

I believe you are trying. But tell me where do you go to get help for the innocent children. She cannot go on medicaid or medicare, because she has not worked and not put anything into the system. She will never be able to read, drive or get around on her own. I realize that technology may be available in years to come that will be beneficial to her, but what is going to happen to her now.

I hope that you will be able to read this. I know that we are just a small amount of the millions you must hear from daily, but I just couldn't sit and do nothing with my distress and care for this beautiful little girl who is struggling to live.

God bless you and your family. May you gain the wisdom and the ability to lead us to a better way of life for everyone.

Respectfully yours,

MARY F. DAVIS.●

#### BILL SMULLIN HONORED

● Mr. HATFIELD. Mr. President, the broadcasting and cable industry will honor an Oregon legend this fall, when television pioneer Bill Smullin will be inducted into the Broadcasting and Cable Hall of Fame.

Bill's life is remembered for his contributions and achievements, including the establishment of broadcast and cable television in southern Oregon and northern California. In 1930, Bill Smullin founded Oregon-California Broadcasting, Inc., and later began the first VHF television station in Oregon. His company provided cable television in the region by transmitting signals via microwave from Portland and San Francisco to southern Oregon.

Those of us who had the honor of knowing Bill have fond personal memories. He was as giving to the community as to his friends. I know his family is pleased that he is being afforded this prestigious professional honor and send my congratulations to them.●

#### A TRIBUTE TO RALPH O. BRENNAN

● Mr. BREAU. Mr. President, I rise today to pay tribute to a fellow Louisianian, Mr. Ralph O. Brennan, who will be honored August 4 by the Louisiana Restaurant Association for his distinguished career in the food service industry. A member of the world-famous Brennan restaurant family of New Orleans, Mr. Brennan has long exemplified a commitment to community service, participatory democracy and creating opportunities for all Americans.

He has diligently served, and continues to serve, the \$290 billion food service industry and its 9.4 million employees. A past president of the Louisiana Restaurant Association, he currently is chairman of the board and president of the National Restaurant Association, a major trade group here in Washington. He is also a trustee of the Association's educational foundation, and will be an industry delegate to the first White House Conference on Travel and Tourism in October 1995. In all of these capacities he urges independent restaurateurs from around the country to participate fully in the democratic process by getting to know

their elected representatives at every level of government and then making it their responsibility to keep those officials informed. He facilitates their involvement through a toll-free hotline, numerous personal appearances and—perhaps most important—leading by example, through frequent visits to his Members of Congress and, on occasion, delivering testimony before congressional committees.

With his sister, Cindy, Mr. Brennan owns and operates two award-winning restaurants in the New Orleans French Quarter, thereby helping to preserve the rich culinary heritage of that great city which his family has successfully endeavored to do for three generations. But, as an industry leader, he is determined to preserve far more than just a great family tradition. Mr. Brennan has dedicated his life to preserving the boundless opportunities that food service affords individuals the rest of society could ignore, like recent immigrants, those without education or professional skills, and those on public assistance. Entry-level restaurant positions—washing dishes, bussing tables, assisting with food preparation—are a proven first step up a viable career ladder for millions of Americans; in fact, 60 percent of today's restaurant owners and managers started out in what some unknowing and insensitive people might refer to as dead-end restaurant jobs. In the restaurant business, upward mobility is the rule rather than the exception.

Mr. President, as this Congress continues its debate on welfare reform, I salute Mr. Brennan for working to ensure that the unmatched employment and training opportunities afforded by the food service industry will be something all Americans can be proud of in the future.●

#### CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

Mr. SIMON. Mr. President, I do not believe I have ever met Prof. Robert C. Fellmeth of the University of San Diego, but I read what he had to say in the Los Angeles Times about cutting back on assistance to the poor while, at the same time, we hand largess to the wealthy.

Statistics differ somewhat, but the California situation mirrors the national situation.

If we are doing what is politically popular, I do not know, but what we are doing is certainly wrong.

What we need is not Senators and House Members who follow the latest public opinion poll on tax cuts or anything else, but people who try to lead, and sometimes do the unpopular, in order to reduce poverty in our country, to improve education and to do the things that are needed for a better future.

The incredible increase in prison construction and incarceration has done nothing to decrease the crime rate in

our country. If putting people in prison reduced the crime rate, we would have the lowest crime rate in the world, with the possible exception of Russia.

While Professor Fellmeth zeroes in on the California situation, it is worthwhile for my House and Senate colleagues to read what he has to say because they will find a striking similarity between the California action and the Federal action.

I ask that his statement be printed in the RECORD.

The material follows:

[From the Los Angeles Times, July 5, 1995]

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

(By Robert C. Fellmeth)

Despite what we often hear from the governor and the Legislature, spending for the welfare of our children has been in steady decline.

An example: The governor claims to have given politically popular K-12 public education "high priority" and "saved it from cuts" for the last several years. But figures from the second annual Children's Budget, completed by the Children's Advocacy Institute, show a steady decline each year, including proposed spending for 1995-96.

At the federal level, Congress proposes to change child spending from "entitlements" based on how many children qualify for assistance to "block grants," set at a static figure for five years. The Republican leadership contends that such a policy will curb what it calls "runaway spending." In contrast, the Children's Budget reveals that such a freeze means substantial reductions year to year, imposed without consideration of need or consequences.

Budgets based on raw numbers, or numbers with only inflation or only population changes considered—but not adjusted by both—slowly but inexorably squeeze out infrastructure investment. In California this failure has allowed a largely undiscussed disinvestment in children to accumulate over the past six years.

From 1989-90 to the current year, Aid to Families With Dependent Children has been cut 20%, the three child-related Medi-Cal accounts an average of 23% and public education 7.5%

The consequences in terms of flesh and blood are momentous: The Children's Budget reveals that AFDC for 1.8 million children in California has been cut from close to the federal poverty line to only 75% of that wholly inadequate amount. The governor now proposes to reduce AFDC to just 64% of the poverty-line figure, posing a clear danger of malnutrition and permanent health damage. Wilson also proposes further cuts in AFDC assistance after six months of help; the Republican House would cut children off altogether after two years if Mom does not have a job.

Ironically, the same gradual suffocation has been applied to GAIN, the major program providing child care and job training for AFDC mothers. Here there is a 9% decline from 1989 and a proposed further cut of 12%.

The typical AFDC recipient—contrary to public perception—is 29, white, recently divorced, with two children and no child support. Her problem is not a desire for welfare dependency but the far more prevalent dilemma of paternal abandonment. Is it relevant that childcare help and job training, without which she does not have a chance, have been cut? Less than 10% of AFDC parents get child-care help.

The minimum wage is another example. If it had been adjusted to match inflation over the past 20 years, it would be just above \$12,000, the federal poverty line for a family of three. But if our typical divorced mother of two obtains full-time employment at minimum wage (as many must do), she will earn \$8,840 before deductions—about what full-time child care for her children will cost. Would we take such a population and cut their wages every year by 3% to 5%? That is what the current numbers accomplish.

We are spending more in one area: jailing of criminals. California now has the highest juvenile incarceration rate of any state, in a nation with the highest juvenile incarceration rate among all developed countries. California's adult prison population has increased from 19,000 in 1977 to 132,000 this year, at an operating cost of \$20,000 per prisoner per year. The state is now preparing for 341,000 prisoners and 41 new prisons over the next eight years. Is there a relationship between unlimited prison spending and years of decreases in basic investment in children's programs?

To be sure, many of our problems can be traced to private irresponsibility—a dependency mentality by some and, for more, a frightening abandonment of children by biological fathers. But public spending makes a difference.

Children Now indexes show that a record 28.6% of California children live in poverty and 20% have no access to private or public health care. We also have high infant disability, record low test scores and increasingly violent juvenile crime.

Each of these aspects has a relationship to public spending. It is no accident that California's falling test scores, for example, correlate with the worst student-teacher ratio in the nation and a per-pupil spending level now nearing the bottom five states, just ahead of Alabama and at half the level of New Jersey.

California is one of the richest jurisdictions in the world—we can boast of having more vehicles than licensed drivers—and our wealth increases each year. The governor predicts that personal income will increase 6% in each of the next two years.

And our tax burden has decreased. In 1989–90, we spend \$6.88 from the general fund for every \$100 in personal income; in the current year, we are spending \$5.86 per \$100, and the governor proposes a further reduction to \$5.50. At the same time, he is calling for a \$7-billion tax cut for the wealthy over the next three years.

Could the governor make his cutback proposals if the right numbers were used and understood? The fact is that for six years we have been giving to the wealthy and taking from the children. We just haven't been talking about it.●

#### WEST VIRGINIA EDUCATION

● Mr. ROCKEFELLER. Mr. President, I rise today to congratulate and commend the counties of Mercer, Monroe, McDowell, Summers, Raleigh, and Wyoming in West Virginia and their commitment to participating in a parental involvement program called, Teachers Involving Parents Successfully [TIPS]. This program seeks to promote teachers working more closely with parents to help the children learn and succeed in school.

Too often, we forget that the condition of children's lives and their future prospects largely reflects the well-being of their families. When family

support is strong, stable, and loving, children have a sound basis for becoming caring and competent adults. In contrast, when parents are unable to give children the attention and support they need in the home and for school, children are less likely to achieve their full potential. As a result, many of our Nation's gravest social problems stem from problems in our families.

However, Mr. President, there is genuine reason for hope and optimism. In my home State of West Virginia, under the leadership of local education officials, a new program is changing the lives of children and their families. Its development and expansion of community-based family support provides parents with the knowledge, skills, and support they need to work with their children and the school system. Its success has been achieved through a collaborative effort among State and Federal programs, including chapter I and other programs targeted for at-risk students, and private sector efforts in the community. Each month, 2,000 special education guides are distributed, as well as news releases, public service announcements, and radio reminders that focus the community on the need for parental involvement. Teacher training and support materials have also been provided to every school in a successful effort to coordinate teacher, parent, and child activity both inside and outside of school.

When I was chairman of the bipartisan National Commission on Children, we urged individuals and the country as a whole to reaffirm a commitment to forming and supporting strong, stable families as the best environment for raising children. The West Virginia TIPS Program is an extension of that goal, and its success is a tribute to those counties that have worked so hard to insure its development. The parents, children, and teachers in these counties are providing new opportunities for children and families. Their commitment to make a difference has ensured the success of the family, which is the best strategy for helping our children. They deserve our support and best wishes for continued success.●

#### OPPOSITION TO S. 956, THE NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995

● Mrs. MURRAY. Mr. President, I rise in opposition to S. 956, a bill to divide the ninth judicial circuit into two circuits.

This is the fourth time since 1983 that a bill to split the ninth circuit has been introduced in the U.S. Senate. The proposal has failed to become law because the ninth circuit is operating well and providing uniform and consistent interpretation of Federal laws across the nine Western States, and the territories of Guam and the Northern Mariana Islands.

The courts of the ninth circuit are functioning well, and, in many instances, serve as models for the rest of

the country. The ninth circuit has prided itself on its experiments in judicial administration, and has been a national leader in developing innovative caseload management and court administration techniques.

The vast majority of judges, lawyers, and bar organizations in the ninth circuit have voted on several occasions against the division of the circuit.

Mr. President, I urge my colleagues to oppose this bill and to resist the temptation to meddle with an institution that is successfully administering justice in the American West.

Just 4 years ago, a comprehensive subcommittee hearing was held in the Senate on nearly identical legislation, and the proposal failed to emerge from committee. The proponents of S. 956 have identified no new reasons or change of circumstances to justify reopening this issue.

Mr. President, the ninth judicial circuit has prepared a detailed position paper opposing S. 956. I agree with the circuit's reasoning, and I commend this paper to my colleagues. I also urge them to join me in opposing this bill which is both unwise and unnecessary.

I ask that the complete text of the "Position Paper in Opposition to S. 956—Ninth Circuit Court of Appeals Reorganization Act of 1995" be printed in the RECORD.

The material follows:

POSITION PAPER IN OPPOSITION TO S. 956—NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995 (6/22/95)

Prepared by: The Office of the Circuit Executive for the United States Courts for the Ninth Circuit, P.O. Box 193846, San Francisco, California 94119-3486; Tel: 415-744-6150/ Fax: 415-744-6179. [6/30/95]

Proposed legislation: S. 956 would divide the present Ninth Circuit into two unequal-sized circuits. The new Twelfth Circuit would consist of the states of Alaska, Idaho, Montana, Oregon, and Washington (6 districts), with 9 active circuit judges. The new Ninth Circuit would consist of the states of Arizona, California, Hawaii, and Nevada, and the territories of Guam and the Northern Mariana Islands (9 districts), with 19 active circuit judges.

The Ninth Circuit opposes S. 956. The Ninth Circuit is functioning well and has devised innovative ways of managing its caseload that are models for other circuits. As the nation's largest circuit, it benefits from significant advantages because of its size and believes division of the circuit is unnecessary and unwise. The Circuit Executive's Office for the United States Courts for the Ninth Circuit has prepared the following information in "question and answer" format to assist decisionmakers to understand the circuit's position on S. 956.

#### 1. WHAT WOULD THE PROPOSED LEGISLATION DO?

S. 956 would create two courts—one 19-judge court and one 9-judge court—in place of a single 28-judge court. A basic problem with this proposal is that it creates more administrative problems than it solves. Quantitatively, such a circuit court would have a very small caseload. The aggregate number of cases in such a circuit based on the most recent statistics would be 1935,<sup>1</sup> making it the circuit court with the second smallest caseload in the country,<sup>2</sup> with only the First Circuit court having fewer cases. Of the 11