

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 12, 1997.
Hon. MITCH MCCONNELL, *Chairman*,
Hon. BYRON L. DORGAN,
Vice-Chairman, Select Committee on Ethics,
U.S. Senate, Washington, DC.

GENTLEMEN: In accordance with the regulations promulgated by the Select Committee on Ethics pursuant to Senate Resolution 321 of October 3, 1996, we are submitting this report with respect to our acceptance of certain *pro bono* legal services. Those services have been, and will continue to be, accepted by us in connection with the filing of a civil action challenging the validity of a federal statute. Please find below the details of this action as required by the regulations, which were published in the Congressional Record dated February 24, 1997.

1. This is a civil action in which we, as plaintiffs, have challenged the constitutionality of Public Law 104-130, the Line Item Veto Act.

2. The case, captioned *Senator Robert C. Byrd, et al v. Franklin D. Raines, et al*, civil action number 97-0001, was filed on January 2, 1997, and is currently pending in the United States District Court for the District of Columbia before the Honorable Thomas Penfield Jackson.

3. *Pro bono* legal services have been provided to us by:

Mr. Lloyd N. Cutler, Mr. Louis R. Cohen, Mr. Lawrence A. Kasten, Wilmer, Cutler & Pickering, 2445 M Street, N.W., Washington, DC; Mr. Charles J. Cooper, Mr. Michael A. Carvin, Mr. David Thompson, Cooper and Carvin, 2000 K Street, N.W., Suite 401, Washington, DC; Mr. Alan B. Morrison, Ms. Colette G. Matzzie, Public Citizen Litigation Group, 1600 20th Street, N.W., Washington, DC; Mr. Michael Davidson, 3753 McKinley Street, N.W., Washington, DC.

As always, it is our intent to fully comply with both the letter and the spirit of the regulations issued by the Select Committee on Ethics. We trust that this report serves to fulfill that intention. Should you or your staff wish further information pertaining to the matter, please have your staff contact Peter Kiefhaber (Senator Byrd) at 4-7215, Linda Gustitus (Senator Levin) at 4-5538, or Mark Patterson (Senator Moynihan) at 4-7800.

Sincerely,

ROBERT C. BYRD,
CARL LEVIN,
DANIEL PATRICK MOYNIHAN.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 12, 1997.

Hon. GARY SISCO,
Secretary of the Senate, U.S. Senate, Washington, DC.

DEAR MR. SISCO: In accordance with the regulations promulgated by the Select Committee on Ethics pursuant to Senate Resolution 321 of October 3, 1996, we are submitting this report with respect to our acceptance of certain *pro bono* legal services. Those services have been, and will continue to be, accepted by us in connection with the filing of a civil action challenging the validity of a federal statute. Please find below the details of this action as required by the regulations, which were published in the CONGRESSIONAL RECORD dated February 24, 1997.

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Should you or your staff in the Office of Public Records wish further information pertaining to the matter, please have your staff contact Peter Kiefhaber (Senator Byrd) at 4-7215, Linda Gustitus (Senator Levin) at 4-5538, or Mark Patterson (Senator Moynihan) at 4-7800.

Sincerely,

ROBERT C. BYRD,
CARL LEVIN,
DANIEL PATRICK MOYNIHAN.

ADDITIONAL COSPONSOR—S. 6

Mr. INHOFE. Mr. President, I ask unanimous consent that my name be added as an original cosponsor to S. 6, the partial-birth abortion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSTON GLOBE SERIES OF ARTICLES ON POVERTY IN WESTERN MASSACHUSETTS

Mr. KENNEDY. Mr. President, last week, the Boston Globe carried a superb series of articles on poverty in the rural towns of western Massachusetts. The series was entitled "Hidden Massachusetts" and it was written by two Globe reporters—David Armstrong and Ellen O'Brien. These two have done an excellent job portraying the impact of job loss on both individuals and communities. The towns in this area have been devastated by plant closings and layoffs. Factories and mills throughout the region have pulled out for warmer climates and cheap overseas labor. The jobs which remain are predominantly low paying. Salaries in the communities west of Worcester are dramatically lower than those in the remainder of the state. With this sense of economic hopelessness has come increased levels of crime, violence and abuse.

These articles are a poignant reminder that the rising economic tide has not lifted all boats. Similar stories could be told about impoverished communities in every one of our states. For those with limited education and outdated employment skills, the economic environment is growing increasingly hostile. The macro-economic numbers which describe a growing economy conceal a great deal of individual pain and dislocation. As a nation, we need to pay much more attention to the disturbing growth in income disparity. The working poor are becoming poorer, and the middle class are finding it tougher to maintain their living standard. We must provide these hard working men and women with the tools they need to succeed in

the new economy. We must provide them with the opportunity to share in the prosperity.

I call these articles to your attention, and I ask unanimous consent that excerpts from them be printed in the RECORD, because their message is a national one. The problems faced by the people of western Massachusetts are the same problems which confront us all across America. We must make the American dream a reality for more of our citizens. These stories are an important reminder that we have not yet done so.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Mar. 9, 1997]

HIDDEN MASSACHUSETTS

BEHIND THE SCENIC LANDSCAPES, ON THE BACK ROADS OF A RURAL MASSACHUSETTS, IS A WORLD OF POVERTY AND ABUSE, VIOLENCE AND DESPERATION

(By David Armstrong and Ellen O'Brien)

It's dim and stale in the basement lockup at district court, the sickly yellow walls echoing the tales of a thousand petty criminals who have sat here waiting to see the judge upstairs. There are two cells, each with heavy steel bars painted black. There are no windows.

In the far cell, on the edge of a wooden bench, sits a stocky, babyfaced 11-year-old with straight brown hair that's cut short. He stares at a concrete wall where someone has scratched the words "White Power." In the corner is a shiny, metal toilet welded to the wall.

He is Chevy Van Pickup—so named because his parents thought it sounded cool. He's here for allegedly mugging a woman outside a package store in Athol, a small town near the New Hampshire border where he lives.

Chevy already is the youngest child in the custody of the State Department of Youth Services, the agency that oversees the treatment and punishment of kids in trouble.

His rap sheet would be impressive if he were an adult, never mind a child a decade shy of the legal drinking age.

Athol police first picked him up when he was 5 years old (his mother can't remember what he did). When Chevy was 7 years old, the youngest age at which someone can be charged with a crime in Massachusetts, he was arrested four times—once for attacking another student with a trumpet.

Now confined to a facility for young criminals in Lancaster, Chevy spends his free time making cards for his grandfather and trying to earn good behavior points so he can buy presents for his sisters. For the first time, he is learning how to read.

On the rare occasions his mother visits, Chevy repeatedly asks for hugs and tells her how much he loves her.

Head west from Boston, past the pricey suburbs, beyond the bustle of Interstate 495, and you'll find some of the loveliest landscapes in New England.

But it's a cruelly deceiving portrait.

Behind the pastoral facade live some of the poorest, most violent, most abused, and desperate young people in the state. This is the hidden Massachusetts—the tragic, ugly underside of a state renowned for prestigious universities, famous hospitals, high incomes, and educated residents.

In many towns and small cities along Route 2, where tourists crowd maple sugar stands, assaults are more widespread than in Boston or Springfield.

South of the Quabbin Reservoir, a stone's throw from antique shops and Old Sturbridge Village, there are towns with more high school dropouts, pregnant teenagers, and families on food stamps per capita than in Brockton or Lynn.

And in parts of Berkshire County, where the well-to-do spend summer nights sipping wine on the lawn at Tanglewood, the rate of child abuse is the highest in Massachusetts.

Police and city officials in Boston, 80 miles from Chevy's house in Athol, brag about a drop in juvenile crime and earn praise nationally for their efforts. It's just part of a steady diet of good news in the Boston area these days: Home sales are up, unemployment down, consumer confidence high.

But police chiefs in many small towns watch as their crime rates soar. Child protection officials may tout an overall decline in reported child abuse, but in some places out here, it's happening more and more.

People in these towns talk not of success stories, but of a lost generation growing up without hope on the backroads of Massachusetts.

"People in Boston think I am dealing with Mayberry RFD," says Southbridge Police Chief Michael Stevens. "They don't know anything. I've got big-city problems."

PASSING TIME, MAKING TROUBLE

Before he was sent off to Lancaster, Chevy often roamed the streets of downtown Athol. It wasn't that long ago that Main Street pulsed with the comings and goings of thousands of factory workers. On Thursdays, payday at the two biggest mills, stores stayed open until 9 p.m.

Today, clothing shops and theaters have given way to human service agencies. One of the remaining industries is theasket manufacturer where Chevy's father worked before he died. The buzz on the street comes not from shoppers, but the "benchies," teenagers who hang out on Main Street benches, doing drugs and harassing passersby.

Teenagers in towns like Athol complain they are trapped. They say there is nothing to keep them busy and no buses or subways to take them to malls or theaters. When they quit school or graduate, they quickly find out there are few jobs that pay more than \$6 an hour.

For some, making trouble is an easy way to pass the time.

It was three teenagers from Athol who captured national headlines two years ago when they embarked on a wild spree down the Eastern Seaboard that ended with the shotgun murder of an elderly Florida man in his home.

In Greenfield, a 22-year-old mildly retarded man was slowly tortured to death in 1995 by four men he considered his friends, police say.

And last August, two teenage Sturbridge girls were brutally beaten to death with a log, allegedly by an older man who regularly offered to buy beer for young girls in town.

Many in Athol, a town of 11,588 residents, dismiss the Florida incident as an aberration, pointing out that murders are still rare and crimes committed by strangers an exception. Residents of other rural towns make the same point.

But clearly, life has changed.

Once cherished for their simple ethos of hard work, many of these former farming and industrial centers are among the most violent places in the state.

Of the 30 communities with the highest rates of assault, eight are located along scenic Route 2, from Interstate 495 to the New York border.

Some of the youngest children ordered into state custody in the past two years come from similar towns just the other side of the Quabbin Reservoir.

They include two 12-year-olds from Ware; two 13-year-olds from Warren and West Brookfield; and a 13-year-old Brookfield boy committed this June for possession of a hypodermic syringe.

Ask anybody—a teacher, a cop or a social worker—what went wrong and what can be done to fix it, and the answer is always the same: The good jobs left and until they are replaced things will probably get worse.

"The lack of an economic future for these kids is unbelievable," says Lynne Simonds, who coordinates youth programs in the Central Massachusetts town of Ware. "Look around: They see what you see. People out of work, hanging on street corners. They choose crime as a way to make a living."

[From the Boston Globe, Mar. 11, 1997]

HIDDEN MASSACHUSETTS

WITHOUT JOBS THAT PAY A LIVING WAGE, LITTLE WILL CHANGE FOR THE STRUGGLING FAMILIES OF RURAL MASSACHUSETTS

(By David Armstrong and Ellen O'Brien)

Although many poor families in Central and Western Massachusetts are on welfare, most struggle to stay off, working at low-paying jobs, creatively juggling their bills, accepting private charity when desperate.

These are their stories.

HEATH.—Bob Tanner's day begins shortly after 2 a.m. with a 22-mile drive down unforgiving mountain roads to his job sweeping floors and cleaning restrooms at McDonald's.

The trip is hard enough, but some mornings Tanner climbs into his car and finds his fuel tank empty. The gas thieves, armed with siphons, have hit three times this winter.

"It's just hard times," his wife, Donna, says matter-of-factly, grimly acknowledging that those who steal gas from struggling families are also hurting.

Bob, who recently turned 44, takes home about \$180 a week, after \$60 a week is deducted for health insurance. It is the only income for the couple and their two children.

The commute alone costs \$50 a week in gas, and their rent is \$100 a week.

"Sometimes I'm just worn out," Donna says of the constant struggle to pay bills and buy the basics, like food. "ninety percent of the people out here die from stress."

The Tanners live with Donna's mother in a home that sags under the burden of long winters and years of neglect. The only heat comes from a wood stove in the front room. The homemade stove was crafted from a 50-gallon oil drum.

Wood is the primary or only source of heat in many homes throughout the hill towns near the Vermont and New Hampshire borders. In Heath, 42 percent of the homes are heated by wood, according to the US Census. The state average is 1.5 percent. A third of the homes in Heath also lack complete plumbing, the largest percentage in the state.

Bob cuts as much wood as he can in the spring, but he usually ends up having to buy three cords each winter. In the never-ending battle for survival, it is a major expense.

Bob has applied for other jobs, at Mayhew Steel down in Shelburne Falls and at several businesses in Greenfield, but he is not optimistic about improving his situation any time soon.

"If you don't have a good job now, forget it," he says. "It's getting worse. Every company is moving."

The Tanners point to neighboring Colrain, where the largest employer in town, American Fiber & Finishing, has announced it will move to North Carolina next June. The town's second largest employer, Veratec Cotton Bleachery, is also threatening to leave unless it gets economic incentives to stay.

Neil Stetson, 49-year-old pastor of the Colrain Community Church and a native of Heath, said the scenic hill towns off Route 2 in Western Massachusetts are filled with hard-working people who lose hope with the departure of every decent-paying job.

"You can't eat the view," he says. "It's a beautiful area. I know that's what tourists see. But it's kind of a facade of beauty. Behind it, there is much pain. With every plant closing, the window of opportunity diminishes."

Isolated by geography, families like the Tanners also feel forgotten. They read about the billions of dollars spent on the Big Dig in Boston and find it hard to believe more can't be done to help bring jobs to the western part of the state.

"Governor Weld and all of them never come this way," Bob says. "They forget the people here are helping to pay their salaries."

FAMILIAR, DESTRUCTIVE CYCLE

ATHOL John Guyer walks into his small, basement apartment carrying a pillow and sleeping bag. It's 7:30 p.m. and he is tired, sore, and reeking of chicken. He woke up before dawn, sat or slept in a cramped van with no heat for two hours, and worked all day at a farm in Connecticut before making the long return trip home. His hands and arms are a patchwork of red scratch marks left by angry birds.

The 22-year-old Guyer spends his day moving chickens in and out of cages, giving them shots to inoculate them from disease and slicing the beaks off chicks. Most of the work takes place in stifling hot barns where it is difficult to breathe in the swirl of dust and feathers. During busy times, the grueling work can stretch nonstop over several days and nights.

For this, John is paid \$6 an hour.

He hates working with the chickens, but has been unable to find anything better. From time to time he quits, only to go back when he needs the money. He is deep in debt and behind on the rent and almost every other bill.

When asked about the good jobs in the area, John ticks off a few: Installing satellite dishes for as much as \$110 a day or building above-ground pools during the summer at \$175 a unit. These jobs are hard to get, however, and tend to be seasonal.

In the not-so-distant past, men like John could find decent paying work at one of the many factories in Athol. They were the kinds of jobs that could support a family and provide a comfortable retirement. But today, only one large factory remains—the Starrett Tool Co., which employs 1,100.

"For kids right out of school, there are low-paying jobs out there," says Tom Kussy, director of the North Quabbin Chamber of Commerce in Athol. "We have plenty of those jobs. It is a problem. We will never be the great industrial center we were before."

John is typical of a lot of struggling young men in Athol. He dropped out of high school in the ninth grade and became a father before he was 20. He and his 18-year-old wife, Sherry, were married in October. They have been together since she became pregnant in middle school with their first son, who is now 3. They have another boy 8 months old. The danger for John, say probation officers and police in Athol, is slipping into a familiar cycle of excessive drinking and violence that often follows the frustration of working one lousy job after another or not working at all.

John has been arrested several times, mostly for minor incidents. In July, he was charged with assaulting Sherry and placed on probation.

Despite a court order to stop drinking, John hosted his own bachelor party in October. Police found him sitting with friends in

the smoke-filled living room of his apartment. In a chair in the corner, Sherry fed their baby a bottle. John admitted drinking a few beers that night and was ordered into alcohol counseling sessions, which he reluctantly attends.

John recently quit the chicken job again. He is working 20 hours a week for \$6.50 an hour at a Shell station in Gardner, 15 miles away.

As bad as things are now, some worry it could get worse in Athol. There are whispers about Starrett's moving south, like so many of the other factories that once made this a vibrant industrial center.

Douglas R. Starrett, the company's CEO, has heard the rumors and is the first to admit Athol would be "devastated" if his company left. Nonetheless, he offers no guarantees.

"I can't say we will never do anything, but we want to stay here," says Starrett, who is 76 and a lifelong resident. "A lot of people see a gritty mill town, but that is not what I see. It is a great place * * * made on the wood stove."

One of her children jokes about being able to make "welfare casserole" again: macaroni and cheese, a can of tuna fish and cream of mushroom soup.

Although the family is not on welfare, they subsist entirely on government benefits and the generosity of local charities.

There is \$212 a month in food stamps, \$1,135 a month in disability payments, \$106 every other week in veterans' benefits, \$325 each winter in fuel assistance, and clothes and food baskets form the Clothing Collaborative in nearby Orange. All the children receive free or reduced-priced lunches at school.

Only one member of the family has health insurance and that is provided by the publicly funded MassHealth plan.

Cindy worked for a time last year as a store clerk in nearby Winchester, N.H., at \$6 an hour, but says she quit because her son was having problems at school.

The Sheffields are one of thousands of families barely surviving in the hill towns of Central and Western Massachusetts.

"People have no idea this town exists," Cindy says. "You say Warwick and they say, 'Warwick, Rhode Island?'"

Warwick sits about five miles north of Route 2 between Athol and Greenfield. It is a town of fewer than 1,000 people with no industry. The only store in town recently went out of business.

The Sheffields live up a steep, dirt road in a house built by Cindy's husband, Bob, who collects disability payments for mental illness. The interior was never finished, and Cindy doubts they will ever have enough money to cover the plywood floors.

While the long country roads in Warwick recall another era, the scene inside Cindy's home is decidedly modern and chaotic.

Her oldest son, Donald, just had a baby with his 15-year-old girlfriend; all three are living in the home. There are Cindy's other children, a 10-year-old son and 12-year-old daughter, adding to the crunch as relatives from South Carolina, a family of six that has returned to Massachusetts to look for work and are staying with the Sheffields temporarily.

Every day begins early, with the children getting ready for school. The oldest are bused to Northfield, a trip that takes an hour each way.

At 10 a.m., Cindy bundles up the baby and walks her son, Ben Morin, to the elementary school nearly two miles away. Cindy recently bought a car, but has no money to register or insure it. At noon, the three of them make the return trip, either on foot or in the car of a school employee.

They walk because Ben is not allowed on the school bus and only allowed to attend a

special two-hour tutoring session in a room isolated from other students. The arrangement was made after he allegedly threatened to kill his teacher earlier in the year, a charge he and his mother deny.

There is a telephone in the Sheffield home, but it can't receive incoming calls and only toll-free and collect calls are possible when dialing out.

A shiny satellite dish stands out among the abandoned cars and furniture in the front yard. Cindy bought the dish after a cable company employee told her there was a "better chance of seeing Jesus Christ" than having cable installed in her area.

"We got to get something for the kids," she says. The Sheffields couldn't keep up the payments, however, and the satellite service was shut off.

Satellite dishes sprout like weeds in the yards of many of the poorest homes in this part of the state. It's one of the things social workers count on seeing when they visit.

Ray Burke, head of the westernmost office of the state Department of Social Services, says a former social worker who left to take a similar job in North Carolina explained there was only one difference between poor families in the two states.

In rural Massachusetts, every poor family has a satellite dish, TV and piles of cut wood. In North Carolina, every poor family has a satellite dish, TV and air conditioner.

SHOULD HAVE STAYED ON WELFARE

ORANGE.—Tina Jellison works the first shift at Catamount Manufacturing in this old mill town, stuffing plastic ties into boxes as they roll down an assembly line.

At \$6.83 an hour, it's a job that pays her only about \$50 a month more than what she received on welfare three years ago. The paycheck is not nearly enough to pay off her debts and keep up with the rent and never-ending bills.

Tina is realistic about the chances of finding a higher paying job, so she turns to lady luck and the Massachusetts State Lottery for help. She is a self-described scratch ticket addict, looking for a big hit to turn around her life.

"I started playing lottery tickets because I was desperate to get out of the hole," she says. "I've never hit on scratch tickets and I've cut back lately."

Cutting back means spending \$25 instead of \$60 on payday for scratch tickets.

Tina, who lives in a second floor apartment in downtown Athol with her two sons, ages 10 and 12, is not the only one with lottery fever. In a town with one of the state's lowest median incomes, residents spent \$5.1 million on instant tickets alone in 1995.

Tina is struggling to hold onto her job. Her two sons are frequently in trouble with the police and forced to skip school to attend hearings at the Orange courthouse. A single mother, she never misses a court hearing or school meeting. It also means a lot of missed workdays.

Then there is her car, an aging Chevy Citation with so many problems Tina is thankful for each day it gets her to work.

"I should have just stayed on welfare," she says.

But she plans to keep working, in part because new welfare rules will make it difficult to begin collecting again. As for those scratch tickets?

"I could get over the hump if I could just get over the scratch tickets," she says.

NEW WELFARE LAW HURTS MENTALLY DISABLED IMMIGRANTS

Mr. KENNEDY. Mr. President, under the new welfare law, many mentally

disabled legal immigrants will lose their SSI and AFDC benefits. As a result, some of these immigrants will be unable to pay their room and board at residential treatment facilities. They may be forced to live on the street, without enough money to buy their life-saving medication.

Two cases demonstrate this problem. In the first case, Mr. X, a former officer in the South Vietnamese army, came to the US as a refugee in 1991. As a result of 12 years on the front lines of the Vietnam War, and 10 years of torture in a re-education camp, he suffers from serious mental illness. At the age of 54, he is too old to start over, learn a new language, and hold down a job.

He receives treatment at a mental health center in California, and receives SSI. If his benefits are terminated, he will no longer have enough money to pay for his treatment. He is studying to pass the naturalization exam, but his memory impairment limits his ability to study.

In the second case, a refugee from Vietnam receiving SSI has been diagnosed with schizophrenia, and relies heavily on medication. Without it, he hears voices, and cannot concentrate, follow instructions, or remember anything he learned. He receives \$772 a month, of which \$692 goes for room and board at a residential facility. If his SSI benefits are cut off, he will be forced to leave the facility, and will be unable to pay for his medication.

Unless Congress takes action, these stories will continue, and immigrants who need help for serious mental disabilities will be turned away from their treatment centers and residential facilities. I ask unanimous consent that two recent newspaper articles on this issue may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald]

A CATASTROPHE AWAITS

In the rhetoric of Congress, welfare reform was to push the able-bodied off the dole and into the work place. In the reality of South Florida's legal immigrants—those who have met every legal test for being here, but who now are cruelly to the rejected—it bids to push the aged, the sick, and the disabled off their balance and into the street. Or the grave.

What awaits is a human tragedy. It is unwise, unfair, and manifestly un-American. It will be felt in South Florida as in few places in this, the nation made great by immigrants.

Maria Cristina Rodriguez is 76 and a social worker at the Little Havana Activities and Nutrition Center. She now runs six support groups for anxious seniors. She can't forget the 79-year-old woman who—as talk of benefits cuts rolled radio waves last year—jumped to her death from her subsidized apartment. "Here I finish," said her suicide note, "before they finish me."

Now the final countdown has started, and this kind of panic is spreading. One day recently, 500 distressed seniors waited for the local office of U.S. Rep. Ileana Ros-Lehtinen, R-Miami, to open. There they sought succor. But little was to be had, Congress had spoken.