Every Member encourages his or her constituents to write or send messages on matters of concern. We are all pleased to receive these comments. We learn much from them. They help us cast thoughtful and accurate votes.

However, a situation has come to my attention which causes me to wonder how many of our constituents actually sign, authorize, or even know anything about the communications arriving in our offices over their names.

I recently got a letter from two constituents who complained about having received a response from me on the Panama Canal treaties. My constituents stated they had not contacted me on the subject.

As it turned out, these folks had not written me. Yet I—and other members of the Kentucky delegation—received mimeographed letters with their names signed thereon. A check of my files reveals that other letters I have received on the canal treaties question appear to be signed in the same handwriting.

These deceptive and misleading communications undermine the credibility of all of the post cards, telegrams, and mimeographed letters which reach our offices. If such mailings are unreliable, how are we to gage accurately the public's position on the pressing issues of the day?

My purpose here is to alert my colleagues to the questionable tactics which are apparently used by some to generate mass mailings.

I would be interested in knowing whether any of my colleagues have encountered an experience similar to mine.

CIVIL RIGHTS ENFORCEMENT

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 1977

Miss JORDAN. Mr. Speaker, on September 27, 1977, Congressmen EDWARDS and DRINAN and I introduced H.R. 9329, the Federal Assistance Equality Act of 1977. At that time, I stated that the bill was introduced to focus debate on current enforcement of title VI of the Civil Rights Act of 1964 and the organizational structure used to coordinate enforcement.

During the same week that my bill was introduced, the Department of Justice's Civil Rights Division sponsored a comprehensive 3½-day Title VI Conference—September 26–29—here in Washington. Invitees included not only Federal agency personnel and U.S. attorneys but distinguished members of the public interest community as well. Some 300 people attended coming from as far as California. I was pleased to have been able to contribute to this effort by serving as a keynote speaker.

The conference was the first such meeting of the title VI community since 1966 and its success can be largely attributed to the vigorous leadership of the new Assistant Attorney General for the Civil Rights Division, Drew S. Days, III. Mr. Days' credentials are well known to the civil rights community. Before entering Federal service, he was first assistant counsel to the NAACP Legal Defense and Educational Fund, Inc. in New York City from 1969 until his nomination.

I want to share with those who will be considering my bill, H.R. 9329, Mr. Days' thoughtful and informative opening statement of September 26, 1977, to the conferees. It demonstrates his commitment to insure affirmative action in title VI enforcement.

His statement follows:

SPEECH BY DREW S. DAY III

I welcome you to this conference and ask that over the next several days we forge a partnership to ensure that federal dollars are no longer used to support programs that discriminate on the basis of race, color or national origin. In this regard, affirmative action requirements attach to each application for federal assistance that is placed upon the desk of a federal official responsible for passing upon it. We must start by assuring that each such person is trained to ask the right questions. Such questions should be extended beyond the pre-award stage to include post-award reviews as well.

In order to accomplish this, meaningful data and information must be collected so that disparities in the delivery of services on the basis of prohibited discrimination can be identified. For example, agency program guidelines should require information that serves to define the population eligible to be served, by race, color and national origin. On the subject of program guidelines, by now each agency should have guidelines that describe such things as the nature of Title VI coverage, methods of enforcement and examples of prohibited practices in the context of the particular type program. With regard to public dissemination of Title VI information, where a significant number or proportion of the population eligible to be served needs service or information in a language other than English, such service should be provided. As counsel for HEW, we litigated such a need for that type of service to be provided to Hispanics by the Connecticut Welfare Department, a case recently affirmed by the Second Circuit.

Turning back to our regulations, I want to remind you that every six months each federal agency is required to report to me, as Assistant Attorney General, the receipt, nature and disposition of all Title VI complaints filed with that agency. Additionally, federal agencies are required to notify me when after a finding of probable noncompliance, negotiations have continued for more than sixty days. In that instance, notice to me is to include the reasons for the length of the negotiations.

I realize that to some extent the change in Administration with its attendant delays caused by the natural process of selecting new people for sub-cabinet positions has slowed down agency efforts somewhat. However, by now we should be prepared to quicken our efforts in this area and if there is one thing that I have become increasingly aware of in my job it is the extent to which Title VI enforcement has been neglected over the years.

Perhaps the most basic requirement of our Title VI coordination regulations is that each federal agency subject to Title VI shall develop a written plan for enforcement which sets out its priorities and procedures. This plan is to be available to the public. It is my hope that this conference will serve to assist in expediting the development of such plans for each agency in attendance here.

On July 20, President Carter sent a directive to the heads of executive departments and agencies listing Title VI enforcement as a high priority in this Administration. His message is clear and I quote:

"This means first that each of you must exert firm leadership to ensure that your Department or Agency enforces this law."

As you know, the Attorney General is responsible for the coordination of the Title VI enforcement effort of the Executive Branch. Last July's Presidential directive reaffirmed the Attorney General's authority to provide central guidance in this area and this conference is designed to implement that responsibility. The workshops listed in your agenda are the result of numerous meetings with personnel from various agencies in an effort to cover a broad range of topics that commonly concern us. Those workshops will enable us to both put finishing touches on that portion of our Title VI draft Manual that you now have, and at the same time, obtain the additional information necessary to expand it into those areas listed in the outline that you have been provided. We have included experienced persons from the public interest bar on various of our workshops whose comments we know will be both useful and provocative.

When efforts to obtain voluntary compliance fail, we must stand ready to apply the sanctions provided by law. Such sanctions are either to proceed by administrative hearing or to refer the matter to the Department of Justice for possible suit. We stand ready to assist agencies in making such determinations.

Within the Civil Rights Division, the Federal Programs Section is assigned the responsibility for Title VI enforcement. Those agencies that have already been selected for reviews by personnel from that Section know that a concerted effort is being made to effect constructive changes. It is our intention to implement the recommendations contained in our interagency survey reports by continuing to effect Memoranda of Understanding with those agencies reviewed. Generally, I have been quite pleased with the cooperation that those agencies have afforded us in this regard during these first eight months since I have arrived. If, however, I am advised that in a particular instance, negotiations have broken down, then if appropriate, I shall recommend to the Attorney General that pursuant to his authority, he issue a directive to such agency. In other words, it is our intention effectively to police our own efforts in the area of Title VI enforcement rather than await federal officials being turned into would-be clients of the Justice Department by my former colleagues in the public interest bar. It is our intention to be much more than reactive, we intend to stimulate action.

It is important that through our efforts this week, we take steps to assure that federal assistance programs are administered in a consistent and fair way. We are working closely with the Office of Management and Budget to develop a joint plan of action in this regard. At the same time, it is necessary for us to examine the subject of interagency delegation agreements and I am particularly pleased that there will be a workshop on that subject.

Tomorrow morning, we have scheduled a workshop that will include a discussion of the kind of evidence necessary to justify a suit based either on services discrimination or covered employment. In this regard, I want to make it clear that as a matter of policy we will continue to require that goals and timetables be a necessary part of any court settlement in which the United States is a party. Without such benchmarks, it is impossible to monitor effectively the quality of a recipient's efforts to implement an agreement. With regard to services discrimination, we will continue to require that a plan to

equalize services be part and parcel of our settlements. For example, earlier this year a court approved equalization plan regarding the provisions of municipal water and sewerage to a City's black community was filed as a matter of record in Folkston, Georgia.

I have seen estimates that indicate somewhere between 65 to 70 billion dollars a year are disbursed to recipients covered by the provisions of Title VI. We will have a more definite view of the specifics as to the exact number of federal programs involved after agencies have all succeeded in supplementing their Title VI regulations with an appendix listing the types of federal financial assistance (including specific reference to statutes) to which those regulations apply. Such a current listing is basic to our efforts. I have seen some estimates that would indicate about 400 programs will be included as the final figure.

Additionally, we all recognize that within disbursing agencies there is a need for closer cooperation between the Office of General Counsel and Title VI personnel. I hope that the scheduled workshop on this topic will provide a discourse that will give these two resources a better awareness of what each has to offer the other. While on the subject of workshops, I might point out that the purpose of the one scheduled to be conducted jointly by Assistant Attorney General Babcock of the Civil Division and myself is to make it known that identical standards will be applied by our respective Divisions when evaluating the merits of an existing civil rights suit.

Also, I am most interested in the conclusions that you arrive at in terms of striking a balance between centralization and decentralization. Although active regional offices are desirable, it is similarly important for Central guidance to be provided by the national office. In other words, decentralization should not be an excuse for abdication of responsibility by the Washington office.

At this point, it is tempting to digress and provide you with anecdotal material that would illustrate why I have a sense of excitement over the tremendous task before us. Instead, I will close simply by saying, so much for the welcome, let's get started. We cannot require the recipients of federal funds to go out and make that extra effort at affirmative action unless we begin to set the example and show the way, here and now.

WE CAN DO ANYTHING TO YOU YOU CAN'T STOP US FROM DOING

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 1977

Mrs. SCHROEDER. Mr. President, the double standard is not new around these parts. Certainly if Congress did not invent the practice, it has adopted it as its modus operandi, and enthusiastically used it in all those situations where Joseph Heller's rule applies: We can do anything to you you can't stop us from doing.

Thus the miserable state of affairs described in the New Republic article below:

ABORTION DOUBLE STANDARD

If anyone in the family of Representative Henry J. Hyde should need an abortion, the federal government has arranged to have it taken care of without charge. Representative Hyde is covered by the federal employee Blue Cross-Blue Shield health insurance plan, which pays for 100 percent of the cost of any legal abortion performed for any reason. President Carter, Rosalynn Carter and Amy have the same benefit. So do HEW Secretary Joseph Califano and his family. Thanks to the government, none of these people needs to worry about suffering an unwanted pregnancy or back-alley butchery for lack of funds to pay for a competent doctor and decent hospital.

In fact, virtually every federal government employee is covered by a group insurance plan that pays for all or most of the cost of a legal abortion. The government pays for about 60 percent of the cost of this health protection, with the rest coming from the individual employee.

Some of these federal employees have been spending a lot of their working hours lately trying to deprive poor people, equally dependent on the government for their health care arrangements, of the abortion benefit they themselves enjoy. As of this writing, the Senate and the House have been unable to settle their differences over the extent of the abortion exclusion to be written into the 1978 HEW appropriation bill. The Senate wishes to permit abortions under Medicaid and other social service programs whenever the woman's life or health is threatened. The House feels this is too generous, and wants to restrict abortions to occasions when full-term pregnancy would threaten the woman's life. (It has agreed to permit "medical procedures" including dilation and curettage, as long as pregnancy has not been diagnosed.)

Last year's HEW bill actually contains this extreme restriction, known, after its most ardent congressional supporter, as the Hyde amendment. Until the Supreme Court indicated otherwise in June, most people assumed that the Hyde amendment was unconstitutional and therefore unenforceable. Now that it stands as a genuine threat, the Senate is making an admirable attempt to temper its harshness. Meanwhile President Carter and Secretary Califano both are on record in favor of restricting medicaid abortions. If they find the "life or death" language of the Hyde amendment a bit extreme, they are not going out of their way to say so.

Unfortunately, this nasty little measure and all the misery it will cause won't even begin to achieve its symbolic purpose of getting the government out of the abortion business. Not only do government employee health plans cover abortions, the military is a major provider of abortions as well. The regulations governing military hospitals permit abortions to be performed there on military personnel and their dependents, and on military retirees and their dependents (no joke, given the military's extravagant early retirement arrangements) "when medically indicated, or for reasons involving mental health"—the usual code words for "on demand." Furthermore, the military's own CHAMPUS insurance program for civilian medical care of dependents and retirees pays for about 75 percent of the cost of any legal abortion. The plan, as you might expect, is non-contributory, meaning that the government pays the whole premium.

If Carter, Califano and Hyde feel that the government has blood on its hands because of its payment for abortions, why don't they do something about these federal employee health plans and military arrangements? The answer is simple: they wouldn't dare. Federal employees and their families, military personnel and veterans are simply too politically powerful to be denied what most Americans now consider to be a basic health care requirement. Poor people, on the other hand, make the ideal sacrificial victims to pacify the rabid right-to-life campaign. Rarely has the class bias of government policy been more vividly on display.

THE ETHIOPIAN-ISRAELI CONNECTION AND THE HORN OF AFRICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 14, 1977

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues some correspondence I had recently with the Department of State regarding press reports of continued Israeli-Ethiopian military cooperation. Recent press stories have focussed on continuing Israeli support for the Ethiopian Flame Unit, a relatively new elite combat unit.

This Israeli-Ethiopian cooperation comes at a time when United States-Ethiopian relations are at a low ebb, United States military relations with Ethiopia have been terminated by Ethiopia and Ethiopia is engaged in two regional conflicts, an old one in its Eritrea Province and a new one in the Ogaden area with Somalian forces and Somalian supported forces.

We have both complementary and divergent interests with Israel in the Red Sea and Horn of Africa regions. We desire good relations with both Somalia and Ethiopia. In the present situation it may well be in our interest for states friendly to us to maintain working ties with Ethiopia, but under present conditions, we cannot support continued military supplies coming into the Horn of Africa.

Over the last few years, an important revolution has occurred in Ethiopia. That revolution has not run its course, but many aspects of it have frustrated sincere American efforts to come to grips with a new manifestation of African socialism.

In the coming weeks, it should be our goal to try to defuse tensions in the Horn of Africa. Continued hostilities in this region serve no useful purpose and threaten stability and peaceful development throughout the Red Sea region.

My correspondence with the State Department regarding Israeli-Ethiopian military ties follows:

SEPTEMBER 1, 1977.

Hon. CYRUS R. VANCE,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: There have been reports recently that the Israeli Government has transferred or loaned a squadron of planes to Ethiopia.

I would like to know whether we have any evidence of Israeli transfers to Ethiopia, whether any U.S. equipment is involved, what the precise extent of Israeli assistance to Ethiopia is at this time, what Ethiopia activities include Israeli military personnel and whether there are still Israeli military advisors in Ethiopia.

I would appreciate an early reply to this matter.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and Middle East.