

There is no faith, no hope, no love in those marriages. The marriage needed to end, so these three women concluded. Respecting their decision, I helped each one use our civil justice system to accomplish their goal.

Because of our civil justice system, and these women's access to it, they finally began to get a glimpse of new life; new beginnings; re-birth; a sense of hope for their future, and their children's future; a renewed faith that once again love might find them, and surround them, and nurture and sustain them. It is exactly what each of us wants in our lives.

I tell you truthfully, when I face my Maker, there are parts of my life for which I will not be proud; but, I will always be proud to have represented these three women, and many, many more like them, Ralph Read notwithstanding.

B. Housing: Few of us—maybe not one of us—will go home tonight worried about losing our house. Right now I have six (6) clients who do worry—daily—about whether they will get to keep their subsidized apartments, for themselves and their children. Let me share one example from rural southern Indiana.

My client is in her 30's, divorced mother, head of household with two children. For reasons known only to God, she is mentally short-changed, with an I.Q. possibly of 70. She contributes 30% of her available monthly income for rent. H.U.D. pays the balance to achieve market rent. She has a small two bedroom apartment. She says, very slowly: "Mr. Robinson, it's the nicest house I've ever had." The apartment complex has sued her and wants to evict her and her children. This has been going on since July. Hence, she worries daily.

Why does management want her out? There are only two (2) allegations: (1) unclean living conditions and (2) an unauthorized over-night guest. Without a lawyer, she has virtually no chance of receiving a just and fair decision, and it has nothing to do with the presiding Judge, but rather with court procedure.

How can that be? The case was filed in Small Claims Court. In Small Claims Court, hearsay is permitted. Thus, the apartment manager, with her lawyer's help, will tell the Judge what a maintenance worker saw (without the worker being personally present in court), and what one of her Indianapolis owners saw (without the owner being personally present), and what certain "notes" in the folder say about unclean conditions. Obviously this tenant can't cross-examine the maintenance man who isn't present, or the Indianapolis owner who isn't present. Even if they were present, my client doesn't know how, and probably is mentally incapable of conducting an effective cross-examination. With a lawyer, however, the scales of justice are again balanced. We filed the appropriate motion to move the case to the Court's Plenary Civil Docket. Now, hearsay basically falls by the wayside. And if the maintenance man appears, I will vigorously cross-examine.

Let me tell you that as to the accusation of uncleanness, I have been in her home, with my legal assistant, three times. It has always been neat, tidy and clean (as I understand the plain meaning of those words).

As to the allegation of an unauthorized guest, the facts are these. After the funeral for her infant child, in her grief, she did request a friend to stay with her for two nights; the friend did. Overnight guests are *not* categorically prohibited under the lease; management simply doesn't want extended visitors—and rightly so. But one visitor, for two nights, following this traumatic event, is neither unreasonable, nor a violation of her lease. My client, however, could not

make that argument on her own! She needs a lawyer. And for now, at least, she has one.

C. Child survivor benefits: the Social Security Administration.—We represented a 5 year old child who never knew her daddy. While she was still in utero, her daddy drowned in a tragic boating accident on July 4th. Her mother and father had not yet married, but were making plans to marry. They had already talked with both sets of parents, and had their full support. The pregnant mother lived at home with her own parents, in part because the medical costs of pregnancy and delivery were covered by her father's health provider. The child's daddy finally had a pretty good paying job, but of course no benefits.

Because of the untimely death, there was never a marriage. Paternity was never established because everyone knew who the daddy was. Eventually the mother applied for her daughter's Social Security Survivor's benefits. Her initial application was denied. Then came the hearing before the Administrative Law Judge; the child's application was again denied. Next came Appeals Council, located in Arlington, Virginia, and she was again denied. Now the real question: Whether to sue the Secretary of Health and Human Services in Federal District Court? The United States would be defended by the U.S. Department of Justice, through the U.S. Attorney's Office in Indianapolis. At this time, the 7th Circuit Court of Appeals in Chicago (whose cases generally have binding precedent on Indiana federal judges) had three (3) decided cases, each on point, and each against our client's position. There was not much to be hopeful about.

Nonetheless, we sued in federal court. We briefed the issues. We carefully distinguished each of the three 7th Circuit cases. The legal issue was whether daddy, before his death, had "substantially contributed to the care of the child." As an aside, let me tell you that if daddy and his pregnant fiance had been living together, without marriage, then our government would have given the child the requested benefits. It would have been relatively straightforward. But, this couple had chosen to live with their parents, not each other.

The end of this long and painful journey is that we won. The Federal Judge, the Honorable S. Hugh Dillin, issued a carefully crafted decision, following almost exactly our argument. And, the Justice Department decided not to appeal. That sizable award of money, invested until age 18, secured this small child's college education. It was accomplished by a Legal Services lawyer, namely me.

Closing: Floyd County is unique among our 11 counties in southeastern Indiana. The Floyd County Bar Association has had a Pro Bono Project for the past year. I serve on that committee. About 20 lawyers have volunteered up to 50 hours per year of free legal services to poor people. That also means that about 120 lawyers have not. But 20 is an excellent start for the project's first year. I'm proud to say that an attorney in this congregation is one of those 20 lawyers committed to serving the poor through this project.

In closing, with the substantial reduction in Congressional funding for the Legal Services Corporation, and its very possible complete elimination, may each of us here tonight remember the Prophet Micah's challenge to the people of God to "Do Justice", as thousands of poor people in southeastern Indiana increasingly realize that not only is Justice hard to achieve, but that access to justice is in very short supply.

Thank you for your concern.

THE MACOMB MOSAIC

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. BONIOR. Mr. Speaker, I am privileged to represent the 10th Congressional District of Michigan. It includes most of Macomb County, which is where I was raised. Although there are rural parts of Macomb, most of the residents live in what is a portion of suburban Detroit. The economic opportunities in the area have drawn people here, including my family, for close to a century. Because of this, Macomb County has developed a rich ethnic, racial, and religious diversity.

In the ongoing effort to build a stronger and better sense of community, several organizations have designated this as "Macomb Mosaic Week." On Saturday, November 4, the week will culminate with a Morning Forum at Macomb Community College. The focus of this forum is to create greater understanding, respect, and appreciation for the diversity of backgrounds and experiences of the people who live in and around Macomb County. The morning's events include an international and multicultural festival, several workshops, and a performance by actor and comedian, Teja Arboleda.

The Macomb Intermediate School District [MISD], Macomb Community College [MCC], and the Interfaith Center for Racial Justice are the main sponsors of this worthwhile endeavor. With the diversity of students that the MISD and MCC are responsible for educating, I am pleased to see their commitment to ensuring that school is a place where all students may receive the skills necessary to live a good life while developing an appreciation for the diversity that exists in our community. The Interfaith Center for Racial Justice was formed after the civil disturbances in the late 1960's with the belief that education was the key to creating a more understanding society. I applaud these three groups and the many other organizations and individuals who share a commitment to building respect and tolerance through education.

Ignorance often constructs and maintains the walls of misunderstanding. However, through this educational effort, the bridges of understanding will be strengthened and the colorful mosaic that is Macomb will grow brighter. I wholeheartedly support the Macomb Mosaic and I urge my colleagues to join me in saluting the sponsors and participants in this important and valuable project.

TRIBUTE TO TRAVIS ROY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. MARKEY. Mr. Speaker, I rise today to recognize the strength, courage, and determination of Travis Roy, a freshman player for Boston University's world-class hockey team. On October 20, 1995, Travis was paralyzed from the neck down while playing in his first collegiate hockey game.

Born on April 17, 1975, Travis spent his childhood in Yarmouth, ME, a closely-knit

town of 6,000 people. He was designated an all-State player at Yarmouth Academy, where as a freshman he told his father that he dreamed of playing Division I hockey. He played his junior and senior years at Tabor Academy, where he was a New England All-Select pick both years. A highly recruited forward, Travis landed one of only six coveted spots on the defending national champion Boston University hockey team.

Less than 2 weeks ago, 11 seconds into his first shift as a BU Terrier, Travis fell head first into the boards, fracturing a vertebrae in his neck. He was quickly attended to by trainers, doctors, and his father, Lee. Even during the most terrifying moment of his life, Travis focused on achieving his goal of playing Division I college hockey. While lying on the ice, motionless and without sensation, Travis looked to his father and said, "I made it".

Travis has made a career out of challenging the odds. Now, with his parents Lee and Brenda Roy by his side, Travis faces the biggest challenge of his life. While doctors predict a difficult road ahead, I have faith that Travis can overcome the odds this time as he has done so successfully in the past. With the support of his family and friends, I know that Travis is going to "make it".

PERSONAL EXPLANATION

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. HILLIARD. Mr. Speaker, I rise today to say that I was unavoidably delayed last Thursday in a meeting and missed the vote on H.R. 2491.

If I had been present, I would have voted "no."

WATER, AGRICULTURE, AND BANKING: CENTRAL VALLEY ESSENTIALS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. RADANOVICH. Mr. Speaker, this week the American Banker called its readers' attention to top agricultural leader, and banker, Tom Stenson. As a farmer and a former banker myself, I agree with Stenson as he talks of the importance of agriculture to banking, and of water to valley agriculture.

In order for my colleagues to better understand this issue, I take pleasure in sharing with you the article:

[From the American Banker, Oct. 30, 1995]

WATER GREASES AG LENDING IN ARID CENTRAL CALIFORNIA

(By Barbara F. Bronstien)

FRESNO, CA.—Agricultural lending in central California's San Joaquin Valley, with its more than 250 crops, from cotton to nuts to vegetables, has been a whole new world to a farm lender originally from Iowa.

"The diversity is just amazing here, compared to other agriculture areas in the country," said Tom Stenson, senior vice president of Fresno-based Valliwide Bank, who heads the company's agribusiness group. "The only limiting factor is water."

Water, clearly, is something agricultural lenders cannot take lightly in the West, where irrigation is king and rainfall limited. If farm customers don't have an affordable plan to procure water, their business is a no-go.

"This area would be a desert without irrigation," said David Pruitt, a customer of Mr. Stenson's who manages 2,000-acre Santa Rita Ranch in nearby Merced County.

California farmers get their water from two sources: underground wells on site and surface delivery systems controlled by the state's numerous irrigation districts.

Farmers historically have had long-term contracts with the government for water rights through these districts.

When lenders evaluate a prospective farm loan, water sources and costs are among their top questions.

"It is always a major concern to anybody here in California who is a lender," said Michael C. McFadden, assistant vice president of \$50 million-asset Kings River State Bank, Reedley, Calif., whose agricultural customers mainly grow fruit trees and grapes. "We need to see that they've got water. Without water, they're dead."

Speeding by the fruit and nut trees lining the highways of the western San Joaquin Valley, Mr. Stenson explained how his \$1.2 billion-asset bank and other western agricultural lenders deal with the water issue when evaluating loan requests.

Lenders want to know where the operation is located, the source and cost of its water supply, and any past water problems, particularly during the seven-year drought that lasted through the 1993-94 growing season.

He or his department's other six agricultural lenders also examine income and expenses and require a water plan from prospects in areas without shallow underground water sources. In addition, nonlender farm experts on staff or third-party analysts evaluate crops and equipment.

"Otherwise, you run the risk as a lender of financing the planting of a crop * * * and halfway through the season, the guy runs out of water," Mr. Stenson said. "Then, you're stuck with only one alternative, and that's to fund the purchase of very expensive water. Or, the other choice is to let the crop go. Then where are you?"

Cindy Nicoletti, a partner in the Santa Rita Ranch, said that lenders' increasing concerns have meant more documentation for her operation to procure the \$500,000 to \$700,000 a year it borrows in production loans.

"We wouldn't do a lot of it if we didn't have to because of the lending," Ms. Nicoletti said. "We have to ensure the bank that we are doing all of the right things."

Lenders have paid even closer attention in recent years as farmers' water costs have escalated.

"All farmers have had significant capital expenditures in the last five years to either make their existing water go farther or to gain additional water," Mr. Stenson said. "And that ripples through their balance sheet."

Some customers have changed to potentially higher-return but riskier crops in an effort to cover rising water costs, he said. For instance, they'll switch from cotton to something like tomatoes or peppers.

"To us as lenders, we're concerned because traditionally fresh market vegetables tend to be very cyclical," Mr. Stenson said.

"You can make a bundle or you can lose your shirt in one year, which is not the case with cotton or other more standard crops."

At Valliwide, whose agribusiness group targets farms loans of \$500,000 to \$2 million and whose branch network does smaller agricultural loans, "no loan has been collected

as a result of water or lack of," said Mr. Stenson, who previously worked for the Farm Credit System in Iowa, New England, and Nebraska before moving to Fresno eight years ago. He joined Valliwide two and a half years ago.

"I know of others, through loan requests that we have had that we denied, that clearly the stress, the high-priced water, and the drought have put them on the brink of destruction."

To compound matters, farmers are just one of three interests that continue to vie for the state's water, along with communities, such as the Los Angeles metropolitan area, and environmentalists.

And the tug-of-war may not bode well for farmers.

"We have water rights here, and we have been assaulted from all directions" by people trying to take them, said Mr. Pruitt of Santa Rita Ranch.

In some cases the government wants to renegotiate farmers' long-term water contracts, Mr. Stenson said.

"That sends shivers up the spine of a lender."

The thought of Angelinos, and others who far outnumber farmers, clamoring for their water frightens many lenders in the state's agricultural belt.

"They want it to fill their swimming pools; we want it for our farmers," said James C. Holly, president of Bank of the Sierra, Porterville, Calif., who had an ominous prediction for farmers: "They're going to get it."

TRIBUTE TO SIMON PELMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, as each of us moves down the roadway of life to our golden years, it is comforting to know that there are caregivers and service providers who specialize in attending to the needs of the senior population. Simon Pelman is such a person.

For over 20 years, he has devoted his time, talents and energy to bettering the lives of the elderly. He has been instrumental in raising the standards of care in nursing homes throughout the State of New York. Beginning with Greenpark Care Center, a 400-bed long-term care facility, Simon has always endeavored to care for his elderly clients with the utmost of devotion and respect. His zeal to be efficient and considerate is clearly evidenced by his pursuit of two master's degrees in geriatrics. As a matter of fact, he has also received prestigious quality of life awards for his service.

Very active politically, Simon has utilized his abilities to assist people in the community, particularly as the district representative on the legislative committee of the New York State Health Facilities Association. He is also very active in promoting the needs of the learning disabled, and has been recognized by the board of education. I am delighted to salute Mr. Pelman for his impressive and important work.