

REMEMBERING HUGH GALLAGHER

HON. DAVID E. PRICE

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise in tribute to Hugh Gregory Gallagher, initiator of the Architectural Barriers Act of 1968, insightful biographer of Franklin D. Roosevelt, and my mentor and friend. Hugh died on July 13 in Washington.

Hugh, along with Bill Foster, first introduced me to the ways of Capitol Hill in 1963 in the office of Senator E. L. "Bob" Bartlett of Alaska. I was an eager but less-than-knowledgable divinity student at the time, but their lessons took, and I ended up returning to the office as a legislative aide every summer through 1967, eventually writing a doctoral dissertation in political science based on what I observed there. Hugh was my mentor and colleague through this entire period, imparting extensive knowledge of the workings and the history of the Senate as well as remarkable political savvy and the best instruction in writing clear prose that I ever received from anyone save my English-teacher mother. My wife and I have maintained our friendship with Hugh since those years, and we are greatly saddened by his passing.

Hugh was stricken with polio during his college years and was rehabilitated at the Georgia Warm Springs Foundation, which stimulated a lifelong interest in Franklin D. Roosevelt. He received a Marshall Scholarship to Oxford University and earned his degree amid considerable physical hardship, for Oxford was hardly outfitted for students in wheelchairs in those days. After a short stint with Senator John Carroll (D-CO), Hugh became Senator Bartlett's chief legislative aide. Statehood was less than a decade old, and adjusting national policy to Alaska's altered status and many needs was a complicated challenge. But Hugh's proudest achievement by far was national legislation which he largely conceived, wrote, and steered to passage: the Bartlett Architectural Barriers Act of 1968, which required that federal facilities and buildings constructed with federal dollars be accessible to the disabled. This bill was the first national disability rights legislation, precursor to the 1990 Americans with Disabilities Act.

After Senator Bartlett's death, Hugh worked as a consultant to British Petroleum and other firms. But he turned increasingly to writing, producing an historical account of the Senate's foreign policy role (*Advise and Obstruct*, 1969), an account of Eskimo activism on behalf of federal land claims (*Etok: A Story of Eskimo Power*, 1974), a biography of Roosevelt focusing on how he dealt with his disability (*FDR's Splendid Deception*, 1985), an account of Nazi Germany's treatment of the disabled (*By Trust Betrayed*, 1990), and an autobiography probing the psychological costs of "trying to compensate [for] or obfuscate your disability" (*Black Bird Fly Away*, 1998).

In his foreword to the latter volume, Geoffrey Ward summed up Hugh's contribution: "It is impossible for anyone not to admire Hugh Gallagher's gallantry—a word I'm sure he'll hate having applied to him—or his extraordinary achievements in and out of the corridors of power in Washington, or his hard-won triumph over the depression that threat-

ened to cripple him as polio never could. Disabled people will draw sustenance from this book but I also can't imagine a more useful volume for any able-bodied person—parent or child, spouse or companion, friend or relation—who wants to understand what the disabled really feel about the challenges brought by each new day."

Hugh maintained an abiding love for Alaska. One of my fondest memories is of a trip with him down the Kenai Peninsula, all the way to Homer and Kachemak Bay, in the summer of 1966. Hugh kept up with many Alaska friends and traveled there often, including a recent trip to give the Bartlett Lecture at the University of Alaska.

Hugh Gallagher lived a rich and inspiring life—a life containing adversity beyond what most of us will ever experience and exemplifying courage, tenacity, and hard-earned wisdom. Hugh had a great deal to say to the world, he said it powerfully and eloquently, and thousands are in his debt. Hugh also had a remarkable gift for friendship, and his many friends mourn his passing and treasure our memory of him.

Mr. Speaker, I ask that the account of Hugh Gallagher's life from the Washington Post of July 16, 2004, be reprinted at this point in RECORD.

[From the Washington Post, July 16, 2004]

HUGH GALLAGHER DIES; CRUSADED FOR
DISABLED

(By Adam Bernstein)

Hugh G. Gallagher, 71, who died of cancer July 13 at Sibley Memorial Hospital, wrote an early civil rights law affecting the disabled and a praised biography of former president Franklin D. Roosevelt's struggle with polio.

Mr. Gallagher, stricken with polio at age 19, played a major role in the 2001 decision to add a statue of Roosevelt in a wheelchair to the Franklin Delano Roosevelt Memorial in Washington. For years he told reporters, "Don't let them steal our hero!"

Mr. Gallagher underwent rigorous and at times horrifying treatment for his disease, which he contracted during its last widespread sweep in America before the invention of a vaccine. He was paralyzed below the chest and later suffered from clinical depression.

He went on to address his concerns for the disabled through a career in politics and prose. Although many worked to change the image of the disabled—from the pitiable, leg-braced waif in old March of Dimes promotions—Mr. Gallagher was far more concerned about practical questions, the personal and financial costs of living with a disability.

While working as an aide on Capitol Hill, he developed and drafted the language of what became the Architectural Barriers Act of 1968, a lauded precursor to the sweeping Americans With Disabilities Act of 1990. His legislation mandated that buildings funded with federal dollars had to be accessible to the disabled, which many opposed because of expense and aesthetic appeal.

"Hugh's most outstanding contribution to the quality of life of people with disabilities was to successfully place disability rights on Congress' agenda for the first time," former Senate majority leader Robert J. Dole (R-Kan.) wrote for an event honoring Mr. Gallagher in 1995.

Mr. Gallagher was never a one-issue man, and his social concerns ranged from gay rights to dignified end-of-life care. He also was a prolific writer of newspaper opinion pieces.

His earliest nonfiction books concerned a range of subjects, from congressional logjams ("Advise and Obstruct: The Role of the United States Senate in Foreign Policy Decisions," 1969) to the efforts of the indigenous people of Alaska to win large land claims from the U.S. government in 1971 ("Etok: A Story of Eskimo Power," 1974).

By far his best-known book was "FDR's Splendid Deception" (1985), about the president's ability to radiate hope and confidence while living in great physical stress. Many critics hailed the book's unsentimental approach to a long-overlooked aspect of Roosevelt's life.

In her review for The Washington Post, Marina Newmyer wrote that Mr. Gallagher "has put together a solid, suspenseful and fast-paced account of the medical tragedy suffered by Roosevelt."

Mr. Gallagher found that among the 35,000 photographs of Roosevelt at his presidential library, only two featured him in his wheelchair. Media of the day all but ignored the polio, an omission that served the president's political purposes and showed his threshold for withstanding pain, he wrote.

He said he understood Roosevelt's stoicism, which Mr. Gallagher took to indicate a near-disavowal of the disability. "For years, I tried to work harder than any able-bodied person would," he told an interviewer. "My drive to become a superhero exacted a terrible price. I paid no attention to my emotions. I became an automaton."

Hugh Gregory Gallagher was born in Palo Alto, Calif., where his father taught political science at Stanford University. He grew up in Chicago, New York and Washington.

He was at Haverford College in spring 1952 when he suddenly developed polio during parents' weekend. He left school, spent three months in an iron lung and was operated on several times. "I never realized such pain existed," he told a reporter at the time.

Once, his iron lung stopped, and Mr. Gallagher had to instruct the unnerved nurses how to pump the device by hand.

Much of his rehabilitation took place in Warm Springs, Ga., where Roosevelt also had recuperated. That triggered his fascination with the president.

In 1956, he graduated from what is now Claremont McKenna College in California and then went on a Marshall scholarship to Oxford University, where he received the equivalent of a master's degree in political science, philosophy and economics.

At Oxford, he had difficulty maneuvering a wheelchair on the cobblestone streets. The only bathroom he could use was a block and a half from his room.

Such indignities led to his legislative work on Capitol Hill. He spent most of the 1960s as an administrative assistant to Sen. E.L. "Bob" Bartlett (D-Alaska). He also worked for President Lyndon B. Johnson as his legislative signing and veto message writer in 1967 and 1968.

He then was the Washington representative for British Petroleum and spent about 25 years as a policy and politics consultant for large oil concerns in Europe. His work took him to Alaska and other oil-drilling areas, where he was often hoisted onto oil rigs in his wheelchair.

Over the years, he lobbied to make airports, performance halls and libraries accessible to those in wheelchairs.

He wrote from his home in Cabin John, including the books "By Trust Betrayed" (1990), about Nazi Germany's treatment of the disabled, and "Black Bird Fly Away" (1998), which looked at his own depression about his disability.

In 1995, Mr. Gallagher received the \$50,000 Henry B. Betts Award for his lifetime work for the disabled.

At the time, he reflected on the "revolution" in attitudes toward the disabled but added that there were some limits in what was doable or even desirable.

"Making the New York City subway system accessible to wheelchairs is not the best way to spend public money," he said. "Besides, I'm not going down there to get mugged."

Survivors include his father, Hubert R. Gallagher of Bethesda; and a sister.

**DISTINGUISHED SERVICE AWARD
TO THE HONORABLE WILLIAM L.
OSTEEN, SR.**

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. COBLE. Mr. Speaker, recently, the Honorable William L. Osteen, Sr., U.S. District Court Judge for the Middle District of North Carolina, received the Greensboro Bar Association Distinguished Service Award. I have known Bill Osteen for many years. Bill is an outstanding jurist, and I know of no more deserving recipient for this prestigious award.

As an aside, I had the honor of serving as Bill's Assistant United States Attorney, while he served as the United States Attorney for the Middle District of North Carolina in the late 60s and early 70s.

Mr. Stephen Millikin, from the law firm Smith Moore LLP, delivered a wonderful speech at the presentation of the Greensboro Bar Association Distinguished Service Award. The Sixth District is proud of Bill Osteen, and I urge my colleagues to review the remarks made by my good friend, Steve Millikin.

I have referred to Steve as the "Bob Dole of the Sixth District of North Carolina" because, not unlike the great Senator from Kansas, Steve is an outstanding advocate for America's veterans. I hope you will enjoy Steve's remarks.

REMARKS BY STEPHEN P. MILLIKIN AT THE PRESENTATION OF THE GREENSBORO BAR ASSOCIATION DISTINGUISHED SERVICE AWARD TO THE HONORABLE WILLIAM L. OSTEEEN, SR., APRIL 15, 2004

The Greensboro Bar Association is pleased to present its Distinguished Service Award for the year 2004 to a person whose accomplishments in this community and throughout the state are well known, and whose strength of character and devotion to duty are universally admired. This person has conducted himself among us in such a manner as to be a splendid example for all to follow.

The Honorable William L. Osteen, Sr., hereinafter "Bill" or "Bill Osteen", was born in Greensboro, North Carolina on July 15, 1930. He is the son of John Luke Osteen and Ruth Tatum Osteen. His father was the well known and highly respected first U.S. Probation Officer and the first Chief U.S. Probation Officer for the Middle District of North Carolina. He was a most jovial and friendly man by nature. Bill's mother was a gentle giant of a lady though small of physical stature. She died at an early age, but not before she had a very strong influence upon Bill who promised his mother that he would never take a drink of alcohol. Bill has remained loyal to that promise throughout his life. Bill has one brother, John Osteen, who is a graduate of West Point. John made a career of the Army and retired as a major general. He now resides in Brevard.

Bill married Joanne Bennett Snow on May 16, 1959. Joanne is the daughter of John and Dorothy Snow. John Snow was an attorney. Joanne attended Duke University where she graduated with honors in Economics. Bill and Joanne have three children: William L. Osteen, Jr., born in 1960, who is a practicing attorney in Greensboro; John Osteen, born in 1962, who now lives in Long Beach, California; and Robert Osteen, born in 1966, who now lives near Charleston, South Carolina. Bill Osteen has a family of which any man would be proud.

Bill Osteen graduated from Guilford High School in 1948, from Guilford College in 1953, and from the University of North Carolina School of Law in 1956. Throughout, Bill was an outstanding student. After obtaining his law degree and license to practice law, he was associated from 1956 to 1958 with W.H. McElwee, Jr., a prominent attorney in North Wilkesboro. From 1958 to 1959, he practiced law as a sole practitioner in Greensboro. From 1959 to 1969, Bill was a partner in the law firm of Booth and Osteen in Greensboro. From 1969 to 1974 he served by appointment of the President of the United States as the U.S. Attorney for the Middle District of North Carolina. From 1974 to 1991 he was senior partner in the successive Greensboro law firms of Osteen & Adams; Osteen, Adams & Tilley; Osteen, Adams, Tilley & Wall; and Osteen, Adams & Osteen. He was appointed U.S. District Judge for the Middle District of North Carolina by President George Bush on June 18, 1991. He has served and continues to serve in that high office with great distinction.

Bill has been active with the North Carolina Bar Association, the North Carolina State Bar, and the Greensboro Bar Association. With the North Carolina Bar Association he was a member of and subsequently chairman of the North Carolina Sentencing Commission, created by the North Carolina legislature to write a suitable sentencing structure for North Carolina. For the North Carolina State Bar, he was a member of the State Bar Council from the 18th Judicial District; a member of the Grievance Committee; a member of the Professionalism Committee; a member of the Legal Aid to Indigents Committee; and a member of the Special Committee to Re-Write the Disciplinary Procedures Manual for Lawyers. He was president of the Greensboro Bar Association in 1989-1990 and he served for a long period of time as a member of its Executive Committee. Bill also served as president of the 18th Judicial District Bar in 1985. He is a permanent member of the Federal Judicial Conference for the Fourth Circuit; a past member of the Federal Bar Association; and a Fellow of the American College of Trial Lawyers. He is a member of the University of North Carolina Law Alumni Association and a member of the Guilford College Alumni Association. He has been a member of the Board of Visitors for the University of North Carolina and a member of the Board of Visitors of Wake Forest University School of Law. Bill is admitted to practice in the North Carolina Supreme Court; the North Carolina Court of Appeals; the United States District Courts for the Middle, Western and Eastern Districts of North Carolina; the United States Court of Appeals for the 4th Circuit; and the United States Tax Court.

Bill was elected to the North Carolina Legislature in 1960 and again in 1962. He served as Minority Leader in both sessions. He was appointed Chairman of the Guilford County Economic Opportunity Council by the county commissioners in 1963. He was appointed by the Greensboro City Council as a member of the City Zoning Commission from 1964 to 1966. He was appointed by the Greensboro City Council as a member of and Chairman

of the City Human Relations Committee from 1966 to 1968. He was an unsuccessful candidate for the United States Congress from the 6th District of North Carolina in 1968.

While serving as United States District Judge, Bill has served as Chairman of the Committee on Codes of Conduct of the Judicial Conferences of the United States, and he has served on the Advisory Committee to the Chairman of the United States Sentencing Commission. He also has heard cases on appeal sitting as a member of the United States Court of Appeals for the 4th Circuit.

Bill has also served in the military. He was in the United States Army Reserve from 1948 to 1951, and was on active duty from October 10, 1950 until December 12, 1951. He entered the service as a private and was a Staff Sergeant at time of discharge.

Bill has enjoyed participating in many athletic activities. He has excelled in all sports that he has undertaken. He has been a competitive golf player. He was number one on the Guilford College golf team. His prowess on the tennis court is legendary. While in law school, he reportedly could out-punt the starting punter for the University of North Carolina football team. To illustrate his ability and agility, reportedly he earlier has been able to grab his left leg with his right hand and then jump through that circle with his other foot and leg, a trick few people are willing to attempt.

Bill has been highly successful in all that he has undertaken. As an excellent practicing attorney, U.S. Attorney and U.S. District Court Judge, Bill has enjoyed a reputation for honesty, professionalism, ethical conduct, and a dedication to exerting a best effort and obtaining a best result. Bill has an innate and keen sense of right and wrong. He has always acted with diligence and competence. He has been fair and judicious in his approach to all questions and eloquent in his expression of thought. As U.S. District Judge he has been appropriately firm and authoritative but also compassionate.

Bill was commissioned a Judge of the U.S. District Court in a ceremony in the Federal Courthouse in Greensboro on September 27, 1991. He has proven to be true beyond any reasonable doubt the things that were said about him and that were predicted for him at that time. In many ways and instances he has exceeded all expectations then expressed.

At the commissioning ceremony, Bill Davis on behalf of the State Bar stated: "I think that this is an absolutely perfect appointment."

George Mast on behalf of the N.C. Bar Association said: "Bill stands tall in the forest of the legal community. What he has been speaks with more eloquence than anything I can say. His appointment tells us that our system is working; that someone of (his) . . . quality and caliber and distinction, honesty and integrity can be appointed as a District Judge."

Ralph Stockton for the ABA said: "I tell you, it's hard for me to imagine anyone more qualified to assume the role of United States District Judge in the Middle District than Bill Osteen."

"Our investigation . . . specifically in Bill's case, has to do with professional qualifications . . . in the area of professional competence encompassing the qualities of intellectual ability and capacity, judgment, writing and analytical ability, knowledge of the law, and breadth and depth of legal experience. Integrity, our number one hallmark, includes the candidate's character and honesty in legal and personal relations. Judicial temperament speaks for itself and includes the candidate's open-mindedness, decisiveness, freedom from bias, and commitment to equal justice. In the course of our comprehensive investigation of Bill Osteen . . . I