voices throughout all segments of Guam's varied communities. He has been concerned with island issues for many years now, and Guam is enhanced by his show and his concern.

A recipient of the Guam Excellence in Media Award in 1990, 1991, and 1992 and honored with the Governor's Award for ''Preservation of Culture, ''Jesús Chamorro has become a fixture on Guam. Couple his listening audience with his four accomplished children and his ten grandchildren, and surely the values and wisdom of 'Sus Chamorro will be passed on from this generation into the future.

Yes, we the Chamorro speaking radio listeners on Guam are fortunate indeed. With small languages like Chamorro, the world is a more interesting, more beautiful place.

While, according to the experts, many of the small languages are on the verge of dying out, on Guam we still have faith. We teach the Chamorro language to our children in our schools. We speak Chamorro in our homes. We are proud of our Chamorro language and culture.

Our hope is imbedded in the career of people like Jesús Chamorro. The naysayers continue to predict extinction, but we continue to enjoy him, and we wish for many years to come.

Si Yu'os Ma'ase, Jesús.

## SPEECH BY WILLIAM B. GOULD IV

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 1, 1995*

Ms. ESHOO. Mr. Speaker, I rise today to insert into the CONGRESSIONAL RECORD a speech made by William B. Gould IV, who is Chairman of the National Labor Relations Board, the Charles A. Beardsley Professor of Law at Stanford University, and one of my most outstanding constituents. His remarks before the Military Order of the Loyal Legion of the United States are a fascinating discourse on the significance of President Lincoln's views on labor law and their relationship to the service of African-Americans in the U.S. military during the Civil War. The impressive historical scholarship in this speech is greatly enhanced by Chairman Gould's effective use of passages from the diary of his great grandfather, William B. Gould, who served for over 3 years in the U.S. Navy during the conflict. I urge my colleagues to put Chairman Gould's speech on their reading lists.

LINCOLN, LABOR, AND THE BLACK MILITARY: THE LEGACY PROVIDED

(Delivered by William B. Gould IV, February 11, 1995)

''I heard the glad tidings that the Stars and Stripes have been planted over the Capitol of the Confederacy by the invincible Grant. While we honor the living soldiers who have done so much we must not forget to whisper for fear of disturbing the glorious sleep of the men who have fallen. Martyrs to the cause of Right and Equality.''—Diary of William B. Gould, April 15, 1865.

These are the words of my great-grandfather written 130 years ago at the time of Appomattox. They reflect the thoughts and passion of one of our country's black naval veterans of the Civil War and his commitment to the military initiatives waged by President Lincoln.

It is meet and right that we come here this evening to honor the memory of Abraham Lincoln, the sixteenth President of the United States, properly known throughout the world as the Great Emancipator. The New World's central political and social achievement, the Emancipation Proclamation which President Lincoln authored, transcends the ages and future generations. And his ideas about democracy and the rights of all people constitute the central vision of the American democratic system today.

As the sons of Union officers who fought in the Civil War, you know better than most that this 186th anniversary of Lincoln's birthday marks anew the ongoing struggle to free our country from the legacy of the odious institution of slavery so that all people may live out their lives and fulfill their aspirations without the actuality or fear of arbitrary limitation.

One of my law professors used to say that the ''greatest constitutional decision ever rendered occurred when Pickett's charge failed at Gettysburg.'' The legacy of Appomattox and all that led to it resonates throughout our society to this evening here in Washington as part of the unceasing struggle against all arbitrary barriers which afflict mankind.

And both Gettysburg and Appomattox produced the great Civil War amendments to the Constitution, which reversed the infamous *Dred Scott* decision in which the Supreme Court declared blacks to be property constitutionally. The amendments, in turn, have provided our country with the historical framework for both the Supreme Court's great *Brown* v. *Board of Education*, 1954 ruling condemning separate but equal as a denial of equal protection and also the modern civil rights movement as well as the legislation that it produced. Similarly, Title VII of the Civil Rights Act of 1964, our most comprehensive anti-discrimination legislation relating to the workplace, is a lineal descendant of the previous century's developments.

I am not a Lincoln or Civil War scholar. Indeed, I find the amount of literature about both subjects to be daunting—and, accordingly, I know that you do not expect a scholarly examination of President Lincoln from me. But there are matters which have and do involve me both practically and professionally with Lincoln and his times.

The first is that I am the fourteenth Chairman of the National Labor Relations Board and, as such, administer an agency and interpret a statute which both seek to implement some of Lincoln's most basic views on labor.

The second is that I am the great-grandson of the first William Benjamin Gould who, along with seven other ''contraband'' (seized property—the appellation which General Benjamin Butler gave to escaped slaves) set sail in a small boat from Cape Fear, North Carolina and boarded the *USS Cambridge* on September 22, 1862, the day that President Lincoln announced his intent to issue the Emancipation Proclamation. You will know that the Proclamation states in relevant part:

''And I further declare and make known, that such persons of suitable condition [the freed slaves held by those in rebellion], will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.''

And thus it was that William B. Gould joined the United States Navy and served as landsman and steward on the North Atlantic Blockade and subsequently served on vessels visiting Britain, France, Belgium, Portugal and Spain, chasing the Confederate ships which were built by their undercover allies.

In 1864 the American Minister Charles Francis Adams had notified the British government that if the *Alabama* and the *Georgia*—two iron clad ''rams'' built by the British for the Confederacy—were allowed to go to sea, this would be construed by the United States as a declaration of war. William B. Gould sailed with the steam frigate *Niagara* for the European station to join other vessels such as the *Kearsarge* to keep, in my great-grandfather's words, a ''sharp lookout'' for these vessels. The *Niagara's* destination was the Bay of Biscay where she eventually engaged in battle.

William B. Gould's service ended on September 29, 1865 when he made the following entry in his diary:

''At the Navy Yard [Charlestown, Massachusetts] at five Oclock I received my Discharge being three years and nine days in the service of Uncle Samuel and glad am I to receive it . . . [pay] of four hundred and twenty four dollars. So end my service in the Navy of the United States of America.''

I did not know the first William B. Gould for he died—in Dedham, Massachusetts where he resided from 1871 onward—thirteen years before my birth. I did not know my grandfather, William B. Gould, Jr., a Spanish-American War veteran, for he was to die nine years later in 1932. But the third William B. Gould was my greatest inspiration in my most formative years—and my belief is that the values and culture which he attempted to transmit to me were very much a part of the lives of the first two gentlemen to whom I have referred.

Truly then, President Lincoln's views and policies have had a major impact upon my own life.

As Chairman of the National Labor Relations Board, I have a responsibility to implement a statute which promotes the right of employees to band together for the purpose of protecting or improving their own working conditions, to join unions, to engage in collective bargaining and to be free from various forms of discrimination. This statute, enacted as part of President Franklin D. Roosevelt's New Deal in 1935, is one of the country's proudest achievements, expressing the policy that the protection of ''the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection'' should be encouraged.

In recent years, a number of scholars and critics, like myself, took note of the fact that the statute has not been working well in implementing these objectives because of poor administrative processes and ineffective remedies. Some of these matters can be and are being cured by us at the Board and some can be only addressed by Congress. I hope to do what I can to make continued progress in the former category before I depart from Washington and return to California a few years down the road when my term ends.

I enthusiastically support the views contained in the preamble and have made my position known in books, articles, and speeches. In many respects, the fundamentally similar views of President Lincoln were a precursor of our own 1935 legislation.

Recall what Lincoln said to the New York Workingmen's Democratic Republican Association on March 21, 1864:

''The strongest bond of human sympathy, outside of the family relation, should be one uniting all working people, of all nations, and tongues and kindreds.''[1]

[1] Footnotes are at end of speech.

As the Presidential campaign of 1860 unfolded, Lincoln stated his philosophy in these terms:

''When one starts poor, as most do in the race of life, free society is such that he knows he can better his condition; he knows that there is no fixed condition of labor for his whole life . . . I want every man to have the chance—and I believe a black man is entitled to it—in which he can better his condition—when he may look forward and hope to be a hired laborer this year and the next, work for himself afterward, and finally to hire men to work for him! That is the true system.''[2]

In the same speech, Lincoln makes clear that the right to strike is integral to a democratic society, a policy reflected in the language of Sections 7 and 13 of the National Labor Relations Act and in the Norris-LaGuardia Act of 1932 which preceded it. Just a few weeks ago, President Clinton took note of one of our law's limitations in his statement criticizing the Bridgestons/Firestone Company's use of permanent striker replacements, noting that such tactics show the need to enact legislation prohibiting such a denial of the fundamental right to strike.

It bears note that Lincoln's view of labor and the right to strike ran against the tide of laissez-faire thinking which predominated in the previous century—thinking which has reared its head again toward the close of this century, one of its forms being the repressive striker replacement weapon of which President Clinton spoke. President Lincoln supported the right to strike and spoke out in the spring of 1860 in support of a well-organized strike conducted by the boot and shoe workers in New England. Lincoln regarded the right to strike by free labor as a ''virtue, not a failing, of free society,'' as G.S. Boritt has written in ''Lincoln and the Economics of the American Dream.''[3]

Boritt also notes that during the Civil War several delegations of strikers from the Machinists and Blacksmiths Union of New York visited the White House and spoke to the President about their position. States Boritt:

''The labor representatives took great comfort from their interview, reasoning that although their employers refused to deal with them, Lincoln received them. 'If any man should again say that combinations of working men are not good,' they concluded, 'let them point to the Chief Magistrate.' They even quoted the President as saying 'I know that in almost every case of strikes, the men have just cause for complaint.' It is rather likely that the union men quoted Lincoln correctly.''[4]

Of course, Lincoln's view of labor was closely related to his view of slavery. Again, in 1860 he said: '''Owned labor' would compete with free labor so as to 'degrade' the latter.'' And, in an earlier and lengthy speech to the Wisconsin State Agricultural Society in Milwaukee on September 30, 1859, he noted that the so-called ''mud-sill'' theory was that a hired laborer is ''fatally fixed in that condition for life'' and thus his condition is the same as that of a slave.[5]

But as Lincoln noted, this theory proceeded upon the assumption that labor and education were incompatible and that one could not improve oneself and one's family through free labor. Lincoln's view was antithetical to all of this. He held the view that workers should be able to rise to new horizons.

And this view is closely related to another held by the President which has similar contemporary implications. Because Lincoln believed that all people could improve themselves and thus rise out of their station if opportunity were afforded them, unlike other proponents of the rights of labor, he did not see the working class as a well-defined unit, notwithstanding his endorsement of its use of the strike to defend its interests and act jointly in its dealings with employers. To some extent, said Professor Boritt, Lincoln shared the view that there was a harmony between the capital and labor and that it ought to be promoted so as to enhance the ability of workers to rise out of their class.

Again, these views resonate with us today as Congress considers proposals to enhance employee participation and proposed amendments to the National Labor Relations Act which will achieve this goal. I believe that President Lincoln would be sympathetic with contemporary efforts to promote employee involvement in the workplace and thus enhance our industry's global competitiveness—so long as such reforms do not interfere with the ability of the workers and unions to defend their own positions, a proposition that I have long advanced.[6]

The view that an individual was not ''fatally fixed'' in a particular condition forever constitutes the philosophy which prevailed in the Civil War and through the Emancipation Proclamation and the enactment of the Thirteenth Amendment which Lincoln sponsored before his assassination. Again, this is reflected anew in last month's State of the Union address by President Clinton when, in advocating new minimum wage legislation, he said that the worker who works must have his ''reward'' and that the job of government is to ''expand opportunity . . . to empower people to make the most of their own lives. . . .''

This is what is at the heart of modern democracy and the Bill of Rights for workers in the private sector which are continued in the National Labor Relations Act and similar statutes. And this has been the assumption behind the struggle for equality which has attempted to make good on the promise of emancipation in the previous century.

My great-grandfather, a mason who worked with his mind and hands and established a business as a contractor, employing other workers in Dedham, Massachusetts, benefited from the above-noted philosophy and the quoted portions of the Emancipation Proclamation. Said William B. Gould on March 8, 1863, two months after its issuance:

''Read . . . the Proclamation of Emancipation . . . verry [sic] good.''

The policy, of course, had evolved in fits and starts. As Benjamin Quarles has noted in ''The Negro in the Civil War,'' General Butler was the first to devise a policy of acceptance of blacks who wanted to fight with the North. This was, as Quarles noted, the most ''insistent'' problem faced by the Lincoln Administration in 1861 and 1862. It emerged, as he has noted, after the Union defeat at Bull Run which was attributable ''in part to the Confederate military defenses constructed by slaves. . . .''

Congress enacted legislation which provided for the forfeiture of all slaves whose masters had permitted them to be used in the military or naval service of the Confederacy. Quarles notes that the 1861 legislation ''strengthened the hand of the small band of Union officers from the beginning had been in favor of freeing the slaves.'' Two military initiatives—one designed by John C. Fremont in July 1861, ''The Pathfinder,'' and the other undertaken by Major General Dave Hunter in the summer of 1862—were both rescinded by Lincoln out of his concern with preserving the allegiance of the border states.

The Confiscation Act enacted on July 17, 1862, declaring free all slaves who were owned by those in rebellion was the next step in the process. This had the effect of increasing the number of fugitives in whom the United States Navy expressed a particular interest so as to make use of the information that they could provide about enemy locations and movements. As summer became fall the problem became more ''insistent.''

Three days after my great-grandfather boarded the USS *Cambridge* came this report of Commander G.H. Scott regarding the blockage of Wilmington:

''Fourteen contrabands have reached the 'Monticello' and 'Penobscot' and several the 'Cambridge' within a few days, and as the vessels have not room for them, will you please direct what disposition shall be made of them?''

We know what disposition was made of William B. Gould. On October 3, 1862, he said:

''All of us shipped today for three years, first taking the Oath of Allegiance to the Government of Uncle Samuel.''

Thus he, and eventually I, benefited from both the Confiscation Act and the new policy expressed in the Emancipation Proclamation which was not to be effective for another three months. His service was made possible because of it. This was then his opportunity—and his observations, hopes and views are chronicled in the diary which he kept between 1862 and 1865.

On the perils of the seas and their storminess, he says:

''[T]he gale still blows fresh and the seas running verry [sic] high. We shipped several through the night and one—fill'd the Ward Room with Water. I have got ducked awfully last night. It was worth something to be upon the Deck. Although there is much danger in a storm there is something very sublime to hear the roar of the storm. The hissing of the Waves, the whistling of the Rigging and the Cannon like report of the torn sail and above all the stern word of the commander and the—sound of the boatswain's pipe all adds to the grandeur of the scene. For there is something grand in a storm. Allnight with eager eyes both Officers and Men paced the deck watching our Foretopsail, feeling in a measure secure as long as we could sail at all. It has it stood through the night. There was no sign of the storm abateing [sic]. All the galley fire is out and nothing to eat is the cry and almost nothing to wear on account of the Water. Shine out fair sun and smote the Waves that we may proceed on our course and all be saved.''

And on December 25 and December 27 of 1862, he had this to say about the loneliness of his work off New Inlet:

''This being Christmas I think of the table at home . . . cruised around as usual. Fine weather but very lonesome in the absence of news and we all had the Blues.''

While on the North Atlantic Blockade with the USS *Cambridge* he says on November 17, 1862:

''A sail was reported close under the land right ahead. We gave chase. When within range of our boat we told them good morning in the shape of a shot for her to heave to.''

But then he describes the difficulties that arose:

''To this [the shot] they took no notice. We sent another which fell under her stern . . . the ship stood for the Beach. Shot after shot was set after her but they heeded not . . . we immediately manned the first cutter and sent her . . . to board and destroy her. We also sent two other boats to lend assistance . . . [after sending a line to these boats so that they could return to the main ship] . . . they got the Boat all ready to come out when a body of Rebel Soldiers dashed over the hill at the double quick and all were prisoners. We could see them from the ship marching off our men and dragging the boats after them. We lost eleven men and three officers. Rather a bad day's work.''

But the fortunes of war were not all negative as testified to by him in this entry in the summer of 1864 off Portugal:

''[W]e made a steamer and stood for her. She kept on her course without any until we got within 5 miles of her when she suddenly changed her course. We beat to Quarters and Fired a shot. She showed the English collors [sic]. We Fired another. When she came to be boarded her and found her to be the Rebel Privateer 'Georgia' from Liverpool on her way to refit a cruiser. But the next cruise that she makes will be for Uncle Samuel . . . this capture makes a crew feel verry [sic] proud.''

While in the English Channel:

''[W]e took on board an English Pilot who brought the thrice glorious news of the sinking of the 'Alabama' by 'Kearsarge' off Cherbough . . . [A]though we have been disappointment to us in not getting a shot at the 'Alabama' we are satisfied that she is out of the way.''

And in 1864 while serving on the *Niagara* he said about the people that he saw in Spain:

''[I]t looks very strange in this country which nature have lavished with riches that there should be so many Poor People.''

And again on the shameful treatment of black soldiers on his ship:

''Yesterday about 900 men of the Maryland (colored) regiment came on board (they being transfered to the Navy) and took dinner then departed for Portsmouth, New Hampshire. They were treated very rough by the crew. They refused to let them eat out of the mess pans and call them all kinds of names. One man [had] his watch stolen from him by these scoundrels. In all they were treated shamefully.''

On the proposed colonization of blacks to Africa or the Caribbean:

''We see by the papers that President [Johnson] intimates colonization for the colored people of the United States. This move of his must and shall be resisted. We were born under the Flag of the union and never will we know no other. My sentiment is the sentiment of the people of the States.''[8]

All of this ended in 1865 and provided William B. Gould with his chance at life. Sometimes I think about his thoughts as he walked the streets of Wilmington a young man and what would have been had he stayed in North Carolina and the events of those four critical years had not taken place. Most certainly his great-grandson would not be here today addressing you as Chairman of the National Labor Relations Board.

I am privileged to have this opportunity in 1995 to contribute to the public good in the most inspirational and progressive Administration in Washington since the 1960s—one which is unabashedly committed to the principles of those who fell 130 years ago.

My hope is that I can reflect well upon the first William B. Gould and the chance that he made for me by rising out of his ''fixed station,'' to use Lincoln's words, and I am all too aware of the limitations of time as we move rapidly toward a new millennium.

As William B. Gould said on December 31, 1863, in New York harbor:

''We are obliged knock off on the account of the storm. It blew very hard from South East. The old year of '1863' went out furiously as if it was angry with all the world because it had finished the time allotted to it. Sooner or later we must follow.''

My first major impression during my first trip outside of the United States in 1962, as a student at the London School of Economics, is of the grand and majestic statue of President Lincoln which sits in Parliament Square today. Now I live in Washington within a mile of the great Lincoln Memorial in which his brooding historical omnipresence is made so manifest.

You and I, the entire nation and the world honor President Lincoln and his policies tonight. Both personally and professionally they are with me always as is the legacy provided by him and so many others in what my great-grandfather called:

''[T]he holiest of all causes, Liberty and Union.''[9]

FOOTNOTES

[1] Basler, Roy P., Editor, ''The Collected Works of Abraham Lincoln,'' Volume VII, page 259, (1953).

[2] Ibid., Volume IV, pp. 24–5.

[3] Boritt, Gabor, S., ''Lincoln and the Economics of the American Dream,'' page 184, (1978).

[4] Ibid., page 185.

[5] Basler, Roy P., Editor, ''The Collected Works of Abraham Lincoln,'' Volume III, pp. 477–8 (1953).

[6] Of course, I advanced such ideas in the context of proposals for comprehensive labor law reform. See W. Gould, ''Agenda for Reform: The Future of Employment Relationships and the Law,'' pp. 109–150 (1993).

[7] B. Quarles, ''The Negro in the Civil War,'' pp. 59–61, 64 (1953). On blacks in the U.S. Navy see generally, D. Valuska, ''The African American in the Union Navy: 1861–1865,'' (1993).

[8] Of course, President Lincoln had earlier proposed colonization within the context of compensated emancipation.

[9] Diary May 6, 1864. The full text actually states, ''[H]eard of the departure of one battalion of the 5th Regiment Massachusetts Cavalry from Camp Meigs for Washington, D.C. May God protect them while defending the holiest of all causes, Liberty and Union.'' As William B. Gould III wrote in an entry adjacent to the diary: ''Camp Meigs was in Readville, Massachusetts, about two miles east of where William B. Gould made his home at 303 Milton Street, East Dedham, Massachusetts.''

## THE FOOD STAMP INTEGRITY ACT OF 1995

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 1, 1995*

Mr. DE LA GARZA. Mr. Speaker, I am today introducing the Food Stamp Program Integrity Act of 1995. This bill is a comprehensive package of reforms, developed by the U.S. Department of Agriculture, targeting fraud and abuse in the Food Stamp Program. It will allow USDA to focus its resources on the small number of retailers who abuse their privilege of participating in the Food Stamp Program. It will expand the current authority of USDA to screen retailers when they apply to participate in the Food Stamp Program, and enhance penalties when retailers defraud the program. It will expand forfeiture authority to allow the seizure of retailer property used or derived from illegal food stamp trafficking. It will increase access to retailer documents to verify the legitimacy of the stores applying to participate in the program.

I believe that this bill can be a vehicle to fashion a program integrity title to food stamp welfare reform, which will be marked up at the Agriculture Committee next week.

## THE CORPORATE WRONGDOERS PROTECTION ACT

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 1, 1995*

Mrs. COLLINS of Illinois. Mr. Speaker, many people may have heard of or read the best-selling book ''The Hot Zone'' recently. This thriller details the true story of rare and lethal viruses that have the potential to destroy a significant percentage of the human population in a very short time span.

Well, there is a related type of virus spreading these days on Capitol Hill. It also has the potential to claim countless victims throughout our Nation, perpetrating injuries as serious as any disease or epidemic.

But this virus is one of gross misinformation. What is spreading so rapidly is the fallacy that the GOP's ''Contract With Corporate America'' product liability legislation, H.R. 917 and H.R. 956, would not hurt consumers.

The fact is, these bills would decrease product safety for all consumers, but, in particular, it would devastate and devalue American women.

Particular provisions within the legislation touted by the majority would shield manufacturers of products like DES, silicone breast implants, and IUD's from punitive damages as long as they receive FDA approval—even when their actions were outrageous and hundreds of women were injured as a result.

These bills would also restrict the recovery of noneconomic damages, so that a highly paid male corporate executive with a 3-month-long injury would be more fully compensated than a woman whose principal injury is the permanent loss of reproductive capacity, or an injured woman who has chosen to stay at home and raise her children.

H.R. 917 and H.R. 956 would also do nothing to restrict the use of secrecy agreements or protective orders that prevent the public from learning about unsafe products, as was the case with the secrecy agreements that kept Dow Corning's information about the dangers of its silicone breast implants hidden from the public eye for so many years. How many women must be severely injured from the same product before we become outraged and take action?

The bottom line is clear: if Congress passes this legislation, women would suffer. Women would face harsher odds when taking the chance of trying a drug or medical device. Women would find that the concepts of justice and full compensation have been significantly carved. Women would find that their safety is less important to manufacturers than corporate profits. Women would find that they are less equal in the eyes of the law.

These are disasters that must not be allowed to occur. If any product liability measure is to advance through Congress, we must be sure that it is first altered so as to protect the safety of America's mothers, sisters, and daughters.

## CLOUDS OVER THE WHITE HOUSE

SPEECH OF

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 28, 1995*

Mr. BURTON of Indiana. Mr. Speaker, over the past year to year and one-half, we have seen some very disturbing things come out of this administration. A lot of people that the American people put their confidence in have left under a cloud.