

Honorable Ed Madigan. In the Congress, we use the term "honorable" as a matter of decorum and protocol; but when I think of my friend and colleague Ed Madigan, the word "honorable" is truly appropriate.

Having served with Ed since coming to Congress, I invariably found him to be a shining example of decency and civility in an environment that, all too often, can be adversarial and contentious. He was a consensus builder—one who warranted respect on both sides of the aisle as a reliable, sincere, and extremely capable statesman who stood tall and proud on behalf of his fundamental values, his constituents, and his country.

As a fellow member of the House Agriculture Committee, Ed was a joy to work with in developing and deliberating our Nation's agriculture policy. He worked tirelessly on behalf of farmers and ranchers and all that rural America represents. Having earned the respect and admiration for his years of service in Congress, he was suitably appointed to the President's Cabinet as this Nation's 24th Secretary of Agriculture, where he again served with dignity and honor on behalf of the agriculture community and consumers of food and fiber. Without question, Ed has left an indelible legacy and high standard for which all of us should strive to follow.

Although I join the countless many in expressing regret and sorrow for a tremendous loss, I consider us all to be extremely blessed with the opportunity to have known and worked with the Honorable Ed Madigan.

TRIBUTE TO RON ESAU

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MINETA. Mr. Speaker, I rise today in tribute to a dedicated public servant and a personal friend. As Ron Esau retires from his position as general manager of the Santa Clara Water District, in San Jose, CA, this month, he caps a remarkable career as a major water resources force in Santa Clara County. This is a man whose interest in public service is so important to him that he made it his duty for more than half of his life.

Since 1957, Ron Esau has been serving the citizens of Santa Clara County. He first joined the Santa Clara Valley Water District as an assistant civil engineer and has held various posts, including assistant general manager, until appointment to his present position as general manager.

During his 37 years of dedicated service, Ron Esau has been appointed to numerous directorships on water boards across the State including the State Water Contractors, the Central Valley Project Water Association, the California Water Resources Association, the California Urban Water Agencies, the Western Urban Water Coalition, the Bay Policy Board, and others.

Aside from his prestige as a high-ranking water resources and community official, Mr. Esau has also been praised for the substantial contributions he has made as a hard-working volunteer. He is known for the work he has done as a cabinet member of the United Way

of Santa Clara County, and for his extensive work with his church.

Despite the water wars that raged in our State for years, Ron Esau has been a voice of reason with an eye to the future for how we work well to develop a reliable water supply for Santa Clara County. One of the greatest strengths Mr. Esau brought to our valley was the need to expand the diversity of our water supply base to deal with the growth of our county and the realities of drought. His thoughtful approach of developing a mix of water supplies led this county through the recent critical drought experience relatively unscathed in a much stronger position than many areas around us. This feat is a testament to his leadership and vision.

Ron Esau is a principled and honest leader and a devoted father and husband. I know that whatever area of endeavor he chooses next, he will excel. I want to wish Ron and Connie and the rest of his family all the best in the future, and thank him for the wonderful achievements and progress he has left for us to remember him by.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. CLINGER. Mr. Speaker, official business kept me from the Chamber during the vote on the amendment offered by my colleague from Pennsylvania, Mr. KANJORSKI. Had I been present, I would have voted "no" on rollcall No. 53.

NATIONAL COMMISSION ON PROFESSIONAL BASEBALL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. LaFALCE. Mr. Speaker, I am today introducing the National Commission on Professional Baseball Act of 1995. The legislation creates a temporary regulatory authority to oversee the conduct of professional baseball to assure that our national pastime will remain available and responsive to the American public.

Like all baseball fans, I have found the events of the past year extremely disheartening. We witnessed labor negotiations that focused more on outlandish demands by both owners and players that on tangible objectives, a baseball strike that halted all major league play after August 12 and, for the first time in 90 years, the cancellation of a World Series. Recently, the major league team owners unilaterally imposed a cap on player salaries that could also jeopardize the 1995 baseball season. All these events have taken place behind closed doors, in secret negotiations without representation of, and little apparent regard for, the interests of those who pay the cost of professional baseball—baseball fans and taxpayers.

These events tend to confirm the most negative images of major league baseball in

the press as big business dominated by the interests of obstinate team owners and overpaid players. But baseball has always been more than just a business. Last year's PBS special on the history of baseball by Ken Burns offered a timely reminder that baseball is an important American institution and an historic national treasure. For more than 100 years, baseball has been one of the few constants in a changing American society. It has been the measure by which generations of Americans have recalled their past, identified their heroes and defined their values and aspirations.

Today, the values and traditions of baseball are at risk for future generations. In the struggle for financial dominance between major league owners and players, nowhere are the interests of baseball fans represented in any negotiation. Ticket and concession prices are now so high that the Nation's pastime, if available at all locally, is priced out of the reach of growing numbers of American families. Even watching baseball on commercial television, the only way many families now enjoy major league games, could be eliminated if broadcast rights are sold to pay-per-view television.

It is clear that baseball owners and players will continue to look out only for their own needs. But there is a crying need for someone to look out for the interests of fans, of taxpayers and of the communities in which both major league and minor league baseball is played. It is time for Congress to take steps to return baseball to the American people.

The legislation I am introducing today seeks to accomplish this by creating an independent National Commission on Professional Baseball. The Commission would serve as a temporary regulatory body and impartial arbitrator to oversee the conduct of professional baseball until the legal status of major league baseball can be redefined either by negotiation or by congressional legislation. Its purpose is simple—to provide a measure of protection for the interests of baseball fans and taxpayers against the near absolute control over baseball exercised by the major league baseball owners.

Major league baseball is unique among professional sports and American business in the broad exemption it enjoys from legal challenge under the Nation's antitrust laws. Major league team owners have, in effect, the ability to write all their own rules and to impose these rules on the public. No outside regulatory authority, nor any form of internal self-regulatory control, now exists to check this exercise of take-it-or-leave-it market power by major league baseball.

The current player strike is the most obvious result of this unchecked exercise of market power. Where once baseball's antitrust exemption was instrumental in allowing baseball to expand and create playing opportunities, it now encourages labor disputes and deadlock. In every renegotiation of the major league players agreement since 1972—in eight separate negotiations in 22 years—agreement was not reached without either a strike or a lock-out.

But the problems created by the major league's exemption from legal challenge go beyond the labor disputes it fosters between owners and players and its exclusiveness and

expense for consumers. There are equally adverse consequences for minor league baseball teams, local governments and taxpayers.

The relationship between major league and minor league baseball teams has become extremely imbalanced, to the extent that minor league teams appear analogous to closely controlled franchises with little independent control or discretion. The key assets of minor league teams—their players, managers, and coaches—are owned and controlled by major league teams, leaving minor league owners with authority to undertake largely financial management and marketing responsibilities for their team. Rights to operate as a minor league team, together with players and coaches, can be revoked for almost any reason, and with little or no recourse.

Major league owners have also learned that by threatening to move a team to another city they can extract hundreds of millions of dollars from local governments to renovate existing ball parks or build extravagant new stadiums. Teams have attracted new fans and generated substantial windfalls in the first few years after moving into new stadiums. Local taxpayers end up paying most of the costs. The major leagues have also required smaller communities to invest substantial sums to renovate playing facilities in order to retain their minor league teams, offering few, if any, guarantees that these teams will not be moved in future years. In my own State of New York, for example, the cost imposed on smaller towns to meet these facility requirements has amounted to nearly \$30 million. Once again, the taxpayers pay the bill.

It has become clear that we really need Federal legislation to solve some of the major problems faced by baseball. Since baseball is a national sport and, indeed, is known as our national pastime, I believe Federal legislation is the best way to address this need.

Proposals have been introduced in the House by Representatives MICHAEL BILIRAKIS and JIM TRAFICANT, and in the Senate by Senator DANIEL PATRICK MOYNIHAN, to repeal baseball's antitrust exemption. I fear this may be too simplistic an answer that does not come to grips with the totality of the problems of professional baseball. Repeal would certainly benefit major league players, and perhaps even consumers, if it results in team expansion and lower ticket costs. But it could be extremely disruptive of baseball operations generally and potentially devastating for many minor league teams. To resume play for fans in 28 major league cities could mean losing far more affordable access to baseball for fans in many of the 170 minor league parks across North America.

The major alternative to this approach is incorporated in bills sponsored by Representatives JIM BUNNING and CHARLES SCHUMER and seeks only partial repeal of baseball's exemption to subject labor issues and negotiations to Federal antitrust law. These proposals suffer from the opposite problem of addressing only impediments to resolution of the current players strike while offering little to address the broader problems for baseball fans, local governments and taxpayers, and minor league teams.

The legislation I am introducing today offers a middle ground between these alternatives. It creates a seven-member national commission

with representatives of all the principal parties in professional baseball, together with a chairman and two members representing the general public. The commission would serve as a temporary oversight and mediation body that could act immediately to help resolve an impasse between baseball owners and players and also protect the rights and interests of baseball fans, minor league teams, local governments and taxpayers. It would also facilitate a longer term, more thoughtful and balanced approach to resolving the broader problems created by baseball's antitrust exemption.

The legislation does not take a definitive position on the repeal of the antitrust exemption. A major duty of the commission would be to undertake a multi-year study of the antitrust exemption, taking into account all interests and perspectives, and to submit to Congress its findings and any recommendations for legislative remedies. The commission would be required to analyze the major proposals for modifying baseball's antitrust exemption, including total repeal of the exemption, partial repeal for purposes of subjecting labor relations issues to antitrust jurisdiction, and repeal of the exemption with protections to exempt long-standing contractual arrangements between major league and minor league teams from the antitrust laws.

My legislation does take the position that baseball's antitrust exemption is, in effect, a government-granted monopoly in much the same manner as a local public utility or transportation authority. And like any other publicly-sanctioned monopoly, my bill would require public oversight to assure that self-interest is not put above the interests of the public and consumers.

In this regard, the proposed commission would be similar to the Federal Communications Commission, or any other public body with oversight over a restricted industry or market. An important difference, however, is the fact that the authority of the proposed commission is intended to be temporary during a period of deregulation of baseball from the current market restrictions imposed by baseball's current antitrust exemption. Since Federal law has permitted a restricted national market for major league baseball, the Federal Government has both the right and the responsibility to regulate this market, just as we regulate other monopolies, to assure that the public's interests are protected.

The primary purpose of the commission is to provide a forum for public scrutiny over the conduct of professional baseball at both the major league and minor league levels. It would have the authority to investigate many aspects of baseball, including the setting of ticket prices, expansion or relocation of team franchises, terms and conditions of major and minor league player contracts, relationships between major and minor league teams, structural requirements and financing for stadiums, television broadcast rights, and licensing and marketing of baseball merchandise. The commission could intervene in these areas upon a determination that an action or policy is potentially harmful to the public's interests or the best interests of baseball.

The commission also would have authority to conduct binding arbitration in the event of a labor impasse between major league owners

and players. It could also provide for mediation or arbitration of disputes between the major leagues and minor league teams owners. In these areas, the legislation accords players and minor league team owners an opportunity to resolve disputes with major league team owners where no means of viable recourse are currently available.

A key power of the commission would be its authority to hold public hearings and to obtain, if necessary through court action, all relevant information and documents needed for its public investigations. Major decisions in baseball that affect baseball fans, teams, and taxpayers are made routinely in complete secrecy without any public representation or disclosure. Major league baseball's financial statements are accorded the status of State secrets. And secrecy and distrust between owners and players have created major barriers to settlement of labor disputes. The commission would lift this veil of secrecy in baseball and permit public disclosure of all relevant information pertaining to actions that affect the public.

The commission would also have authority to issue orders, and to obtain injunctions if necessary, to delay or halt actions or policies by major league team owners until it has had sufficient opportunity to hold public hearings and obtain relevant information.

Finally, the legislation requires that the commission be self-funding through payment of fees by the major league baseball owners. Major league baseball has reaped enormous benefits as a result of its protected market status under Federal antitrust law and has an obligation to pay most of the cost of regulating this market to protect the public's interests. Funding would be in the form of annual fees paid by major league baseball calculated as a fraction-of-a-percentage—.002 percent—of combined annual team revenues. The manner and allocation of these fee payments among major league teams would be determined by the commission after consultation with major league team owners.

Mr. Speaker, the single most important issue of economic policy and legal principle that every Member of Congress must consider is whether baseball owners should retain their unique prerogative to write all the rules of our Nation's pastime themselves. The events of the past year, and the cancellation of the World Series for the first time in 90 years, strongly suggest that major changes are needed.

I am particularly pleased about the recent statements by both President Clinton and Senate Majority Leader DOLE urging the players and owners to reach agreement as quickly as possible. I hope that these and other efforts are successful, and that the strike ends forthwith. But that alone is not enough, or should not be, because history shows that further work stoppages in the future are highly likely to occur. So Congress should act on this whether or not a settlement is reached.

Everyone involved in seeking a solution to this is doing so principally for emotional reasons—reviving our national pastime. But as the President pointed out, there are serious economic consequences as well. Spring training communities will lose \$1 million for each canceled game; major league cities will lose \$1.2 million and some 2,000 jobs for each

canceled game, according to the U.S. Conference of Mayors. This means that the strike has already cost our economy some \$2 billion. We must not forget that it isn't just the owners and players who are losing money in this dispute—we are all losing, one way or another.

The many bills that have been introduced demonstrate the wide ideological and geographic extent of the interest in dealing with the baseball crisis. But the complete or partial repeal of the antitrust exemption is too simplistic an answer and will not get to the nub of the problem, which is to protect fans, taxpayers, and communities. My proposal offers a broader alternative. Under my bill, we will have the equivalent of compulsory arbitration to resolve the short-term problems and get major league baseball on the fields once again, followed by an in-depth study of how we can best organize baseball at all levels under conditions that provide future stability for all concerned: players, owners, fans, communities and taxpayers throughout the United States.

I think this is good legislation and sound public policy. I do not expect baseball owners to support my proposal; I do not expect major league players to support it; but I do hope that fans and taxpayers across America will support it, for it is the only proposal designed first and foremost for baseball fans and taxpayers. I urge the Congress to consider this legislation at the earliest opportunity.

BOYS CHOIR OF HARLEM: DOING IT RIGHT FOR 25 YEARS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, a group of young men who have been doing it right for the past 25 years.

An outstanding article which appeared in the Daily News, December 11, 1994, speaks of the choir's humble beginnings to the celebrated musical success they take pride in today.

Please enjoy.

QUITE A CHOIR

(By Sharline Chiang)

"Guys, it's pianissimo," the burly choir director bellowed. Then, clapping twice, he ordered: "Don't half do it. It must be right!"

Doing it right. That's what the Boys Choir of Harlem has been specializing in for the past 25 years.

It hasn't always been easy.

"It's been a long process of convincing people—classical purists—that we were real," said Walter Turnbull, choir founder and director.

Evidence of real musicianship and diversity can be found on the choir's first solo album, "The Sound of Hope," which celebrates the group's silver anniversary.

The album, released in October by EastWest Records America, offers everything from pop and R&B to jazz and gospel.

In 25 years, the choir has been turned from a group of rambunctious boys in the basement of Ephesus Church in Central Harlem to a major international attraction.

In 1987, the Choir Academy of Harlem, a satellite of Community School District 5, was born. Today, the academy teaches youngsters ages 8 to 18 and offers a Regents high school program.

More than a year ago the academy moved from a smaller building in Harlem to its first permanent home—the former Intermediate School 201 building at Madison Ave. and 127th St.

Aside from proving itself to critics, keeping the school financially stable through the years has been a challenge, Turnbull said.

Performances for royalty and Presidents alone don't cover the costs of tutors, pianos and more than 100 worldwide tours each year. Ticket revenues cover only half its \$2.7 million budget.

Despite generous patrons, cutbacks in city and corporate funding have made some tours impossible.

Nevertheless, as funding shrinks, the number of young people who audition continues to grow. Last year 2,000 hopefuls tried out for 200 seats in music, dance and drama.

The school's population also is growing. Six years ago the choir reinstituted its program for girls. Now the choir consists of 300 students.

The 35 to 40 boys who make up the touring choir are chosen from the 150-member concert choir on a rotating basis.

Although more than 90% of the students go on to college, Turnbull said, not everyone reaches graduation day. He loses some students to the lure of the streets.

"It's hard," the director said. "Some you can't reach."

But for many, like 12-year-old Nilelijah Scott, the Boys Choir of Harlem is a sanctuary, a place to get into music and off the streets.

"Instead of hanging out with friends and getting into trouble, I just come here after school and go to rehearsal," said Scott, a two-year veteran soprano and an aspiring accountant. "When you graduate from here, you gain a sense of self-esteem."

Osman Armstrong, 14, sings first alto. A choir member since age 9, his favorite song in the program is Haydn's "Te Deum."

"My mother loves it that I'm here because I get to travel," said Armstrong. "And I'm getting away from the city."

Some graduates, like William Byrd, return.

A Boys Choir assistant conductor and music theory teacher, Byrd, 26, graduated in 1986. After earning his computer science degree from Hunter College next spring, Byrd hopes to attend Westminster Choir College in Princeton, N.J.

"The school helped me home in on my ambitions and skills," Byrd said, "to become my own person."

Looking ahead, Turnbull dreams of helping others set up similar choir schools in major U.S. cities. Music teachers from Houston and Detroit have expressed interest.

But for now, creating an endowment through fund-raising and corporate projects is the Boys Choir's main goal, Turnbull said.

He said an endowment will allow the Boys Choir of Harlem to celebrate the tradition of "doing it right" for another 25 years.

"It's not just about the choir, it's about discipline," he said. "It's about feeling good about yourself—that's hope."

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

SPEECH OF

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States:

Mr. MANZULLO. Mr. Chairman, a balanced budget is the best way to ensure the future economic prosperity of the United States. It is a long-term solution to a long-term problem. Congress, over the past 40 years, has been full of big spenders who couldn't restrain their proclivity to spend. A balanced budget limits the powers of Government and brings stability to the budget-making process.

Deficits are not a short-term trend. The Federal Government has run a deficit for 56 of the last 64 years, and the last 24 years in a row. Congress has tried to change its free-spending ways, but countless budget deals have done very little. In the 1920's, Federal spending as a percentage of GNP was 3 percent; in 1940 it was 10 percent; and in 1992 it was 22.4 percent. Eliminating the deficit is one of the most urgent priorities facing the country. We can't begin to tackle our near \$5 trillion national debt until the Federal budget runs a surplus. And unless we begin to repay our debt soon, this country will be headed for a deep and prolonged economic crisis.

When it comes to balancing the budget, the deficit is a convenient target for election year attacks. But when it comes to getting re-elected, deficit spending is the key. Why? First, intense pressure for spending tends to override a generalized preference for fiscal restraint and balanced budgets. In the short run, deficit spending is the most painless political option and the path of least resistance. In other words, wasteful spending has a curious appeal to deficit-hostile constituents when it is in their own district. Second, intense pressure for spending tends to override the general, diffused targets of most tax increases. Tax increases are purposely spread out enough so they don't spark a Boston tea party. For Congress, it's easy to tax and easier to spend, making it almost impossible to balance the budget.

Mr. Chairman, a long-term, structural response is needed to reverse a long-term, structural problem. The solution is a balanced budget amendment to the Constitution. I don't take this step lightly, but it's one that Thomas Jefferson endorsed. An amendment reestablishes a level playing field, forcing Congress to place higher priority on balancing the budget rather than spending and taxing. It restores the Constitution's goal of limited government.

Some critics of this legislation contend that it will unfairly impact Social Security. Nothing could be further from the truth. These critics say that Social Security is not part of the deficit problem. I agree completely. Social Security is soundly financed and runs a surplus