visiting the Malcolm Brown Gallery in Shaker Heights, where a solo show of her work is on view through July 31. The artist sits in a carved wooden chair in the corner of the gallery, gazing at 15 stone and bronze sculptures as if they were children she loves despite their flaws.

"There are things you wished you had done differently, and things you're glad you did," she says, wistfully.

The 15 works on view include a plaster portrait bust of Duke Ellington, a wood carving of a falling angel clutching a snake to her chest, and a semi-abstract brass sculpture of a nude female torso with liquid contours and highlights. The work blends African-American subjects with a style rooted in the academic realism of the Works Progress Administration (WPA) Art Project, in which Burke took part. The FDR plaque is not part of the show.

As she speaks about her career, Burke oscillates between grandmotherly warmth and righteous anger. But the artist is not consumed in bitterness.

She speaks rapturously about how she still works three hours a day in her studio in Solebury Township, Pa., and occasionally teaches classes of young schoolchildren in the area.

"Oh, I love it!" she says. "I love carving wood and stone." And she talks about how she finds peace attending a local Quaker meeting because "I like the silence."

Burke was born on Dec. 31, 1900, in Mooresville, N.C. Despite an early interest in art, she followed her parents' urgings that she become a nurse.

It was in New York in the mid-1920s that the wealthy heiress who employed Burke as a nurse encouraged her to take lessons at the Art Student's League. Burke also worked as a model for sculptor Paul Manship and photographers Edward Steichen and Alfred Stieglitz.

In 1935, she met the Harlem Renaissance poet Claude McKay, whom she later married. On the eve of World II, Burke earned fellowships that allowed her to travel in Europe, where she studied with Henri Matisse and Aristide Maillol.

In 1943, while working as a truck driver for the U.S. Navy in a New York navy yard, Burke entered a competition to sculpt a profile of Roosevelt for the Recorder of Deeds office in Washington, DC. Burke tried for

months to work from photographs, but failed to find a precise profile of the president. Finally, she wrote the president and requested a visit.

To her surprise, Roosevelt agreed. During a 45-minute sketching session in the White House on Feb. 22, 1944, the loquacious commander in chief peppered the sculptor with so many questions she couldn't concentrate. Finally, she grabbed Roosevelt's head in both hands and said: "Mr. President, could you hold your head like this?" Roosevelt stood still, which allowed Burke to sketch his profile on a sheet of brown supermarket paper. To her surprise, the president invited her back the next day for a second session.

A year later, Eleanor Roosevelt visited the artist's New York studio to view the finished plaque, and told Burke, "I think you've made Franklin too young."

But the artist said: "I didn't make it for today, I made it for tomorrow and tomorrow. There's something of a Roman gladiator in there, a strong ruler in a time of war."

Burke and some scholars believe that Sinnock used her sketches and plaques to design the profile of Roosevelt that appears on the dime.

But Brenda Gatling, public information officer for the mint, says "both Ms. Burke and Sinnock did live sittings with the president. Historical records do not bear out Ms. Burke's statements that he copied her design. Those who could have provided eyewitness accounts have long passed on."

But Burke isn't discouraged. "Everybody knows I did it," she says.

RECOGNIZING THE LATE JUDGE FRANK BATTISTI OF CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STOKES. Mr. Speaker, on October 19, 1994, the Cleveland community suffered the loss of a legal giant. I rise today to honor the late U.S. District Court Judge Frank J. Battisti, who passed away on that date at the age of 72.

Judge Frank Battisti was the lifelong jurist, both in and out of the courtroom. His devotion to law carried him from Youngstown to Harvard Law School, and eventually to an appointment on the U.S. district court in Cleveland by President John F. Kennedy. At the age of 39, he was the youngest Federal judge in the country.

Judge Battisti's legal career was driven by his head and fueled by his heart. He was a respected, and sometimes feared, judge who felt a passion for the court that he was able to translate through his decisions. Judge Battisti clearly understood the responsibility of his position, and the weight of fairness and jurisprudence. He considered how the law would affect people, not just how a decision would fit neatly into legal theory. In short, Judge Frank Battisti had the human touch.

Mr. Speaker, Judge Battisti never backed down from controversial cases. From the acquittal of the Ohio National Guardsmen after the Kent State shootings to a plan to desegregate public housing, he found answers to very tough problems in very troubled times. His unblinking eye on social and racial injus-

tice helped him focus on the legal injustice he saw in his courtroom.

His human touch never shone brighter, and the criticism never roared louder, than after his controversial and historic decision to desegregate Cleveland's school district in Reed against Rhodes. Judge Battisti simply believed that children, regardless of race, religion, or background, had an equal right to an equal education in the Cleveland public school system. His maverick stand clearly had the children's interest at heart, and he never wavered in the firestorm of protest that followed Reed against Rhodes. Nearly two decades later, it still remains to be seen whether Reed against Rhodes was the right answer, but the underlying principle Judge Battisti defended in that decision showed his remarkable courage and determination.

Mr. Speaker, as a former practicing attorney in Cleveland, I had the utmost respect and admiration for Judge Battisti. The passing of Frank Battisti is a loss to the legal community, a loss to Cleveland, and a loss to the never-ending quest for equality, fairness, and justice. He did not simply sit on the bench, he embodied law. He was every bit a judge, in every sense of the word.

Mr. Speaker, I ask that an editorial from the Cleveland Plain Dealer newspaper that pays tribute to Judge Battisti be entered into the RECORD for my colleagues to read. I also ask that my colleagues join me in recognizing the late Judge Frank Battisti.

[From the Plain Dealer, Oct. 20, 1994]

JUDGE FRANK J. BATTISTI

Some admired him. Some reviled him. Few would deny the powerful impact U.S. District Judge Frank J. Battisti, who died yesterday at age 72, had on Cleveland.

On his name and on his most famous ruling—which found that Cleveland public schools had violated the law by practicing racial segregation—countless candidates premised their campaigns for public office. In his name and in the name of his most famous ruling, tens of thousands of black schoolchildren learned one of the most important lessons of their lives: that the Constitution's protections extended to them. To understand Battisti is to gain greater knowledge about a vital, unfinished chapter of Cleveland history and one of its central characters.

By 1976, when Battisti issued his finding against the school district, black children in Cleveland already had learned about meanness, hatred and prejudice. The U.S. Supreme Court had decided in the 1954 case of Brown vs. Board of Education that state laws allowing racially segregated schools violated the constitutional right to equal protection.

Many big-city school districts began addressing racial patterns soon after that landmark decision. Cleveland was not among them: Officials continued practices that deliberately separated black and white students. In fact, even after a class action was filed in U.S. District Court in 1973, the black school board president and the white superintendent fought against disassembling "black" schools.

The Cleveland and Boston school districts reacted with the most extreme defiance to court desegregation orders, said Gary Orfield, a professor of education and social policy and the head of the Harvard Project on School Desegregation.

The rancor did not stop after the ruling. Battisti's comprehensive order had 14 components intended to bring an equal education

to all of the city's students. One of the provisions, reassigning students to achieve integration, overshadowed all the rest. A single word summed it up: busing.

When Battisti required student reassignments, he used one of the most favored methods of the day for integrating schools. But neither the schools nor the city were the same after the order. Whites and blacks fled as soon as they could afford to do so.

Busing became a lightning rod for some incumbent and aspiring school board members who blamed it for all of Cleveland's ills. The rest of Battisti's order, which forced neglectful district officials to install more responsible management and promote improved student achievement, was forgotten by the public and cruelly ignored by a succession of school boards and administrations.

Now, 20 years after Battisti's finding, 40 years after Brown vs. Board of Education, Cleveland schools are predominantly one race and nearly all the children are getting an equally insufficient education. Schools cannot integrate in cities with such segregated housing patterns, as communities across the United States have learned.

Time has proven that reassigning students to integrate schools was the wrong remedy.

But what motivated Battisti, who was appointed to the U.S. District Court by President John F. Kennedy in 1961, is not so clear-cut.

Friends and associates say he was a deeply religious Catholic who felt that injustices

like segregation were morally as well as legally wrong. And so he also took on cases in which he ordered the integration of public housing in Cleveland and Parma.

The devout and passionate Battisti saw the federal judgship as a calling he felt compelled to answer and continually act upon. In that mission, people were divided into the good and the bad.

"Battisti believed and stood for something much larger than the minutiae of constitutional doctrine. He possessed the intellect to understand the sweep of history," said Daniel McMullen, who recently left as the director of the Office on School Monitoring and Community Relations, the federal court's watchdog of the Cleveland schools' desegregation effort.

Perhaps only deep moral convictions could have shaped that broader vision and helped Battisti confront racism. Deep moral convictions could have provided comfort and courage through years of being vilified, of death threats directed at him and his family. His life had been threatened, too, when he acquitted eight former Ohio National Guardsmen in the 1970 killings of students at Kent State University. Battisti likely would have been hounded still more as the question returned to his court of whether John Demjanjuk should be deported.

Battisti could handle harassment directed at him. But the judge was anguished when those he cared for were the targets.

Some say Battisti was sustained by the ample ego and strong sense of independence that led him into conflicts with his colleagues on the federal bench. Ego and independence may have contributed to him sticking with student reassignments to attain integration in Cleveland schools even when it became unpopular among blacks, the very victims of the original discrimination.

What the public saw and read did not reflect the private side of Frank Battisti. He was a devoted family man and a fiercely loyal friend who used to sit around with pals at a local furniture store and gab.

He and his wife had no children, but doted on their niece and nephew.

He could be stoic, stern and even arrogant to those who came before him in court. But Battisti had a good sense of humor and never tired of telling stories, especially about fishing. He loved fly fishing and he loved Montana, and it was ironic that an insect bite he suffered while fly fishing in Montana brought about the illness that killed him.

Judge Frank J. Battisti's impact on Greater Cleveland will be debated for as long as it is remembered. That is understandable.

But the man himself should also be recalled as a longtime public servant who unflinchingly took on cases of injustice. He should be mourned as a person who knew the value of friends and of family—and of a fight hard-fought.

REMARKS OF THE HONORABLE FRANK J. BATTISTI

ON THE DEATH OF JUDGE FRANK J. BATTISTI

ON DECEMBER 19, 1994

THE HONORABLE FRANK J. BATTISTI, U.S. DISTRICT COURT, CLEVELAND, OHIO

IT IS WITH GREAT PAIN AND SORROW THAT I ANNOUNCE THE DEATH OF JUDGE FRANK J. BATTISTI, WHO PASSED AWAY AT HIS HOME IN CLEVELAND, OHIO, ON DECEMBER 19, 1994, AT THE AGE OF 72.

JUDGE BATTISTI WAS A DEDICATED AND CAPABLE JUDGE WHO SERVED HIS COUNTRY AND HIS PEOPLE WITH INTEGRITY AND COURAGE. HE WAS A MAN OF LETTERS AND A MAN OF FAITH.

HE WAS A MAN WHO BELIEVED IN THE RULE OF LAW AND WHO WAS NOT AFRAID TO STAND UP FOR HIS BELIEFS. HE WAS A MAN WHO WAS ALWAYS THERE FOR HIS PEOPLE AND WHO WAS ALWAYS READY TO HELP THEM IN ANY WAY HE COULD.

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