

these erroneous figures and invalid claims in formulating public health policies.

As a neurosurgeon who has spent incalculable hours in the middle of the night treating neurological victims of gunshot wounds, I deplore the rampant violence and crime in America—but we must have the moral courage to pursue the truth via unbiased, sound, scholarly research and recognize the fact public health researchers have an obligation to write their conclusions based on objective data and scientific information rather than on emotionalism, political expediency, or budgetary considerations.

Sadly, the National Center for Injury Prevention and Control (NCIPC) of the CDC has from its inception and has continued to pursue, despite valid criticism from many quarters, a grossly politicized agenda and has abjectly lost sight of its mission. It has become crystal clear that rather than fulfilling its traditional role, public health has increasingly become a political forum for individuals who consistently advocate politicized health care policies, to the detriment of traditional public health and the public. In particular, the NCIPC, in the name of injury prevention and control, has succumbed to ideology, forfeiting its mission and despoiling the function for which it was created by Congress.

I am here today on my own time and at my own expense because I believe, as did Louis D. Brandeis, former Supreme Court Justice, that the most important office is that of the private citizen, and in these times of great uncertainty, budget cuts, crushing deficits, and a staggering national debt, we all have an obligation to see that public funds are used wisely and for the best possible benefit to society. I hope my being here and providing you with this information will help you accomplish that goal.

I have always been a staunch supporter of public health in its traditional role of fighting pestilential diseases and promoting health by educating the public as to hygiene, sanitation, and preventable diseases; but that new, unrecognizable part of public health, incarnated in the NCIPC has gone too far as a politicized agency with its own gun control agenda and result-oriented research, losing sight of its mission, to the detriment of the public good.

The NCIPC has failed to do the job with which it was charged by Congress. In the words of Williams C. Waters, MD., Eastern Director of Doctors for Integrity in Policy Research (a non-profit association of physicians from academia and the private sector which monitors federally-funded research to prevent flawed information from impacting adversely on public policy):

"We believe that the NCIPC fails to do its job because of unscientific bias... First is the overt political activism of the NCIPC staff and their federally-funded researchers. Second, is that there seems to be a tacit assumption—perhaps even foundational concept—among many public health researchers that firearm prohibition/control provides a ready solution to many of societal ills. [Moreover]...its research is narrow in scope...and performed using abysmally poor methodology... There seems to be a tendency on the part of those defending the NCIPC to simply reiterate figures depicting the problem of firearms violence/injury as justification for the agency's existence."(4)

DIPR has listed representative criticisms regarding the NCIPC:

1. I have already testified to the fact that basic information is not accurately represented by the researchers of the NCIPC; research models are inappropriate to the subject under study; and let me also reiterate that the conclusions of their research are preordained.
2. NCIPC staff and funded researchers are very active in partisan meetings and organizations which are unequivocally political in nature. For example, at the Handgun Epidemic Lowering Plan (HELP) in 1993 and in 1995, NCIPC researchers and staff were faculty for this strategy conference in which "concerned professionals" were urged to assist in making it "socially unacceptable for private citizens to have guns." The conference was funded inappropriately (and perhaps illegally) in part by the CDC/NCIPC funds which had previously been allocated to study rural and farm injuries, and the only non-academic faculty member was Sarah Brady of Handgun Control, Inc. (HCI). Additionally, the DIPR has also compiled a long list of comments by CDC researchers and staff reflecting deep bias in their attitudes about firearms that questions their motives and blemishes their claims of objectivity in scientific research.
3. NCIPC funds are diverted to support advocacy publications and activities; for instance, the Injury Prevention Network Newsletter, published by the Trauma Foundation and again supported by CDC/NCIPC funds.
4. NCIPC researchers breach accepted practice in the scientific community by refusing to release their publicly-funded, original data to other scientists for critical review.(5)
5. Finally, allow me to bring to light the fact much of the preventable injury research done by the CDC/NCIPC (except, perhaps, for the politicized, flawed gun research I have discussed) is redundant, already being adequately performed by other agencies with more experience and expertise in the field. For example, the Dept. of Transportation has already a prevention program for reducing automobile-related injuries. The Dept. of Labor has OSHA (Occupational Safety and Health Administration) which conducts research on injury prevention in the workplace. The Dept. of Justice began an initiative in 1994 that addresses specifically violence prevention, and in conjunction with other agencies, domestic violence. The Dept. of Education likewise is involved in violence prevention within school systems. The Dept of Health and Human Services is also conducting federally-funded research on violence at a cost of over \$50 million (FY95; and the equivalent of the entire FY96 NCIPC budget).

Because the complex nature of violence in our society, violence and crime prevention efforts should be addressed by our education and criminal justice systems. Violence is not a disease and therefore it's not amenable to study or treatable with the traditional public health model measures.

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Based on these serious violations in the pursuit of [un]scientific research, and the duplicative and redundant functions of the NCIPC, it's my professional opinion this committee should eliminate all funding for this agency for FY97.

This money could be applied toward achieving a balanced budget, or better yet, could be put to use in breast cancer research, against a pernicious disease that afflicts 185,000 women annually and claims the lives of another 45,000 women a year.

References

1. Kellermann AL, Reay DT. Protection or peril? An analysis of firearm-related deaths in the home. *N Engl J Med* 1986;314:1557-1560.
2. Kellermann AL, Rivara FP, Rushforth NB, et al. Gun ownership as a risk factor for homicide in the home. *N Engl J Med* 1993;329(15):1084-1091.
3. Suter EA. Guns in the medical literature—a failure of peer review. *J Med Assoc Ga* 1994;83(3):137-148.
4. Waters WC. Letter to Senator Arlen Specter. January 1, 1996.
5. Kates DB, Schaeffer HE, Lattimer JK, et al. Guns and public health:Epidemic of violence or pandemic of propaganda? *Tennessee Law Review* 1995;62:513-596.

Testimony by Miguel A. Faria, Jr., M.D. presented to the Subcommittee on Labor, Health and Human Services of the House Appropriations Committee, March 6, 1996.

Dr. Faria is a consultant neurosurgeon, editor, publisher, author, and Adjunct Professor of Medical History at Mercer University School of Medicine in Macon, Georgia.

Sed quis custodiet ipsos custodes?
Juvenal.

Mr. PORTER. Doctor Faria, because of the testimony of Doctor Waters and yourself, and I assume perhaps others, normally what we would do is have Doctor Satcher, the Director of the CDC, here to testify for the entire agency. What I just asked my clerk to do is to ask Doctor Satcher to have the people from injury control accompany him so that they can provide answers to these charges that you and Doctor Waters and perhaps others are making so we can get some answers. So we're going to look into it and see what their response is to what you're saying.

Dr. FARIA. Thank you, Mr. Chairman.

Mr. PORTER. Mrs. Lowey.

Mrs. LOWEY. Thank you, Mr. Chairman. May I just state for the record that it's my understanding that CDC research is based on review by scientific experts from across the Nation, the same process that NIH uses to fund scientific research. In addition, the research that these witnesses condemn is published in peer-reviewed scientific journals. I would just like to share a quote with you, Mr. Chairman. A special panel recently charged with reviewing the Center for Injury Prevention and Control's extramural research grants focused on gun safety found that, "Efforts have contributed to an increased public awareness of firearm injuries as a preventable public health problem and to the application of public health research methods as a way of gaining scientific understanding of firearm injury cause and prevention." It seems to me, if we're interested in preventing injuries and deaths caused by firearms, we should praise the efforts of the Center rather than condemn it. Could you comment, please?

Dr. FARIA. As I mentioned before, I have a lot of respect for the CDC as far as to their traditional role. I am a medical scientist and also a medical historian and I can testify to you that through the ages public health has done an excellent job in fighting pestilential diseases and diseases that truly are studied via the public health model, that is, the epidemiological model. But when it comes to the National Center for Injury Prevention and Control, we don't have science, we don't have unbiased research. The gun control research is based on "junk" science, and let me tell you why.

You don't go about in science to make a statement and then find corroborative evidence to support that statement, that presumption. You go the other way around. You gather facts, you test those facts, and then you make a generalization. That is the way science progresses through the ages. In the NCIPC, and I want to make sure that we separate the rest of the CDC that is doing a lot of good work on infectious disease, I have nothing but praise for them and what they are doing there, it is this arm that has become a politicized arm, I don't have any other conclusion, but it has become an arm of the gun control lobby. I have yet to see a published report that has been funded by the NCIPC in which any benefits of firearms in the hands of law-abiding citizens had been published, even though they are there. I am also aware of very good studies, because I'm an editor, that have been peer-reviewed extensively that have been written and co-authored by 30 scientists and yet this study has been declined publication in the medical literature because the results did not square with what was expected of that research. In other words, if you don't conclude that guns are

bad and that they need to be eradicated because they are a "public health menace," they are not published.

Mrs. LOWEY. In conclusion, Mr. Chairman, there certainly seems to be a real difference of opinion here. I welcome the testimony of Doctor Satcher. I guess there are as many experts published in these journals that would disagree with you. In my judgment, certainly in the area where I come from, violence is a public health emergency and the numbers of cases of people who are brought into the emergency rooms as a result of gunshot wounds does make this a public health emergency. So I welcome the work that the CDC is doing in this particular division. And I respectfully thank you for your testimony but I certainly look forward to seeing the testimony from Doctor Satcher. Thank you, Mr. Chairman.

Mr. PORTER. Thank you, Mrs. Lowey. I might say that we are supposedly half way through the afternoon session and we've covered two of nine witnesses. So we have quite a ways to go yet.

Mr. DICKEY. Is that another way of saying I can't ask questions?

Mr. PORTER. If you choose to interpret it that way, yes. [Laughter.]

Mr. DICKEY. Well, I'm objecting.

Mr. PORTER. Do you have another question?

Mr. DICKEY. Yes, sir. Thank you, Mr. Chairman. Why would the CDC risk its reputation by allowing this arm to become a political sounding board? How does that relate?

Dr. FARIA. Well, one is ideology. The other one is where the money is, that is where the government money is going is for gun control. The NCIPC is getting now close to \$50 million a year to do this kind of gun control research and I think that suffices to say that it provides enough incentive for them to do so.

Mr. DICKEY. Thank you, sir.

Mr. PORTER. Doctor Faria, I think we would all agree though that there is a serious problem in our country with gun injuries. They cost our society enormous amounts of money and therefore it has to be a public concern. Whether the science is biased science or not is a question we must look into, I agree with that. Whether this is a serious problem for our country or not, I think there is no doubt of that. The question is how you lessen the amount of it in our society or hopefully eliminate it. But that's an answer that ought to come out of the science.

Mr. DICKEY. Mr. Chairman, let me ask a question about that. The automobile is also an instrument that causes enormous injury and death.

Mr. PORTER. Yes, and we do a lot to control how automobiles are used.

Mr. DICKEY. Does CDC study that? I don't know, does it study automobiles?

Mr. PORTER. It studies injuries resulting from automobiles, yes. Sure.

Mr. MILLER. I'm confused by why the CDC is involved in this.

Mr. PORTER. We're the appropriators, not the authorizers. They'll have to answer that question for you, Dan.

Mr. MILLER. How much detail is in the authorization in that area?

Mr. PORTER. I don't know. Mr. Hoyer?

Mr. HOYER. The reason they're involved in it, I'd tell my friend from Florida, is because, as the Chairman indicated, you're talking about millions and millions and millions and millions of dollars as a result of the injuries that are sustained on a daily and nightly basis by American citizens. Now, I agree with some of what's been said and I disagree with others, but the rationale for getting into this was to see if from a scientific/medical standpoint we could determine how this could be lessened. That's essentially the answer to your question, I think.

Mr. MILLER. I'm confused why the CDC is doing it. I'm one who voted for the banning of assault weapons so I'm not necessarily on the same side, but it doesn't seem like CDC's responsibility.

Mr. HOYER. CDC has been very focused on traumatic injury, however sustained. You asked about automobiles, Jay. CDC has focused on trauma, and obviously some of the largest, most repetitive traumatic injuries that occur on a daily basis in America are a result of weapons, not just handguns, but other weapons that are costing us a lot of money in emergency rooms throughout the country.

Mr. MILLER. But the CDC shouldn't be getting into better driving classes. It sounds like the CDC may be getting—well, I look forward to their testimony.

Mr. PORTER. Let me urge the members who are here today and others to be present for the CDC hearing and we can examine this question.

WEDNESDAY, MARCH 6, 1996.

WITNESS

DON B. KATES, JR., ATTORNEY

Mr. PORTER. Don B. Kates, Jr., attorney and criminologist associated with the Pacific Research Institute for Public Policy and a civil liberties lawyer practicing in the San Francisco Bay area, testifying regarding the National Center for Injury Prevention and Control. Mr. Kates.

Mr. KATES. Thank you, Mr. Chairman. Last year the *Tennessee Law Review* published an evaluation of public health research on firearms. It was written by me and three professors from Harvard and Columbia Medical Schools. The problems we found are suggested by the fact that the CDC harps on banning guns to reduce gun accidents yet never mentions that over the last fifteen years when handguns increased 173 percent fatal gun accidents fell by two-thirds. Now, if their agenda, their real agenda were simply reducing gun death, surely the CDC ought to focus on this.

Here we have an enormous decrease in gun death. If we could isolate the reasons, maybe we could reduce gun death further. But the CDC has not focused on it, has not produced any discussion of it whatever because, in fact, their agenda is only to reduce gun death through banning guns and they are not interested in any other issue.

When the issue of gun safety training comes up, their response is there's no point discussing that. There are no studies that prove gun safety training reduces death. Well, that's what they're sup-

posed to study. Why are there no studies? A two-thirds reduction in death, no studies, and their response to that is, well, there aren't any studies. The reason there aren't any studies is because the CDC is not interested in studying anything that reduces gun death except banning guns.

Their response to our evaluation is typical—one sentence in an article defending themselves. It dismisses our 83 pages and 368 footnotes in one sentence saying, well, we're against gun control. Irrelevant and false. I am denounced by the gun lobby for supporting various controls it opposes. I'm a liberal. My background is in poverty and civil rights law. I was a law clerk to William Kuntzler, a professor of constitutional and criminal law. The difference between us and what passes for scholarship in the CDC is that while its articles never acknowledge contrary scholarship, we had the law review invite everyone we criticized to respond. When I gave a speech in Atlanta with the CDC people in the audience I personally invited them to respond. There has been not one taker. They will come here at your request and they will give you a bunch of statements unsupported by footnotes, but they will not submit an article where their footnotes have to be checked.

The reason for their default goes beyond not having any answer to this. They don't feel the need to have an answer. They work from an unshakable faith in banning guns. Our evaluation doesn't support that faith, so we're wrong. They don't have to look at our article, they just look at the conclusion. The conclusion is wrong, therefore the article must be wrong. For that reason, we find falsehoods like the CDC reporting to Congress that murder rates have paralleled rising handgun sales, even though in fact the murder rates have stayed stable and handgun sales have increased 173 percent. That is not really a lie; it is a statement of faith. They know that more guns cause more death, so they don't have to check whether there was more death, they just say there was.

Likewise, the principal person who receives money from them is Doctor Kellermann. Doctor Kellermann knows that "restricting access to handguns could substantially reduce our annual rate of homicides." So he cites a National Institute of Justice study as supporting that even though what that study says is, "There is no persuasive evidence that supports this view." Incidentally, Representative Lowey, that appeared in a peer-edited medical journal. Another statement that appeared is by the NCIPC director Doctor Rosenberg. He knows having guns causes people to do terrible things, so he solemnly asserts that murderers and even robbers are not criminals but ourselves, even though all of the statistical evidence shows that murderers are overwhelmingly highly aberrant people. I have a few more examples of statements appearing in peer-reviewed medical journals.

This article is full of false statements, all of which appeared in peer-reviewed medical journals. The problem with peer review is that if the only people who review you think exactly as you do, there will be no legitimate peer review. Thank you. I'd be happy to receive questions.

[The prepared statement follows:]

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February 28, 1996

Firearms Literature: An Evaluation of Publications

*Sponsored by the Centers for Disease Control's National
Center for Injury Prevention and Control (NCIPC)*

by Don B. Kates*

[WRITTEN TESTIMONY OF DON B. KATES to accompany his March 6, 1996 oral testimony before the House of Representatives Committee on Appropriations, Subcommittee on Labor, Health and Human Services and Education]

* Don B. Kates is a criminologist associated with the Pacific Research Institute for Public Policy and a civil liberties lawyer practicing in the San Francisco Bay area. His publications related to gun control include the leading work on the constitutional right to arms (*MICHIGAN LAW REVIEW*, 1982), the entry on that right in the *ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION* (1986) and an evaluation of the defensive value of firearms in the *AMERICAN JOURNAL OF CRIMINAL LAW* (1991). He co-authored a recent article evaluating the medical and public health literature on firearms and gun control. "Guns and Public Health: Epidemic of Violence or Pandemic of Propaganda", 62 TENN. L. REV. 513 (1995).

I am here to discuss our recent review of the public health literature on firearms. I am the principal author, the co-authors being professors from Harvard and Columbia Medical Schools.¹

SUMMARY

While our evaluation did not focus specially on the CDC and its NCIPC, we did evaluate its (their) work in reviewing the public health literature generally. Regrettably, we found NCIPC-connected work in the firearms area very disappointing. To briefly summarize points expanded on below, in work done or funded by NCIPC:

- 1) Crucial facts and issues are never unmentioned, apparently because mentioning them would undercut or imperil preordained conclusions.
- 2) Likewise the standard criminological source has never been cited.²
- 3) Sources are sometimes cited for points diametrically opposite to what they actually say, but never for facts that undercut NCICP's desired conclusions.
- 4) Scholars seeking to check conclusions purportedly based on NCICP-funded research are routinely denied access to the data -- though its collection was publicly funded, and such denial deprives that research of any scientific credibility whatever.

Our evaluation runs 83 pages with 368 footnotes. I urge the Subcommittee to ask the NCIPC and those it has funded to answer our findings in similar detail. It bears emphasis that, at my urging, the TENNESSEE LAW REVIEW invited all those whose work we evaluated adversely to reply. None of them have accepted this invitation -- even though I personally reiterated it to Dr. Arthur Kellermann and the CDC's James Mercy who were both in the audience when I spoke at Emory University in October, 1995.

If there is some error or unfairness in our evaluation, why won't they answer and expose it?

DISCUSSION³

Though enormous, the NCIPC-connected literature on firearms exhibits vast lacunae. The recurrent theme is that homicide is a direct result of gun availability to responsible, law abiding adults. If that were the case, the c. 110% increase in handguns

¹ My co-authors are Harvard Medical School Professors Edwin Cassem and George Murray, Columbia Medical School Professor John K. Lattimer and North Carolina State University bio-statistician Henry Schaffer.

² The criminological survey work which is universally hailed as the definitive study is Gary Kleck, POINT BLANK: GUNS AND VIOLENCE IN AMERICA (N.Y., Aldine, 1991). See scholarly reviews cited in our article, 62 TENN. L. REV. at 542-43.

³ Numbers appearing in brackets are page references to our TENNESSEE LAW REVIEW article.

over the past two decades should have coincided with a c. 110% increase in homicide. But homicide did not increase 110% or 100% or even 50% or 25% or 10%. Homicide actually decreased slightly. [572] NCIPC-connected studies explain this embarrassing inconsistency with their preordained view by suppressing all mention of it. In not one of the innumerable NCIPC-connected studies focussing on the role of firearms in violence will there be found long-term homicide data correlating homicide trends with gun ownership trend data nationally. This remarkable omission of data -- data that should be of primary interest -- is quite inexplicable.

There is a simple reason why a 110% increases in gun ownership among the ordinary citizenry failed to produce increased homicide. Ordinary citizens aren't the problem. Homicide studies uniformly find perpetrators are extreme aberrants with lifelong histories of violence and other crime, psychopathology and substance abuse. [579-84] As gun ownership among ordinary citizens does not promote violence, neither is it realistic to believe that gun laws will reduce it. Violent aberrants are not going to obey gun laws.⁴ So, blaming killings by aberrants on ordinary gun owners is erroneous and attempting to disarm them is futile. NCIPC's response to the well-established facts about the aberrance of murderers is never to mention in any firearms study it does or funds. Worse yet, the NCIPC's head, Dr. Mark Rosenberg, wantonly misrepresents the facts. He claims that ordinary citizens are primarily responsible not just for murder, but for robbery and rape as well,⁵ the implication being that if only they were disarmed most rapes, robberies and murders would never occur.

When the extreme aberrance of murderers and other criminals is realized, the failure of rising general gun ownership to increase the murder rate ceases to be surprising. Because the overwhelming majority of citizens are not violent aberrants, there is no reason why their owning guns would increase homicide or other violence. A concomitant fact -- concomitantly never mentioned in any NCIPC-connected article -- is that studies trying to link gun ownership to violence rates find no correlation or a negative one, i.e., that cities and counties with high gun ownership suffer less homicide and other violence than demographically comparable areas with lower

⁴ Of course this is no reason not to have gun laws directed against such violent aberrants. It bears emphasis that neither I nor any of my co-authors are opposed to gun control per se. We are just realistic about the limited potential gun control can have in reducing violent crime.

⁵ "... most of the perpetrators of violence are not criminals by trade or profession. The victims and perpetrators are ourselves -- ordinary citizens, students, professionals, and even public health workers." Quoting ROSENBERG, M.L. (1984) "Violence as a Public Health Problem: A New Role for CDC and a New Alliance with Educators." Educational Horizons 62 (Summer): 124-127 (emphasis added).

gun ownership.⁶

Without mentioning the 20 year correlation between increases in handguns and a decreasing or flat rate of homicide, the NCIPC literature concentrates on the one exception. That is the tragic rise in homicide among young urban black men which is so severe that it has largely eclipsed the decline in most other groups. To focus some attention on that tragic exception is not unreasonable. What is unreasonable, not to mention dishonest, is the omitting the data which refutes the preordained conclusion in all those studies that it is widespread gun ownership which is to blame for inner city homicide. The evidence is conclusive that urban blacks have the lowest rate of gun ownership of any national group. The highest rate is for rural whites and rural blacks -- who nevertheless have the lowest homicide rate. [570-76] If gun availability is the key (or any factor at all), how can it be that urban young black men who have the least access to guns have a homicide rate almost 900% higher than rural young black men who have far greater access to firearms?

FATAL GUN ACCIDENTS

Coincident with the enormous increase in handgun ownership has been a 2/3rds decline in fatal gun accidents. The probable reason is that handguns are far less susceptible to accidental discharge than rifles and shotguns and far less deadly when discharged. We estimate that c. 1,400 additional accidental deaths would occur each year if people kept loaded long guns for home defense instead of handguns. [567-70 and Table 2] Though the NCIPC does purport to study gun accidents, no NCIPC-connected publication has mentioned the phenomenal decline in accidental gun deaths. More important, no research has been directed at determining why fatal accidents have declined so precipitately and how best to capitalize on and extend the decline. This lack of research is irreconcilable with NCIPC's charter to reduce death. But it seems that NCIPC is not interested in any mechanism for reducing gun death which does not involve decreasing gun ownership. [556-561]

SUICIDE

NCICP publications tout banning guns as the preferred means of reducing suicide while never mentioning that suicide is enormously more prevalent in most of the European nations in which guns are banned or far less available. NCICP publications stress the c. 7.5% increase in suicide among young American men during the 1980s, yet fail to mention the c. 78% increase in such suicide in England in the same period. [561-65 and Table 1]

KELLERMANN, SLOAN, ET AL.

Let me now move from the general defects of NCIPC-connected

⁶ In addition to the seven national and local studies we cited (fn. 248) see 86 J. CRIM. L. CRIMINOL. at 218 and n. 30 citing a 1995 survey of Chicago and its suburbs.

publications to those of specific ones. I focus on the work of Drs. John Sloan and Arthur Kellermann because the CDC has funded a series of research projects by them. Moreover, in a recent popular article defending its record, CDC Director David Satcher showcases Sloan and Kellermann articles as shining examples of NCIPC-funded work -- work which the CDC itself deems "excellent to outstanding." [David Satcher, "Gunning for Research", WASHINGTON POST, Nov. 5, 1995.]

Understandably, Dr. Satcher neglects to mention our own and other less favorable evaluations of this body of work, or of the NCIPC-connected literature on firearms in general. We discussed all the Sloan and (or) Kellermann articles, analyzing the latest in great detail. That analysis, principally authored by Professor Schaffer, a biostatistician, concluded that the paper "continues a long series of widely publicized advocacy studies [which] would be more appropriately cited in a statistics text as a cautionary example of multiple statistical errors." [584-95]

Remarkably, we documented multiple invocations by Drs. Sloan and Kellermann of studies supposedly supporting their conclusions when what those studies actually said was diametrically opposite. A 1992 Kellermann article cites as showing "limiting access to firearms could prevent many suicides" a study which concluded the opposite -- that if people don't have guns they just kill themselves some other way. [529] A 1988 Sloan-Kellermann article miscites UNDER THE GUN, the exhaustive National Institute of Justice-funded study of gun control, as supporting Sloan and Kellermann that "restricting access to handguns could substantially reduce our annual rate of homicide." But what the NIJ analysis by Wright & Rossi actually concluded was: "There is no persuasive evidence that supports this view." [547]

The single greatest problem with the Sloan-Kellermann articles is their refusal to reveal the data which any of their studies generated and which supposedly justify their (uniformly anti-gun) conclusions. By thus impairing the ability of other scholars to evaluate their work they deprive its conclusions of any credibility whatever.⁷ Yet NCIPC supports them in treating data collected with public funds as a private preserve of authors seeking to shield their conclusions from scientific scrutiny.

Sloan-Kellermann articles funded by NCIPC have simplistically compared homicide and suicide in Seattle, WA and Vancouver, British Columbia. Ignoring all relevant differences between the cities, Sloan and Kellermann, et al. concluded strict Canadian anti-handgun laws are responsible for Vancouver having lower homicide and

⁷ Sloan and Kellermann adamantly refuse requests for the data underlying any of their NCIPC-funded research on gun ownership and control. See Daniel D. Poisby, "Firearms Costs, Firearms Benefits and the Limits of Knowledge," 86 J. CRIM L. & CRIMINOL. 207-220 and 227-230 (1995) at 210 and David B. Kopel, "Guns, Germs and Science: Public Health Approaches to Gun Control," 84 J. MED. ASS'N GA. 269, 271 ("a gross deviation from appropriate scientific standards.").

suicide rates. Compare NCIPC's evaluation of these studies ("excellent to outstanding") to the evaluation given by the leading American analyst of gun control, Prof. Gary Kleck of the Florida State School of Criminology:

There were only two cities studied, one Canadian, one U.S. There are literally thousands of differences across cities that could account for violence rates, and these authors just arbitrarily seized on gun levels and gun control levels as being what caused the difference. It's the sort of research that never should have seen the light of day.

In comparison to these shoddy two-city comparisons, Sloan and Kellermann's conclusion that Canadian anti-gun law produce lower homicide is contradicted by three methodologically sophisticated studies of all data for Canada and the U.S. [549] Significantly, Sloan was personally aware of at least one of these other studies which was brought to his attention by the author, when they were both teaching the University of Washington. Sloan, et al. "dealt" with the fact that a larger, vastly superior data set contradicted their article's conclusion by just not disclosing that fact. [550-51]

CONCLUSION

But for the five page space limitation I could continue citing methodological incompetence and selective and deceptive misuse of statistics in NCICP-connected work on firearms for many pages. Let me instead just quote our general conclusion. There publications "are so biased and contain so many errors of fact, logic and procedure that we can not regard them as having a legitimate claim to be treated as contributions to a scholarly or scientific literature."

If this seems harsh, it is no harsher than the evaluations of other scholars. Since so much of the Sloan-Kellermann work focusses on Canada, let me cite the evaluation of a Canadian criminologist, Prof. Gary Mauser of Simon Fraser University. He cites one of their articles as "A particularly egregious example" of a literature that "abuses scholarship, inventing, selecting, or misinterpreting data to validate a priori conclusions." [553] Citing two other Sloan and Kellermann papers the CDC funded, a SUNY-Buffalo economist, Prof. Lawrence Southwick, asserts: "Generally the level of analysis done on each side of [the gun control] debate is of a low quality... The papers published in the medical literature (which are uniformly anti-gun) are particularly poor science."

Our evaluation is supported by 350+ footnotes which have been ornately checked (as was our 80+ page text) by the TENNESSEE LAW REVIEW. I invite, indeed entreat, the Subcommittee to have its staff check out our conclusions. The facts speak for themselves. So does the refusal of any of those we evaluated so harshly to even try to refute our work in an article the LAW REVIEW would submit to the same rigorous scrutiny.

Mr. PORTER. Thank you, Mr. Kates.

Any member of the subcommittee have questions? Mr. Hoyer?

Mr. HOYER. Mr. Kates, that's just your article?

Mr. KATES. That's just my article.

Mr. HOYER. And this is, I take it, I have not looked at this, but your article is here and I presume there are other views?

Mr. KATES. Not on this particular issue. There were a bunch of articles by a bunch of experts on gun control. The Law Review solicited articles from a bunch of experts on various aspects. There is no other discussion of the medical/health literature, and indeed you will find none anywhere. Certainly the defenders of that literature have seen no need to write any defense of it.

Mr. PORTER. Thank you, Mr. Kates.

Mr. KATES. Thank you.

WEDNESDAY, MARCH 6, 1996.

WITNESS

TIMOTHY WHEELER, M.D., DOCTORS FOR RESPONSIBLE GUN OWNERSHIP

Mr. PORTER. Doctor Timothy Wheeler, M.D., a practicing surgeon in Fontana, California, and director of Doctors for Responsible Gun Ownership, testifying regarding the National Center for Injury Prevention and Control. Doctor Wheeler.

Dr. WHEELER. Mr. Chairman, members of the subcommittee, my name is Tim Wheeler. I want to thank the subcommittee and its members for allowing me to express the views of our organization today.

I am a full-time surgeon practicing in Fontana, California. I am also the director of Doctors for Responsible Gun Ownership, a project of the Claremont Institute. We are a nationwide network of over 500 physicians and other health professionals who support the safe and lawful use of firearms.

Why would a group of doctors and scientists be concerned about firearms? Because we've heard prominent physicians, who we used to respect, proclaim firearms to be a public health menace, much the same as a dangerous germ. Frankly, we've been concerned to see these doctors speak with a great deal of emotion but with very little real knowledge about firearms.

Americans have always place a great deal of trust in their scientists to do their job honestly, always to guide us toward a brighter future. Until now, they've always respected the Centers for Disease Control and Prevention. But we've seen that value diminish since the creation in 1991 of the CDC's National Center for Injury Prevention and Control. Only five years old, and a newcomer to firearms research, the NCIPC and its staff have strangely ignored the huge body of criminology and sociology evidence about firearms built up over the last twenty years. This research comes from respected academic criminologists, and some of them are supported by Federal grants. We wonder then, why do we never see these valuable studies acknowledged by the NCIPC and its chosen researchers?

Our group concludes it is because the criminology literature mostly refutes the NCIPC's anti-gun philosophy. This philosophy is not a fiction, as you've heard, it's well documented. An example is the flawed research of Doctor Arthur Kellermann, who was mentioned by our last speaker. Doctor Kellermann is a recipient of over \$1.7 million of CDC grant money. His 1993 article on guns in the home as a risk factor for homicide is an example of how heartfelt beliefs concerning controversial issues can color the judgement of even the best scientist. This article purports to study gun owners, but instead it studies a few hundred homicide victims as a sample. Excluded from consideration were the hundreds of thousands of responsible gun owners in the same geographical study area who, like most gun owners, did not become homicide victims.

The other major flaw of this CDC-supported article was the failure to factor in the uses of guns in scaring off criminals. We know that fewer than 1 percent of all the protective uses of firearms result in the death of the attacker. This article therefore grossly underestimates the life-saving and injury-preventing utility of firearms kept at home. Mistakes like these would not normally pass the scrutiny of scientific peer review, but the CDC has continued to fund this author's work.

But the most dramatic evidence of the CDC's involvement in anti-gun advocacy, as you have seen already, is the spring 1995 issue of the Injury Prevention Network Newsletter. This newsletter is published by the Trauma Foundation, a San Francisco group devoted to gun prohibition. This newsletter urges readers to "organize a picket at gun manufacturing sites. And work for campaign finance reform to weaken the gun lobby's political clout." And on the same page where the editor cruelly implicates gun owners in the Oklahoma City bombing, these words appear: "This newsletter was supported in part by a grant from the Centers for Disease Control and Prevention." This is not science. This is tax-supported pamphleteering. We hope that you, the members of this subcommittee, will not let it stand.

Two issues are at stake here. One is the integrity of science, and the other one is the wrong of using tax money to fund political advocacy. Americans should not be made to give their tax money to pay for political action they do not support. I ask you instead to restore integrity to the CDC. I urge you to withdraw funding for the National Center for Injury Prevention and Control until Americans can be sure that it has renounced the passions of politics for the honesty of science. Thank you.

[The prepared statement follows:]

**STATEMENT OF
Doctors for Responsible Gun Ownership
a Project of The Claremont Institute**

Claremont, California

to the

**Committee on Appropriations
Labor, Health and Human Services, Education
and Related Agencies Subcommittee**

United States House of Representatives

presented by

Timothy Wheeler, MD

**Re: Funding for National Center for Injury Prevention and
Control (CDC)**

March 6, 1996 2:00 p.m.

Mr. Chairman, Congressman Obey, and members of the Subcommittee, my name is Timothy Wheeler. I want to thank this Subcommittee and its members for allowing me to express my views today.

I am a full-time ear, nose, and throat surgeon practicing in Fontana, California. I am also the Director of Doctors for Responsible Gun Ownership. We are a nationwide network of over five hundred physicians and other health professionals who support the safe and lawful use of firearms. We are a project of The Claremont Institute, a policy analysis think tank in Claremont, California. Our members come from academia, the military, private practice, and medical school student bodies.

Why would a group of doctors and scientists be concerned with firearms? Because we have seen a change in the way organized medicine views guns and citizens who own guns. We have heard prominent physicians, whose judgment in medical matters we used to respect, proclaim firearms to be a public health menace, much the same as a virulent germ. Many of the members of Doctors for Responsible Gun Ownership in addition to their scientific education have military or civilian training in the safe and proper use of firearms. Frankly, we have been concerned to see these medical gun prohibitionists speak with a great deal of emotion but with little real knowledge of firearms.

Americans have always placed a great deal of trust in their scientists to do their job honestly, always to guide us toward a brighter future. With that trust, they have valued the Centers for Disease Control and Prevention. But we have seen that value diminish since the creation in 1991 of the CDC's National Center for Injury Prevention and Control. Only five years old, and a newcomer to firearms research, the NCIPC and its staff have strangely ignored the huge body of criminology and sociology research about guns built up over the last twenty years. This research comes from respected academic criminologists, some supported by federal grants. Why then, do we rarely if ever see these valuable studies acknowledged by the NCIPC and its chosen researchers? We conclude it is because the criminology literature mostly disagrees with the NCIPC's antigun philosophy.

This philosophy is not a fiction, but is well-documented in the actions of the agency and its staff. An example is the flawed research of Dr. Arthur Kellermann, a recipient of over 1.7 million dollars of CDC grant money. His 1993 article on guns in the home as a risk factor for homicide is an example of how heartfelt beliefs about controversial issues can color even the best scientist's judgment. The article purports to study gun owners, but instead uses a few hundred homicide victims as a sample. Automatically excluded from consideration were the hundreds of thousands of responsible gun owners in the same geographical study area who, like most gun owners, did not become homicide victims.

The other major flaw of this CDC-supported article was the failure to factor in the uses of guns in scaring off criminals. Fewer than 1% of all protective uses of firearms result in the death of the attacker. The article therefore grossly underestimates the life-saving and injury-preventing utility of firearms kept at home. Methodological mistakes like these would not normally pass the scrutiny of scientific peer review, but the CDC has continued to fund this author's work.

Even more revealing are the spoken and written words of the NCIPC's staff. In winter 1993 the Center's present director Dr. Mark Rosenberg and four other senior staff members wrote a CDC pamphlet entitled "Public Health Policy for Preventing Violence". The authors seek an answer to the question "How frequently are guns used to successfully ward off potentially violent attacks?". A university criminologist in a position of responsibility similar to the NCIPC director would at least have known that this question has been exhaustively researched and answered by criminologists. Researchers in criminology, the real experts in the study of crime, have done at least eight independent studies of this question over the last twenty years. The best estimates consistently put the answer between 600,000 and 900,000 defensive uses of firearms every year. More recent reports have put the figure even higher. We have to wonder why the authors, who by their titles could be considered front-line experts in the field, would not know of the relevant criminology literature on the subject.

In the same publication the authors recommend two strategies for preventing firearm injuries: allowing only police, guards, and the military to have guns, or the outright prohibition of gun ownership.

Dr. Rosenberg further reveals his plans for gun owners in an interview in the December 9, 1993 issue of *Rolling Stone* magazine. He states that he "envisions a long term campaign, similar to tobacco use and auto safety, to convince Americans that guns are, first and foremost, a public health menace". This blanket condemnation of decent gun owning Americans is the polar opposite of scientific objectivity. It sounds like what it is: pure political advocacy. Americans don't need convincing by true believers, they need the facts determined by true scientists.

But the most dramatic evidence of the CDC's involvement in antigun advocacy is the Spring 1995 issue of the *Injury Prevention Network Newsletter*. This newsletter is published by the Trauma Foundation, a San Francisco group devoted to gun prohibition. The newsletter exhorts readers to "organize a picket at gun manufacturing sites" and to "work for campaign finance reform to weaken the gun lobby's political clout". And on the same page where the editor cruelly implicates gun owners in the Oklahoma City bombing, the words appear, "this newsletter was supported in part by Grant #R49/CCR903697-06 from the Centers for Disease Control and Prevention". This is not science. This is tax-supported pamphleteering. And we hope that you, the members of this Subcommittee, will not let it stand.

Two principles are at stake here: the integrity of science and the impropriety of using tax money to fund political advocacy. Science in the service of politics has a poor record. We would be wise to keep them separate.

Americans have always maintained freedom of political expression, and the heartfelt beliefs of gun prohibitionists are no exception. But Americans should not be made to give their tax money to pay for political action they do not support.

I ask you instead to restore integrity to the CDC. I urge you to withdraw funding for the National Center for Injury Prevention and Control until Americans can be sure that it has renounced the passions of politics for the solid honesty of science, properly done.

Mr. PORTER. Thank you, Doctor Wheeler.

Does any member care to question? Mr. Riggs?

Mr. RIGGS. Mr. Chairman, this is more a question really of you than our witness. I am just curious whether CDC's National Center for Injury Prevention and Control intends to use any portion of their current fiscal year appropriation to continue this sort of research.

Mr. HOYER. Mr. Chairman, will you yield on that?

Mr. PORTER. Well, the gentleman has the time. I would yield.

Mr. RIGGS. I'd be happy to yield to the gentleman.

Mr. HOYER. It's my understanding, Doctor Wheeler, that the CDC determined that this would have been an inappropriate expenditure of money, did not authorize the expenditure of money for that pamphlet, and in fact in that pamphlet there is a disclaimer that none of the views expressed therein represent the views of the CDC. So, as I understand it, Federal funds were denied for that pamphlet. Are you aware of that?

Dr. WHEELER. I was not aware that Federal funds were denied after the fact. I believe that the Injury Prevention Network Newsletter really illustrates conclusively to the subcommittee what the real agenda of the NCIPC is. We are no longer able to ignore it. We think that the evidence is overwhelming that the leaders of the CDC, even though they are people of good faith and good will, clearly have a political agenda here and it is contaminating their science.

Mr. HOYER. Doctor, if they concluded that this was, in fact, as you concluded, an inappropriate expenditure, and have so concluded, that would, I think, diminish the assertion that they think this money ought to be spent for this purpose, wouldn't it?

Dr. WHEELER. Congressman Hoyer, yes, it certainly would. On the other hand, I have difficulty imagining how the Centers for Disease Control would, for example, even consider giving a grant to the National Rifle Association, for example.

Mr. HOYER. Thank you, Mr. Chairman.

Mr. PORTER. Mr. Dickey?

Mr. DICKEY. Doctor Wheeler, are you familiar with a little town called Kennesaw, Georgia and the experience they had with gun control?

Dr. WHEELER. Yes, sir, I am.

Mr. DICKEY. Why don't you tell this panel what happened there. I think there was a 67 percent reduction in violence the first year, something like that.

Dr. WHEELER. Kennesaw is famous to those who follow these matters because Kennesaw, Georgia, my understanding is that they passed a city ordinance that required its citizens to own firearms and to have them in the home. Since then, it is my understanding that the violent crime rate has essentially plummeted and it has become one of the safest communities to live in.

Mr. DICKEY. And that means less people going to the emergency room, doesn't it?

Dr. WHEELER. Yes, sir, it would.

Mr. DICKEY. Less injuries.

Dr. WHEELER. Yes, since most injuries are the result of violent criminal actions. Yes, sir.

Mr. DICKEY. Now let me see if you're consistent on this. Would you advocate a grant to study the Kennesaw situation to come through the CDC?

Dr. WHEELER. If the CDC were to continue this research, I believe that would be a valid area of study. Here is an island of exception to their orthodoxy that clearly shows that firearm ownership by regular citizens is not the awful threat to our safety that it is made out to be.

Mr. DICKEY. But what in the world are we doing spending money from CDC to study something like that? That's not science, is it?

Dr. WHEELER. That's correct, Congressman Dickey.

Mr. DICKEY. But if they're doing it on the other side, you think we ought to balance it with that?

Dr. WHEELER. If that were the case, I think it would only be fair to study the matter judiciously and equally, yes.

Mr. DICKEY. Well, I might disagree with you on that because I don't think we should be spending scientific money to study either side of the issue.

Mr. PORTER. Thank you, Doctor Wheeler.

WEDNESDAY, MARCH 6, 1996.

WITNESS

LAWRENCE JARVIK, Ph.D., CAPITAL RESEARCH CENTER

Mr. PORTER. Our next witness is Lawrence Jarvik, Ph.D., Cultural Studies Fellow, Capital Research Center, testifying regarding the Corporation for Public Broadcasting. Doctor Jarvik, nice to see you again.

Mr. JARVIK. Thank you for having me here, Mr. Chairman. It's an honor to be back and I appreciate the invitation from you and the committee. I am Cultural Studies Fellow at the Capital Research Center and editor of Foundation Watch. With the permission of the subcommittee, I would ask that my full statement be included in the record. I've tried to cut it down to five minutes.

Last year, the Speaker of the House announced he would zero out the Federal subsidy for public broadcasting. The Speaker's first position has withstood the test of time. Events have shown public broadcasting does have other sources of revenue which can replace its Federal subsidy. And according to "MediaNomics," private donations increased substantially after Congress cut CPB's annual appropriation last year. To give one dramatic example, Santa Monica, California's NPR station KCRW raised \$1,090,000 in a February pledge drive last year, a 26 percent increase over the previous year. And I have a little chart which shows for the three quarters of last year, every quarter had an increase over the previous quarter. In March, it was 15.3 percent increase; in August, it was 16 percent increase; and in December, it was a 7 percent increase.

PBS has also announced a number of new business deals including a \$75 million arrangement with *Reader's Digest*. PBS program producers have also begun new ventures. Children's Television Workshop, CTW, producers of Sesame Street, announced they would start a new cable channel for children. And CTW continues business and licensing endeavors which result in gross sales of all

sorts of things of about \$1 billion in related merchandise, and gross revenues to CTW of about \$100 million. Some of it comes from their magazine which is tied into the show.

Yet, despite revelations about Chinese human rights violations by Harry Wu and others, Sesame Street products can still be found today clearly marked "Made In China." I was in a store in McLean over the weekend and I saw some little toys stamped "Made In China" with Big Bird on them. China bans political dissent, persecutes Christians, forces women to have abortions, and operates orphanages which are unhealthy for children, which was on 60 Minutes not long ago. AFL-CIO spokeswoman Chyrol Graeve has noted, "toy workers are paid less than a dollar an hour." Nevertheless, CTW continues to pay top executives six figure salaries while licensing to companies who manufacture there. Somebody in Brent Mosell's office said we should call it Children's Television Sweatshop instead of Children's Television Workshop.

Had Congress followed through on the Speaker's original privatization plan, public broadcasting might be self-sufficient today and Congress wouldn't have to deal with this issue.

CPB has not been reauthorized due to its own failures to ensure the integrity of the public broadcasting system, maintain balance, objectivity, guarantee managerial competence. CPB does not deserve a trust fund because it has lost its call on the public trust. Some examples: PBS's so-called "Democracy Project" has been more like the Democrat project, incredibly PBS does not feel the slightest obligation to have even a token Republican executive in its programming chain of command. This is supposed to be a nonpartisan federally-subsidized institution. PBS's so-called "National Issues Convention" was a pseudo-event which wasted some \$4 million. President Clinton and Senator Dole and Pat Buchanan, the major frontrunners, didn't even show up. I believe \$2 million of that came from PBS's budget.

PBS has still not set up an independent fact checking or standards of practices department despite a personal promise from PBS president Irv Duggin to Andrea Levin, head of the Committee for Accuracy in Middle East Reporting in America, who recently was traveling to Israel and I haven't been able to be in touch and I hope she's all right, with Alex Saffin, who was here last year.

PBS rejected Covering Cuba, a documentary by Augustin Blazquez, who is with us in the audience today. It criticized the mainstream media infatuation with Castro. PBS would not show it. For months it was denied. And then only a few weeks ago Castro's planes shot down American citizens in an incident which confirmed Blazquez' thesis in his film. PBS rejected the Family Research Council's Children of Table 34, which exposed allegations of child sexual abuse in Doctor Kinsey's research. This resulted in introduction of legislation here in the House, it was in the *Washington Post* Style Section, but it wasn't good enough for PBS.

Frontline has also aired a number of troubling documentaries which CPB has paid for. For example, the "Long March of Newt Gingrich" on Frontline which contained a heckler making offensive and possibly obscene remarks. Another program about killings at an abortion clinic in which four-letter words were used without being bleeped—I couldn't believe it when I heard it—and which a

number of women complained to the *New York Times* that their views had been excluded because of anti-Catholic bias. Another about campaign contributions, "So You Want to Buy a President." It was so unbalanced that David Broder condemned it in the *Washington Post*.

Let me summarize with the one example I care most strongly about, the rest will be in the record. PBS has still not aired an episode of "The American Experience" to correct the Holocaust revisionism in "Liberators: Fighting on Two Fronts in World War II." Colonel Moncrief, Jr., the senior surviving officer of the Sixth Armored Division who actually was present at the liberation of Buchenwald, repeatedly asked PBS to air something to correct the historical record. He came to Washington, I met with him, Congressman Hesley met him, Senator Pressler's staff met with him. If I could find the soldiers who liberated Buchenwald, so could PBS. Thank you.

[The prepared statement follows:]

Testimony of Laurence Jarvik, Ph.D.

**Cultural Studies Fellow
Capital Research Center
Washington, DC**

**for the
Subcommittee on Appropriations for
Labor, Health and Human Services, and Education**

March 6, 1996

Mr. Chairman, and members of the subcommittee, thank you for inviting me to testify today regarding the appropriation for the Corporation for Public Broadcasting (CPB) for Fiscal Year 1999. I am Cultural Studies Fellow at the Capital Research Center and editor of *Foundation Watch*, a newsletter which covers the activities of philanthropic foundations such as those which support PBS and NPR.

Last year, when I testified before this subcommittee, the Speaker of the House had just announced that in order to help balance the budget and reduce the federal deficit, he would "zero out" the federal subsidy for public broadcasting — because it was an unnecessary Federal expenditure. The Speaker was right then, and his statement has withstood the test of time. Events have shown that public broadcasting has other sources of revenue which, if properly utilized, can more than make up for the small fraction of the budget provided by the Federal government through the CPB. According to "MediaNomics," (a publication of Brent Bozell's Media Research Center) an analysis by editor Tim Lamer of PBS's reported fundraising totals reveals that after Congress cut the federal payment to PBS last year, overall revenues to local stations from private donors *increased substantially* — more than making up for the reduction in federal spending, at no cost to the American taxpayer.

According to Lamer, for example, Santa Monica California's NPR station, KCRW, raised \$1.09 million in a single February pledge drive, a 26 percent rise over the previous year. Arkansas Educational Television surpassed its \$350,000 fundraising goal — while reducing pledge breaks by 10 percent. KRMA, in Denver, Colorado, reported a 13 percent uptick, and WETA in Washington, DC announced 62 percent of a \$1 million drive came from new members. KCET, Los Angeles released a figure of \$1.68 million, some \$205,000 more than in 1994. Overall, March 1995 pledges were 12.9 percent higher than in 1994, and total dollars pledged were up by 15.3 percent. Lamer notes private foundations also increased their contributions. In 1994 Chicago's MacArthur Foundation gave \$1,295,470. Last year it provided \$4,139,700. The Mott Foundation gave \$590,000 in 1994, \$935,000 in 1995. The Pew Charitable Trusts increased its contribution level from \$2,740,000 in 1994 to \$3,896,000 in 1995.

And successful private fundraising continues. Just this week, for example, Channel 26 reported some \$177,820 in pledges, including over \$35,000 from an airing of a Peter, Paul, and Mary concert film, and what the *Washington Post* called an "astounding" \$94,389 from a one-night-only "Les Miserables in Concert." In New York, the same program netted \$400,000 in only 3 1/2 hours. PBS has been proud to announce a number of lucrative business deals, most notably as \$75 million agreement with *Reader's Digest* to produce new programs for the network.

PBS program producers have also managed to make a number of new deals, with Children's Television
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Workshop (CTW), producers of *Sesame Street*, announcing the start of a children's cable channel, for example. One might remind the subcommittee that Children's Television Workshop continues its lucrative licensing, merchandising, and other fundraising endeavors which result in gross sales of almost a billion dollars a year in related merchandise, and gross revenues to CTW of approximately \$100 million annually.

Despite recent revelations about Chinese human rights violations by activists such as Harry Wu — whom I was honored to meet at a Progress and Freedom Foundation reception — "Sesame Street" products can be found today on the shelves clearly marked "Made In China." China still bans political dissent, persecutes Christians, forces women to have abortions, and operates orphanages which are unhealthy for children. And, as AFL-CIO spokeswoman Chyrol Graeve has noted, "toy workers are paid less than a dollar an hour." More than 250 Asian toy workers have lost their lives in the past two years as the result of fires and other industrial accidents. Nevertheless, Children's Television Workshop continues to pay its top executives six figure salaries while licensing to toy companies who manufacture in Asia. It is highly questionable whether a reasonable case can be made that enterprises with such manifest insensitivity to human rights violations deserve continued federal subsidy at any level.

There can be no doubt that had Congress followed through on the original privatization plan endorsed at the time by the entire Congressional leadership including Appropriations Committee Chairman Livingston and Senate Commerce Committee Chairman Pressler — and still evident in the public positions taken by the Dole and Buchanan campaigns, for example — public broadcasting might have been fully self-sufficient today. We would not need to be spending time discussing appropriation levels for 1999, some three years hence, for an entity which has not been reauthorized.

In large measure CPB has not been reauthorized due to its own failures to insure the integrity of the public broadcasting system, maintain its balance, oversee its objectivity, or guarantee its managerial competence. CPB's record was called "contempt of Congress" in an issue of *Comint: A Journal About Public Media* last year. Nothing has transpired to change that evaluation. Certainly, CPB does not deserve any sort of "trust fund" because it has lost its right to the public trust through its own mismanagement.

Evidence of CPB's failure to exercise effective oversight of the public broadcasting system has been widely reported over the last year. Some examples of problems which CPB has failed to resolve are:

- * As I reported in the premiere issue of *Foundation Watch*, (February, 1996) PBS's so-called "Democracy Project" has been more like the Democrat project. I could not get the name of a single Republican staffer in a decision-making job dealing with coverage of the 1996 election at PBS from the director of the project, who happens to be the wife of a Clinton political appointee in the State Department. In what seems like deliberate challenge to even the appearance of balance and objectivity as required by law, PBS's new director of communications is the former political director for the Clinton White House. Incredibly, PBS does not feel the slightest obligation for even a token Republican executive in the programming department.

- * PBS's so-called "National Issues Convention" was rife with the appearance of conflict-of-interest and misrepresentation of its goals and methods. Misleading at best in its claim to be a "deliberative poll" — former CBS polling chief Warren Mitofsky declared it "was not deliberative and not a poll" — false and deceptive at worst, PBS had sponsored a "pseudo-event" which wasted some \$4 million dollars, approximately half of which is reportedly straight from the PBS budget. PBS also provided some nine hours of valuable airtime which could have produced additional revenue streams to the network.

- * PBS rejected *The Children of Table 34*, a documentary produced in cooperation with the Family

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Research Council (FRC), about the controversy over the use of underage children for sex research by Dr. Kinsey. The story was reported in *The Washington Post Style* section. But PBS declined to help the Family Research Council to bring this case before the American public. Yet, as Robert Knight, director of Cultural Studies for the FRC points out, PBS stations repeated *Tales of the City*, a program many found highly offensive for its use of profanity, glamorization of drug use, and sexual promiscuity.

* PBS rejected *Covering Cuba*, an independent film by Augustin Blazquez, which detailed the mainstream media's infatuation with Fidel Castro since 1959. He first offered his picture in October, 1995 and Blazquez volunteered to re-edit the film to meet PBS standards. Despite numerous pro-Castro films on PBS, and an obvious need for balance in this regard, Blazquez was not given a chance to air his picture on PBS. Ironically, only a few weeks ago, Castro's planes shot down American citizens in an incident which confirmed Blazquez's depiction of the Cuban dictator and his policies.

* PBS has still not aired an episode of *The American Experience* to correct "Holocaust revisionism" in *Liberators: Fighting on Two Fronts in World War II*. Congressman Laughlin of Texas has delivered a speech denouncing this hoax on the House floor. Colonel James Moncrief, Jr. — the senior surviving officer of the Sixth Armored Division which actually liberated Buchenwald — presented written testimony to the authorizing subcommittee asking that PBS correct the historical record. I personally met with Congressman Joel Hefley of Colorado and Col. Moncrief right here in the Rayburn Building to discuss this problem. Colonel Moncrief has written numerous letters to PBS and CPB, yet the network still refuses to air a documentary about the actual liberators of the Nazi camps. If I could find them — and I introduced Col. Moncrief to a senior staffer on Senator Pressler's Commerce Committee as well — so could PBS. CPB has done nothing whatever in this case, despite its legal obligation to insure the excellence and integrity of public broadcasting, and the offer of Col. Moncrief's help.

* *Frontline* has aired a number of troubling documentaries in the past year, including a show about the Speaker of the House which included gratuitous footage of a heckler making offensive and possibly obscene remarks about allegations of sexual indiscretions; another program about killings at an abortion clinic in which four-letter words were used without being bleeped, and in relation to which a number of women came forward to allege (in a story reported by Peter Steinfels in the *New York Times*) that their point-of-view had been omitted by the producers as a symptom of anti-Catholic bias; and a third program this year, about campaign contributions, which was so unbalanced that even liberal columnist David Broder condemned it in *The Washington Post* for presenting a distorted portrayal of both the Clinton administration and Congress. Neither CPB nor PBS have announced any balancing programming for any of these cases.

At NPR, the situation has not been any better. Some examples give evidence of CPB failure to provide reasonable oversight:

* NPR commentator Andrei Codrescu declared that some basic evangelical Christian beliefs were "crap" and that he hoped four million believers would be "evaporated." Although after protests, did NPR issue a lame apology, Christian Coalition executive director Ralph Reed's request for two minutes of NPR airtime to reply to the attack was flatly refused. No editors or executives have been publicly disciplined for permitting the commentary on the air.

In a letter dated February 27, 1996, Rev. Donald Wildmon of the American Family Association wrote that "it is absurd for the government to be in the public broadcasting business...There are more than 1300 Christian broadcasters in America. Our government will not give them one penny. But we readily give those billions to PBS, NPR and CPB. This is nothing more than censorship by the government, to fund one perspec-

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tive and not another...It is time for PBS, NPR, and CPB to get off the government welfare dole and get out and raise their money like other broadcasters do."

* NPR has not yet asked for a refund of commentary fees paid to convicted murderer Mumia Abu-Jamal for his *Live from Death Row*, the book based on these un-airred programs (because of protests from critics such as Senator Dole) which is being sold commercially.

* NPR stations recently broadcast "Blacklisted" — at a cost of \$160,00, half of which was paid by CPB itself. The three-part series was produced by the son of screenwriter Gordon Kahn, and portrayed his father as "unjustly persecuted," by anti-Communists, as Accuracy in Media's Reed Irvine notes, in "an extreme form of the sanitized obituary." Irvine points out that Kahn, as a Communist Party member, was "part of Stalin's secret team in Hollywood...no more decent and honest than Hitler's favorite movie maker, Leni Riefenstahl." According to Irvine, "Communists were trying to impose upon America and the world a system that was at least as evil, oppressive and dangerous as the Nazism we fought a war to defeat and destroy."

"Kahn and his comrades failed to bring about the triumph of Communism," says Irvine. "It is not they, but those who worked to stop them that NPR should honor." As of this date, I am not aware of any three-hour NPR series presenting Reed Irvine's point of view, or honoring anti-Communists in Hollywood such as former President Ronald Reagan.

Unfortunately, time does not permit mentioning all the outstanding problems in public broadcasting. Let me just conclude with the scandal reported in the *Washington Post* recently, where an innocent member of the CPB board of directors who had been concerned with questions of financial mismanagement found herself smeared as a sex harasser after confidential personnel documents were leaked to reporters. CPB spent an estimated \$20,000 on lawyers "investigating" this matter, yet never managed to get around to asking the alleged perpetrator what had happened, nor giving that person the right to self defense.

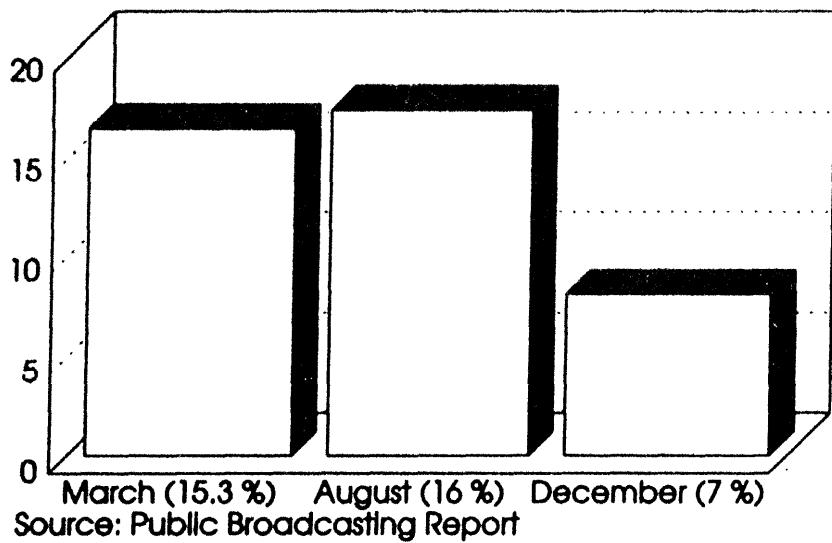
Yet CPB has never managed to explain precisely how the documents got to the press, nor how management could justify the expenditure of tax dollars *when no formal complaint of sexual harassment had ever been filed*. This widely reported case is evidence that there is something very wrong in public broadcasting, sufficiently wrong that even thinking about funding for the year 1999 should simply be postponed pending the outcome of an investigation into how CPB treats such questions as allegations of sexual harassment, and what efforts are made to preserve the privacy of personnel files.

In addition, articles in the *Sunday Times of London* contained allegations attributed to CPB officials — which were later found to be without a basis in fact — against the First Lady. As of this date, I have not been able to find out who made the charges, which were characterized at the time by CPB board member Victor Gold as part of a "smear." Insofar as CPB is required to maintain the integrity of news and current affairs programming for PBS, NPR, and Pacifica, CPB should determine who was behind this "smear," and invoke appropriate sanctions. If CPB will not do this, Congress has an obligation to investigate this matter, which is a serious blemish on the character and trustworthiness of public broadcasting.

Until such basic questions as those above have been fully answered by CPB, it certainly should not receive any advanced appropriation. There are two years for CPB to resolve these concerns by 1998, when appropriations for 1999 are to be determined by Congress. The intervening period should be used by Congress to fully exercise its oversight responsibilities. I remain confident any reasonable review will conclude that continued federal funding for the Corporation for Public Broadcasting is unnecessary, unwise, and contrary to the best interests of the American public and public broadcasting itself.

PTV Donations (1995)

Increase Over Same Month, 1994



MEDIANOMICS - MEDIA RESEARCH CENTER CHART

Mr. PORTER. Doctor Jarvik, undoubtedly you are aware that last week the authorizing committee submitted legislation that would authorize CPB as an independent agency with independent sources of revenue no longer subject to appropriation, and would also give CPB some additional authority that they don't have now to provide more policing. Most of the things you've talked about are what PBS has done, you might as well have talked about what NPR has done. But CPB needs more authority to handle those types of biases, if that's what you're describing them as I assume.

Mr. JARVIK. If that's a question, I have looked over the bill and I think it does have some good things. I think the swaps of channels, the ability to raise outside revenue, all of that is very good. Unfortunately, anything involving the Corporation for Public Broadcasting causes grave concern. Their track record has been very bad. And at a time when we're trying to send things back to the States and devolve things to local level, if a university wanted to sell its frequency and use the money to endow scholarships for poor students, say, I don't see why Washington would have to be involved with that, why you would need the Corporation for Public Broadcasting in that.

I don't think the authority is the issue here. In 1992 I was kept informed of the changes being made presumably to give authority to CPB. There is full authority for CPB in the law right now to balance and supervise public broadcasting; it's an obligation in fact. To take the example of the Pacifica case where Senator Dole spoke to the public radio conference because people were saying anti-semitic, anti-white, anti-Asian, anti-christian things subsidized by the taxpayer. And there was a confrontation. Vic Gold asked them to do something about it and Sheila Tate, who was chairman at the time, and Richard Carlson—this isn't a Democrat or a Republican thing, and in my written testimony I defend the First Lady. I've talked to Roy Neil, I've talked to Diane Blair. However you write it in authorizing legislation, the problem is actually living up to its obligations.

Mr. PORTER. I would say that at this point your testimony might be more relevant at the authorizing hearing. They will have further hearings I assume on this.

Mr. JARVIK. Well, I thank you. I must say I am grateful to testify here.

Mr. PORTER. We're happy to have you here, don't get me wrong.

Mr. JARVIK. I was never invited by Chairman Fields in any way to comment at any stage.

Mr. PORTER. Well, we're delighted to have your testimony here. I think if the legislation is adopted, then obviously the matter will after the year 2000 be out of our hands because it won't be subject to appropriations any longer. But we thank you for coming today. We appreciate your testimony.

Mrs. Lowey?

Mrs. LOWEY. Mr. Chairman, I just want to address one point. We've had an extensive debate on this issue certainly in past sessions and I don't want to enter into the debate today, but I think it's important to clarify for the record that the \$1 billion that Mr. Jarvik refers to is the total dollars that J.C. Penney, WalMart, and the other stores are making and that the percent that CTW gets

is about \$18 million. So the \$1 billion is not really accurate and I just wanted to state that for the record. Thank you.

Mr. PORTER. Thank you, Doctor Jarvik.

The second bell has rung. The subcommittee will stand in recess for ten minutes in order to allow the members to vote and then we will return.

[Recess.]

WEDNESDAY, MARCH 6, 1996.

WITNESS

DENIS P. DOYLE, HERITAGE FOUNDATION

Mr. PORTER. The subcommittee will come to order. The next witness is Denis P. Doyle, Senior Fellow in Education, the Heritage Foundation, testifying regarding rethinking Title I.

Mr. DOYLE. Mr. Chairman, it's a pleasure to be here. Thank you for having me. I have prepared remarks which I will ask for permission to submit to the committee for inclusion in the record. I will speak from notes to spare you the length.

I thought it might be interesting, given the fact that this is still a fairly new Congress, to go back and look at the historical record about Title I to refresh our collective memories about where the program came from and why it's important. It's about thirty years old, enacted in 1965 under Mr. Johnson's mandate as the leader of the Great Society, and it spends about \$6 billion a year. It reaches almost every congressional district in the Nation. The bad news is it has what researchers refer to as "little or no sustaining effects." That is to say, its purpose is to improve the education performance of poor children, not just black and minority as the public might think, but all poor children, white as well as black and minority, across the country, largely concentrated in urban and rural areas, the suburban areas being somewhat more affluent. It does not in fact in any systematic way improve the performance, at least so far as we can tell from research. It is an issue which is now before the Senate and Mr. Jeffords committee is looking into this same set of questions, though it is a matter of interest to both Houses of the Congress.

I think it is probably interesting, I hope it is, to you, at least it was to me, to reflect a bit on where the program came from. Mr. Johnson when he became President, you remember, in a flurry of activity enacted an extraordinary series of legislative bills. The most difficult in some respects was education. There had been for 150 years strong, deep, even vehement opposition to a Federal role in education really based on three areas, as I characterize it in my research, what I call race, religion, and region, to give it a nice alliteration.

The issue of race was solved very quickly, as it were, at least intellectually by the Brown decision a decade before in 1954. No longer was there the fear on the part of some that a Federal role would lead to or lead away from racial integration. That issue was settled by the court.

The issue of religion was more pronounced and remains with us to this day, and that is a pervasive fear on the part of some Ameri-

cans that a Federal role would lead to support of religiously affiliated schools, among many other Americans was the fear that exactly the opposite would happen, that Title 1 or programs like it would deny benefits to children who attend religiously affiliated schools. The compromise achieved by Mr. Johnson was deliver the vote to the big city Democrats on behalf of Federal aid to education on the condition that Title 1 benefits would be extended to youngsters who attended religiously affiliated schools. Not to put too fine a point it, the issue was Catholic schools and Lutheran schools, the two biggest providers of non-public education. The big city Democrats withheld their votes until that deal was struck, Mr. Johnson agreed, and the rest is history.

Twenty years go by in kind of a fast forward and in Aguilar v. Felton, the Supreme Court case which has a bearing in this discussion, the U.S. Supreme Court in a five to four vote struck down the twenty years of relatively effective cooperation between the public and private sectors in which private schools, again principally Catholic and Lutheran schools, had received benefits through programs to provide reading and mathematics programs for their poor students who were enrolled in those schools. An interesting footnote, the case was litigated by A. Dick Howard of the UVA School of Law. He predicted correctly that the swing vote would be Mr. Justice Powell. He argued the case to Mr. Powell and Mr. Powell in his concurrent opinion pleads with the Congress in striking this down to go back and fashion a constitutionally defensible remedy, one that would withstand the judicial scrutiny, one which Mr. Powell suggests would be a voucher program or a voucher-like program, which is what I'm here to encourage you to do today.

The reason being that the bureaucracies that deal with Aguilar implementation, not only such big school systems as the city of New York, have really reached their wits end. They find that they can no longer comply with the court provisions in any sensible or rational way. By way of illustration, last year the city of New York spent \$16 million buying buses and computers to sanitize a provision of Title 1 services for children in religiously affiliated school, of whom in New York they are largely Catholic and Jewish youngsters. The purpose is to avoid excessive entanglement. The city of New York will drive a bus up to the school grounds and the kids stepping off the school grounds onto the first step of the bus are magically enthroned in a safe or neutral zone so there is no longer excessive entanglement. This would be funny if it were not true. It is a Kafkaesque bureaucratic response. To give you one other illustration, Title 1 computers can be made available to youngsters in religiously affiliated schools so long as the computers are disabled and can be used only for Title 1 activity. For a Nation founded on principles of religious toleration, religious freedom to become actively hostile to youngsters in religious settings it seems to me to be nothing short of bizarre.

What do we know about why Title 1 doesn't seem to have sustaining effects? Not very much but we do know why schools in general don't seem to have sustaining effects, and that is that big giant anonymous bureaucratic institutions do not work very well for anybody, rich or poor, black or white, east or west, north or south. And the work of people like James Coleman, the genera-

tion's leading research sociologist now unfortunately dead, but his seminal work I think proved conclusively that poor youngsters, and particularly poor black youngsters, do better in parochial schools than they do in public schools. His research findings of course are questioned, everyone's are, but the overwhelming thrust of the research is so convincing and so persuasive that I think no one can successfully challenge his preliminary finding and overall finding that these small schools in fact do a better job. They do a better job for a lot of obvious reasons—they are small to begin with, they are focused, they have high academic standards, they have high expectations for all their students, they treat all students of all races with equal dignity and respect, they expect all of them to achieve, and in fact they do achieve.

The reason I would submit that Chapter 1 is not working is it is simply an overlay program on an existing system of public schools that themselves aren't working. Title 1 was conceived originally in a fever of optimism and excitement, experimentation and hope to improve the lot of poor children. It has not done so. It seems to be clearly now the opportunity of the Congress to do something about it. And the thing to do about it is to create at least on a trial basis the opportunity to have chapter 1 vouchers.

Mr. PORTER. Mr. Doyle, you've reached your five minute limit. If you could summarize very quickly. I have a question or two and perhaps other members do as well.

Mr. DOYLE. All right. Let me simply close at this point and encourage you to glance at the testimony. I've written a rather long book on this, five other books on education and will be happy to provide additional information to the committee if it would be useful to you.

[The prepared statement follows:]

TESTIMONY BEFORE THE HOUSE
LABOR AND HHS COMMITTEE

RETHINKING TITLE I

BY

DENIS P. DOYLE
SENIOR FELLOW IN EDUCATION

THE HERITAGE FOUNDATION

MARCH 6, 1996

The views expressed in this testimony are those of the author and do not necessarily reflect the views of the Board, Officers or staff of the Heritage Foundation.

Mr. Chairman, members of the Committee, I am pleased to have the opportunity to appear before you today as you consider proposals to change funding for the several education programs supported by the federal government. As a point of departure, I was struck by the Thursday, February 29, 1996 *Wall Street Journal* report that the Congress has identified more than 750 education programs in various departments and agencies of the Federal government, a number well beyond the scope of my five minute presentation today. Indeed, I will limit my comments to one program, the largest and most ambitious in the federal arsenal, Title I.

As you and your colleagues know, Title I was an invention of President Johnson's *Great Society*. Enacted in 1965 with great fanfare, it was designed to reach poor children across the board, from all geographic regions, of all races and ethnic groups, in all school settings: public, private non-sectarian, and private, religious schools. The terms of its enactment were so unusual that they bear re-examination.

Until President Johnson's elevation to the presidency, no president had even attempted a major, federal education program for elementary schools. Americans were skeptical, even hostile to the idea of federal encroachment on education. Local control was a tradition as old and as venerable as the Republic, and citizens of both parties and all regions guarded their prerogative jealously. While President Eisenhower had adopted a number of education programs in response to Sputnik, reflecting a tradition one and one-half centuries old, the nation as a whole was reluctant to support general programs of federal aid to elementary and secondary schools.

In addition to the robust and long standing commitment to local control, another factor was at work: if there were federal aid available, would it be for all children, without regard to whether they attended public or non-public school, or would it be restricted to public schools only? Not to put too fine a point on it, the question was whether or not poor children in Catholic schools would receive aid on an equal footing with children in public schools.

This is not an academic point. Indeed, the whole fate of the federal role in education hinged on this issue alone. The decision of the Congress, at the urging of the President, was that *all eligible children should receive federal support* whether they attended public or private school. Interestingly, this issue was raised by and the decisive votes cast by big city democrats. Indeed, they withheld their votes subject to meeting the condition that *all poor children must be eligible*, not just public school children. This was an historic and honorable compromise. Federal aid to public schools would not have become a reality without it. In this case, at least, the nation's public schools' best friends were private schools.

Let me provide some sense of scale. Between 1966 and 1995 the federal government spent nearly one hundred billion dollars on education aid to the disadvantaged, of which the vast majority was for Title I; about three percent of that money made its way to support private school students, the fact that they make up about twelve percent of total enrollment notwithstanding. Even though private school support had lead to enactment of Title I, public school officials across the nation were slow to include private schools in Title I programs yet Title I represented the greatest single windfall for public schools in their history. It is important to re-emphasize this little noted fact: the windfall was thanks to and at the expense of private schools. But public school officials

had short memories and a weakly developed sense of obligation to their counterparts in private schools.

Even though the public schools had been slow to respond, respond they finally did and the relationship that emerged, if not cordial, was correct. And in spite of significant bureaucratic hurdles, Title I funds for private school children flowed. Not in amounts as large as might have been expected, but the program, limited though it was, worked.

Twenty-five years later, the portion of Title I that supported private school children was virtually destroyed, first by action of the Court in *Aguilar v. Felton*, then by Congressional inaction. And public school officials never raised their voices to support private education. The Court struck down twenty-five years of a relatively successful program through which private school students received limited services by ruling that the practices by which Title I funds were delivered to non-public schools created "excessive entanglement between church and state," thus violating the constitutional ban against public support for religion.

Today, the number of private school children served by Title I has fallen significantly and the cost of services to them has risen dramatically. The reason? The extraordinary lengths to which the *Aguilar* decision has driven even well intentioned school districts. New York City, for example, with the largest Title I program in the country, has been using Title I busses (something like bookmobiles of old) to bring Title I services to eligible private school students. No longer permitted (by *Aguilar*) to send public school teachers into Catholic (and other religious) schools, the busses pull up at the curb (which is public space) and the children leave their school as they set foot in this mobile class room.

In addition to busses, Title I "infrastructure" for non-public school students includes computers that are programmed to work only with Title I programs in them. Imagine, a computer with a "v" chip that prohibits children in religious schools from studying anything except secular subjects!

If it were not true it would be funny. New York City reports that \$16 million of its Title I funds will go for infrastructure not instruction. It is a Kafkaesque solution to a problem created by a Court unable to make sense out of its own history of tortured interpretations of the constitutional requirement that church and state be separated. In striking down the practices that lead to the *Aguilar* decision, the court put the ball back in Congress' hands, not implicitly, as all decisions do, but explicitly and deliberately.

The Court invited the Congress to fashion a constitutionally defensible method of funding children who attend non-public schools. In particular, Mr. Justice Powell, writing in his concurring opinion, makes the point that if Congress could develop a strategy for helping children in denominational schools – without using public schools – the court would be likely to accept it. Congress could create a Title I voucher system, an approach that would survive judicial scrutiny. That the Congress did not respond to this invitation is public knowledge.

The reason for it is not. The public schools -- which had been the principal beneficiaries of Title I over the years -- refused to come to the aid of their private school

compatriots, whose initial support had permitted the program to come into existence in the beginning.

It is time for the worm to turn.

It is now widely recognized that there are two major problems with Title I; the first and in some respects most formidable is that the program does not produce what researchers call "sustaining effects." Put most bluntly, Title I does not appear to make a difference in the lives of children. While the program appears to do no harm (the first test for any helping service as all physicians know) it is not clear that it does much good. Or if it does do much good, it is not clear for whom and in what circumstances. The fact that Title I does not do what it was intended to do -- significantly improve the academic performance of low income and low achieving students -- means that the current program configuration can no longer be defended.

Ironically, there is a growing body of evidence about what does make a difference in the education of poor children: researchers and practitioners both know that a school with a shared culture, a shared commitment to academic excellence makes a difference. They know that expectations make a difference. They know that high standards make a difference. They know that a safe and orderly learning environment makes a difference. Most important, it is clear that religiously affiliated schools share all these characteristics. The work of James Coleman, perhaps the nation's most important research sociologist (who died only recently) makes the point unequivocally. Poor youngsters -- particularly poor black youngsters -- do better in parochial school than in public school.

Critics assert that Coleman's work is flawed; no doubt it is in some small ways. But the overall findings have not been challenged. Indeed, in any other field -- housing, health, transportation the environment -- findings as robust as Coleman's would form the basis of new policy. As they should for Title I. Originally launched as a demonstration, fueled as much by hope as fact, Title I should continue to be the source of flexibility and innovation, not a program cast in the concrete of the Great Society.

Indeed, both the spirit of Title I, and research of the kind produced by James Coleman, presents the Congress with the opportunity -- nay, the obligation -- to make significant program changes. I will return to those later. The second problem is that schools across the country -- but most notably New York -- are at their wits end with *Aguilar* compliance. It is so clumsy and bureaucratic -- and so obviously so -- that not even these giant bureaucracies can any longer tolerate it. As a consequence they are seeking relief. New York is going to Court to get *Aguilar* overturned. According to *Education Week*, Secretary Riley supports New York City.

In this connection they have some reason to be optimistic. This court has changed since *Aguilar* and now appears ready to change its decision. Five justices have expressed an interest in doing so. (As Senator Daniel Patrick Moynihan reminds us in his wonderful article, *What Do You Do When the Supreme Court is Wrong?* You wait, as the Court's "most enduring practice is to reverse itself.")

In an energetic and robust democracy, however, the possibility, even the probability, of the Court reversing itself should offer only scant comfort. In particular, the Congress has within its power the opportunity and the capacity to do the right thing on its own;

it which case the Court can simply ratify the action at some later date. More to the point, the Court is a blunt instrument and the Congress can legislate with some precision.

To be precise, the Court will not institute aid to individuals, but the Congress can. The best that could be expected from the Court, with no new statute to interpret, in reversing *Aguilar* is a return to the *status quo ante bellum*. That is not good enough. It is time to return to first principles. Indeed, the only intellectually defensible federal role in education is one in which Uncle Sam supports all Americans equally. The US Congress has no more interest in a narrow program of support for *public schools qua public schools*, than it would have in a program detrimental to public schools. The Congressional test should be neutrality and equal treatment of equals. Just as the original Title I legislation was based on the conviction that all poor children -- no matter whether they attend government or private school -- should be beneficiaries of federal largess.

That is the principle of the GI Bill; it should be no less a principle in lower education. Indeed, in a little known footnote to the GI Bill, service men and women were eligible to use their GI Bill benefits to complete high school and some significant number did just that.

The guiding principle for Title I reform, then, should be reconnecting the Title I program to its true beneficiaries, students, not schools. As it is, Title I now commits more than \$1,000 to each eligible child; if that money were available as a Title I voucher it would permit children to select schools that best serve their needs, public, private non-sectarian, or private religious. Now a thousand dollars a child may not sound like much in the public sector -- particularly in cities like Washington DC where per pupil expenditures are about ten thousand dollars a year in public school. But the facts of the private school world are quite different.

True, the First Child's private school costs well over ten thousand dollars a year but that is the exception, not the rule, in the world of private schools. Nationally there are about 28,000 private schools and they are, on average, low cost institutions. For example, in 1990 average tuition in Catholic secondary schools was \$2,878 per year and average tuition in Catholic elementary schools was \$1,243; average tuition in non-Catholic private secondary schools was \$4,395 and \$1,780 in private elementary schools. In the private school world, one-thousand dollars is a lot of money. (By way of contrast, average per pupil expenditures in public schools in 1990 were \$6,472 in secondary schools and \$5,177 in elementary schools.)

As you know, a number of communities across the country are trying vouchers or voucher like mechanisms to see if they will make a difference in the lives of children. The two most notable examples are Milwaukee WI and Cleveland OH; in those communities -- in any community anywhere in the nation -- flexible Title I funding (letting dollars follow children) could make an enormous difference. In this connection beware the critics; unhappily, in schools as in other parts of public life, self-interest is paramount. At minimum even the most ardent member of a special interest group should be pressed hard as to why the Congress should not, at minimum, *permit states and localities to use their Title I funds as vouchers*.

I want to close with two final points. First, no program could be more appropriate to the pedagogical needs of today; public schools in our big cities have become bureaucratic nightmares, often frightening places to teach in or attend. Teachers are as much losers in this equation as students. Title I vouchers would free the teacher as they freed the student. At issue is not competition for Title I vouchers (though there would be some and it would be welcome). One-thousand dollars a child will not unleash massive competitive pressures. What it will do is permit families to choose schools that are consistent with their values. And it will permit teachers, who ultimately manage these resources, to do so with more professional autonomy and flexibility.

Second, it is by now universally recognized that the nation faces a moral as well as a public school crisis. Not surprisingly, the two issues are intertwined, inextricably. They cannot be separated. From the time of the ancient Greeks to the present, thoughtful men and women have known that the single most important purpose of schooling is character formation, to turn boys and girls into men and women who know right from wrong, good from bad. Successful schools impart the values of democratic capitalism -- honesty, self-respect, respect for others, tolerance, enterprise, diligence, moderation, forbearance, courage. It is precisely to these issues that religious schools are most committed.

The most recent report of the Public Agenda Foundation indicates that Americans across the board prefer private to public schools; families with the resources have long acted on this. Witness the First Child. Witness the behavior of members of Congress, of whom about one-third use private schools. Witness the behavior of public school teachers. Of those with the means (twice the median family income) as many as half -- in big cities -- enroll their children in private schools.

The effect of *Aguilar* has been to actively discourage poor children from attending non-government schools by penalizing them if they do. The price of *Aguilar* is to lose benefits, or make it so awkward to claim them that it is hardly worth the candle. It is a bizarre commentary on modern times that a nation founded on a commitment to religious freedom would produce policies actively hostile to religion. More bizarre yet that the burden should fall most heavily on the poor.

This Congress has before it an historic opportunity: convert Title I into a voucher program. Let poor families -- not bureaucrats -- decide where their children will go to school, government or non-government, secular or non-secular as the case may be.

- end -

For a more complete discussion of these issues, see *Separation of Church and Child: The Constitution and Federal Aid to the Schools*, Vitullo-Martin, Thomas and Cooper, Bruce, with a foreword by Denis P. Doyle, Hudson Institute, 1987.

Mr. PORTER. Mr. Doyle, I think some of the members of the sub-committee, including the Chairman, certainly agree with you that Title 1 has not been effectual in achieving the ends for which it was designed. This of course is not the authorizing committee nor can we create any kind of a different program. All we can do is fund or not fund. What do you say in response to the argument made most recently that Title 1 has just been reauthorized in 1994 and changes in the new law are going to make a better Title 1 and therefore better results?

Mr. DOYLE. I think not. The evidence so far is it does not make much difference. The recent report on it has suggested that is in fact the case. It is being spread more thinly over more children in bigger school settings and I think probably just the opposite is needed, more intensive treatment of individual youngsters. I might just add that \$1,000 a child, which is about what Title 1 authorization would be worth, is a lot of money in a private school setting, not a lot of money in a public school setting. A typical Catholic school in Washington, D.C. charges about \$1300 a year at the elementary level. The typical child in Washington, D.C. in the public school is having about \$10,000 spent on him or her with almost no measurable impact.

Mr. PORTER. Are you aware of what has been done recently in my home State of Illinois regarding the Chicago public schools?

Mr. DOYLE. I've not followed with care, although I'm a product of those schools and have two diplomas, 8th grade and 12th grade, signed by Benjamin Willis.

Mr. PORTER. The general assembly last year eliminated the Chicago Board of Education entirely which was by many accounts a heavily bureaucratic-laden place of waste and put the office of the Mayor of the city of Chicago in charge of the Chicago public schools. The Mayor has dug into this with the same gusto that he used to dig into the Chicago colleges. He put Ronald J. Gidwitz, the president of Helene-Curtis, in charge of the Board of Higher Education in Chicago and it did wondrous things to improve Chicago colleges. Now they are intending to do the same thing. Do you think that will be enough, or do you think the flaws are so deep that it will be impossible?

Mr. DOYLE. I think the flaws are very deep but not impossible. I'm optimistic about the public schools. Over the long haul they are large, robust, an underlying vigor there. The teaching force is probably better than we deserve, energetic and resourceful. The leadership is not always what one would hope for. I would think that in the case of Chicago, if Mr. Daley and the Chicago citizenry did have Title 1 vouchers at their disposal, they would be able to wield much more scalpel-like precision as they begin to think about school reform. The money would flow to either private or public schools. Public schools that did a good job would get their Title 1 vouchers. It would provide increased professional opportunities for teachers and for administrators, and I think it would significantly strengthen the hand of Chicagoans who are concerned about school reform.

Mr. PORTER. Mr. Riggs, do you have a question?

Mr. RIGGS. Mr. Chairman, I might just say that I had the opportunity to meet the new superintendent of Chicago public schools

when I went on Jesse Jackson's show and found him to be a very impressive and dynamic man. I would also like to note, Mr. Chairman, since I do serve on the policy committee, that I share your concerns that Title 1 has effectively become sort of an operating subsidy for public school districts including the 100 most affluent school districts in the country. We have drifted far away from the original congressional intent which was to provide targeted Federal taxpayer assistance to economically and educationally disadvantaged young people. So we look forward to working with you, sir, and the Heritage Foundation to see if we can bring about some changes to this program that would redirect those monies to where they're most needed.

Mr. PORTER. Mr. Miller?

Mr. MILLER. Mr. Chairman, I was on the authorizing committee when we reauthorized Title 1. Actually, President Clinton tried to target the money back to the way it was originally designed. But just about every congressional district in the country relies on that money and so once you get attached to it, it's hard to give it up, and that's the concern that people have. But we have this pot of money for education, and although it is not a large part in the total amount of money for K through 12, Title 1 of course is the largest amount of it. Are you advocating the voucher direction for Title 1? Look at the total pot of money we have for K through 12. How would you use that money?

Mr. DOYLE. As a researcher, I would strongly urge the Congress to maintain an active data-gathering research capability. It is essential not only for me but for the Nation's governors to have access to comparative information about how kids are doing and how they've done historically. And for the rest of it, Title 1 voucherization would send a very clear message to the public at large and the educators in particular that the family was the central element of interest and that the child was being supported and that was really what the Congress cared about. For the rest of it at the elementary and secondary level, I would recommend the block grants, block granting the whole amount that's left over and consolidating this huge number of small special interest programs and letting the States and localities make informed decisions about how to spend that money on their own. The fact is that education is in the national interest and it's the State's responsibility, as regards most State Constitutions. But it is quintessentially a local and family affair and the best teachers and the best principals now recognize that. There is not very much that a remote bureaucracy can do except to cajole and exhort and egg people on. So I think the closer you bring the money to the action the more good it will do.

Mr. PORTER. Mr. Doyle, thank you very much for your testimony. We very much appreciate it.
Mr. Miller will assume the Chair.

WEDNESDAY, MARCH 6, 1996.

WITNESS

MARK WILSON, HERITAGE FOUNDATION

Mr. MILLER [presiding]. Mr. Wilson, welcome.

Mr. WILSON. Mr. Chairman and members of the subcommittee, I would like to thank you for inviting me here to testify on 1997 appropriations for the Department of Labor. Let me say at the outset that the views that I'm expressing today are my own and do not necessarily reflect those of the Heritage Foundation. I'd like to summarize the two main points that I'll make today and then elaborate on some specific ideas.

First, and most importantly, as Congress moves towards a balanced budget, it needs to have a vision of what the primary functions of the Department of Labor will be in the next century. The appropriations process should be focused on accomplishing that vision instead of just incremental changes plus or minus one way or the other. Smaller budgets without fundamental reforms in the Department of Labor will only paralyze the existing bureaucratic structure in DOL and open the door to charges, as I'm sure you're hearing now, that there are not enough resources to do everything that DOL is currently responsible for or should be responsible for in the next century.

Second, balancing the Federal budget in the next seven years is going to require top-to-bottom reorganizations. Americans want Congress to pursue each opportunity to consolidate administrative overhead and end duplicative costs. Examining DOL's seven major areas of functional responsibilities reveals that program consolidation and elimination, devolving Federal functions to the States, and redefining the Federal Government's role in the workplace health and safety can achieve DOL's underlying responsibilities while reducing job-killing regulations and improving workplace health and safety.

For the sake of time, I will skip over some of my prepared testimony and jump right into some areas where I would suggest some specific recommendations.

The primary functions of reforming the Department of Labor should be to reduce excessive burdens on businesses and job-creation, particularly now with all the downsizing, while maintaining workplace health and safety; and improving labor market flexibility, while maintaining basic employment protections.

The objectives can best be achieved I believe by eventually closing down the Department of Labor, moving certain key national functions of the Department into sub-cabinet agencies or other Departments. Other functions that are not national in scope should be devolved to the States, or in some cases to the private sector.

Today, 75 percent of the Department of Labor's budget is involved in the unemployment insurance and employment service areas. The financing and funding for this program function area,

the major part of DOL's budget, should be devolved to the States and this would enable them to effectively decrease the duration of unemployment through a variety of State initiatives, reduce payroll taxes, and increase jobs. The UI taxes are a direct tax on jobs, as we all know, and the more jobs we can get the better off this country will be.

Congress should also devolve the Federal Extended Benefit program, and provide incentives to States to overhaul and integrate employment services to reduce the duration of unemployment payments by moving unemployed workers into new jobs more quickly. I think that the second half of this initiative should be actually devolving the UI system and the ES system completely to the States.

Moving on, finish consolidating all job training programs into State block grants. The Careers Act and the Workforce Involvement Act are in conference right now. They made a good start; 70-plus programs of 160, 150, 180, depending on who you listen to, programs have been consolidated. Congress should go further and make another effort to consolidate additional programs and block grant them to the States.

Most importantly, Congress should reform the Occupational Safety and Health Administration and even consider combining it with MSHA. No where else in DOL is reform so important to American workers. OSHA's current regulatory and enforcement process is needlessly killing and injuring workers. Reducing OSHA's budget without fundamental reform will only paralyze OSHA and lock in a system that is failing American workers and taxpayers. Redefining Government's role in workplace health and safety should refocus the responsibility for ensuring workplace health and safety on employers and employees. Common sense regulations and compliance assistance combined with competitive market pressures to increase productivity, keep skilled workers, and minimize legal and insurance costs will do more to increase workplace health and safety than any army of Government inspectors and lawyers.

I'd like to see the Bureau of Labor Statistics and the Census Bureau combined to create a new sub-cabinet agency. A new Bureau of National Statistics, or whatever you want to call it, will enable these agencies to achieve economies of scale, and make it possible to develop and carry out a systematic effort to combine surveys and develop comprehensive research that we so badly need.

At this point, I will conclude my remarks. I would be glad to entertain any questions you might have.

[The prepared statement follows:]

**United States House of Representatives
Appropriations Committee
Subcommittee on Labor, Health and Human Services, and
Education**

March 6, 1996

**Testimony
of
Mark Wilson
Rebecca Lukens Fellow in Labor Policy
The Heritage Foundation
Washington, DC 20002**

Mr. Chairman, Members of the Subcommittee, thank you for inviting me here today to comment on fiscal year 1997 appropriations for the Department of Labor. Let me say at the outset that the views I am expressing today are my own and do not necessarily reflect those of The Heritage Foundation. I will summarize the two main points I want to make today, and then elaborate on some specific ideas.

First and most importantly: As Congress moves towards a balanced budget, it needs to have a vision of what primary functions the Department of Labor (DoL) will have in the next century. The appropriations process should be focused on accomplishing that vision instead of on incremental budgetary changes. Smaller budgets without fundamental reforms will only paralyze the existing bureaucratic culture at DoL and open the door to charges that there are not enough resources to do everything DoL is currently responsible for.

Second: Balancing the federal budget in the next seven years will require top-to-bottom reorganizations. Americans want Congress to pursue each opportunity to consolidate administrative overhead and end duplicative costs. Examining DoL's seven major functional responsibilities reveals that program consolidation and elimination, devolving federal functions to the states, and redefining the federal government's role in workplace safety and health can achieve DoL's underlying responsibilities while reducing job-killing regulations and improving workplace safety and health.

The 104th Congress has a rare opportunity to initiate fundamental reforms in the administration and enforcement of America's labor laws. The primary objectives of this reform should be to reduce excessive burdens on businesses and job creation, while

maintaining workplace health and safety; and improving labor market flexibility, while maintaining basic employment protections.

These objectives can best be achieved by eventually closing DoL, and moving certain key national functions of the Department into sub-cabinet agencies or other Departments. Other functions that are not national in scope should be devolved to the states, or in some cases to the private sector. Obsolete, ineffective, and wasteful rules and programs should be repealed or closed down. Examining DoL's seven major functions reveals that the administration and enforcement of American labor laws can and should be reformed. To do this, Congress should take the following steps:

- ✓ **Devolve financing and funding for the Unemployment System and Employment Service to the states.** This would enable states to effectively decrease the duration of unemployment, reduce payroll taxes and increase jobs. Congress also should devolve the Federal Extended Benefit program, and provide incentives for states to overhaul and integrate employment services to reduce the duration of unemployment payments by moving the unemployed into new jobs more quickly. States should also have the option to begin exploring privatizing unemployment insurance. Any remaining federal administrative functions should be transferred to the Treasury Department.
- ✓ **Finish consolidating all job training programs into state block grants.** This would eliminate the maze of federal categorical programs, remove bureaucracy at every level, and provide states the flexibility to develop programs that effectively reduces welfare dependency and meets the needs of laid-off workers.
- ✓ **Reform the Occupational Safety and Health Administration (OSHA) and combine it with the Mine Safety and Health Administration (MSHA).** Nowhere else in DoL is reform so important to American workers. OSHA's current regulatory and enforcement process is needlessly killing and injuring workers. Reducing OSHA's budget without fundamental reform will only paralyze OSHA and lock in a system that is failing American workers and taxpayers. Redefining government's role in workplace health and safety should refocus the responsibility for ensuring workplace safety and health on employers and employees. Common sense regulations and compliance assistance combined with competitive market pressures to increase productivity, keep skilled workers, and minimize legal and insurance costs will do more to increase workplace health and safety than any army of government inspectors and lawyers. Reforming OSHA and consolidating it with MSHA is a win-win for hard working American taxpayers. We will get better workplace health and safety for a lower cost.
- ✓ **Transfer the Pension Welfare and Benefit Administration to the Social Security Administration.** Responsibility for the oversight of public and private retirement programs is currently spreadout across three departments: Labor, Treasury, and Health and Human Services. Congress should combine the agencies responsible for

the oversight of public and private retirement programs and begin exploring ways to privatize pension insurance.

- ✓ **Repeal and nullify outdated labor laws, executive orders, and regulations.** Congress should streamline labor regulation by eliminating the heavy burden of outdated or restrictive rules. For example, Congress should nullify Executive Order 11246 and related quota regulations affecting federal contractors and subcontractors and eliminate the Office of Federal Contract Compliance Programs (OFCCP). Congress also should repeal the Davis-Bacon Act and the Service Contract Act, as well as Section 13(c) of the Urban Mass Transportation Act of 1964. Congress also needs to reform the Fair Labor Standards Act and strengthen the Portal to Portal Act of 1947. Congress should then transfer the remaining functions of Wage and Hour Division to the Justice Department.
- ✓ **Combine the Bureau of Labor Statistics with the Census Bureau within a newly created subcabinet agency, The Bureau of National Statistics.** A new Bureau of National Statistics (BNS) would make it possible to develop and carry out a comprehensive, systematic effort to combine surveys and develop economies of scale. The BNS would also be in a better position to undertake the careful evaluation and research needed to make decisions about more efficient survey design and about ways to eliminate duplication and reduce paperwork and data collection burdens. Creating a separate statistical agency in the federal government would also insure the independence from politics of the government's data collection. Statistical functions of other departments also should be housed within the new bureau.

Cabinet level status should be reserved only for those departments that provide core national activities of the federal government. The Department of Labor does not fit this description. Administration of the unemployment insurance system, three-quarters of DoL's budget, is a state program and should be completely devolved to the states as a first step towards privatization. The maze of ineffective job training programs, should be block granted and rigorously studied. OSHA should be significantly reformed, combined with MSHA, and set up as an independent sub-cabinet agency free from political influence. America's statistics would be improved by combining the BLS with the Bureau of Census as a sub-cabinet agency. Obsolete, ineffective, and wasteful rules and programs should be repealed or closed down. What remains of the Department of Labor, less than 2 percent of its budget, could then be transferred to more appropriate cabinet-level agencies like HHS, Treasury, and Justice. Thus while DoL performs several functions that will likely continue as federal government responsibilities, there is no reason why they warrant an independent department with cabinet level status.

Thank you, Mr. Chairman. I will be pleased to answer any questions you may have.

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Mr. MILLER. Thank you, Mr. Wilson. One suggestion, Mr. Gunderson from Wisconsin was advocating combining Labor and Education into one department. The committee system has education and economic opportunity. Do you have an opinion about that?

Mr. WILSON. Combining two departments would certainly achieve certain savings in terms of the administrative overhead and duplicative costs that are involved. The agencies have similar functions in many regards in terms of their training programs for dislocated workers and disadvantaged workers and school-to-work programs. There are certain administrative savings that can be involved there. I think that this effort while appearing to perhaps fix problems and save the taxpayers dollars, as one views what the functions of the Department of Education and the Department of Labor should really be in the next century as we balance the budget, I think that an effort to combine the two will really preclude sort of a rational progression of moving towards really what the primary Federal functions are for the Department of Labor and, if there are any, for the Department of Education. I think Denis Doyle probably could have addressed those better than I. But by combining them early on in the process, it will preclude sort of a rational devolving of the programs in these two departments.

Mr. MILLER. Combining the Bureau of Labor Statistics and Census is a new idea I've never heard suggested before. Is anyone seriously looking at that, do you know?

Mr. WILSON. It was a recommendation that was made actually by a former commissioner of the Bureau of Labor Statistics, Janet Norwood. She wrote a book on it that strongly recommended that the Bureau of Economic Analysis in the Commerce Department as well as the Census Bureau be combined with the Bureau of Labor Statistics. I defer to her expertise in this area. She was a very capable administrator of the Bureau of Labor Statistics for a number of years.

Mr. MILLER. Let me ask you one more quick question. You don't mention anything about NLRB. I was a little amazed when I first came on this committee last year that NLRB gets around \$200 million a year. I didn't realize there was that much money there. Do you have any comments about the NLRB?

Mr. WILSON. Well, the NLRB does a lot of things. They certainly receive a lot of complaints. But I am by no means an expert in the area of the National Labor Relations Board.

Mr. MILLER. Thank you very much, Mr. Wilson.

WEDNESDAY, MARCH 6, 1996.

WITNESS

CHARLES N. QUIGLEY, CENTER FOR CIVIC EDUCATION

Mr. MILLER. Mr. Quigley, welcome. Do you have a guest with you today that you want to introduce?

Mr. QUIGLEY. Thank you. I would like to introduce my guest, Professor Fatima Festush from the Department of Political Science and Literature originally at the University of Sarajevo in Bosnia. She is here in Washington for the first time seeing something about democratic institutions, seeing the Capitol for the first time,

meeting people, and is helping us on a program trying to transport some understanding of constitutional government to the schools of Bosnia through Sarajevo. Thank you for recognizing her.

Mr. MILLER. Thank you for bringing her today. Welcome. Please continue.

Mr. QUIGLEY. I am Chuck Quigley, the executive director of the Center for Civic Education. I appreciate the opportunity to testify on behalf of the national program in civic education entitled, "We the People, the Citizen and the Constitution" which is supported by the Department of Education. As you know, this program created by specific authorization by Congress has enjoyed the continued support of Congress and of the Reagan, Bush, and Clinton administrations since it was created under the auspices of the Commission on the Bicentennial chaired by the late Chief Justice Warren Burger. I have submitted a written statement and will briefly summarize the main parts of that statement and try to stay within my five minute limit.

This program clearly and successfully addresses a national need in education. There is abundant evidence that there's widespread ignorance of politics and Government. This situation should be a matter of concern to every American who believes in Lincoln's statement that this should be a Government of, by, and for the people. The recent Washington Post survey re-enforces findings of earlier studies. It refers to a knowledge gap that affects citizens' attitudes and participation in politics and Government. Citizens are described as democracy's bystanders who don't know the name of the Vice President, their Representative in Congress, their Senators, many don't know whether Republicans or Democrats control Congress, they're confused by politics because they don't know enough basic facts to follow political debates. And some say they are just not interested, don't follow it, don't care, and don't vote.

Another study recently of American freshmen showed that never before in 30 years have more freshmen shown more apathy toward politics. Not long ago a poll showed that Americans "had a confused understanding of the Constitution's most basic tenets and provisions." As evidence of that, the poll reported that almost half the respondents thought an excerpt from the Communist Manifesto was a part of the Constitution. This is reminiscent of a poll that has been taken time and time again in which the Bill of Rights is put before people in contemporary language and they can't understand it and many people think it's a subversive document. Of course, in a way it is but it is subversive of authoritarian institutions such as those in Bosnia, not of the institutions here.

Studies point to a lack of knowledge as a major cause of citizen apathy, alienation, and powerlessness. One of the major sources of this lack of knowledge is the insufficient treatment of civics and Government in our Nation's schools. Too many schools, although there are some excellent schools doing excellent things, there are far too many that are failing to provide the systematic and rigorous education in civics and Government. This is particularly discouraging when it is well known that civic education can be effective, not just our program but other worthy programs in the field. We have studies of our program, the "We the People" program, that confirm that as a result of the program students develop an understanding of

the fundamental values and principles that our American Constitution, an understanding that leads to a reasoned commitment to those values and principles. Students become more tolerant of opposing views, they show an increased interest in Government, they're more astutely critical of political matters, they have greater feelings of political efficacy, and they show greater participation in civic life.

In brief, civic education can help to produce competent and responsible citizens, and the "We the People" program has demonstrated that it does just that. This is the most extensive program in civics and Government in the United States. It has the capacity to reach every elementary school student in public and private schools throughout the Nation. During its eight years it has reached approximately 20,000,000 students in 22,000 schools. It enjoys support across the political spectrum. In this Congress, 390 members of the House have signed up to assist and 94 members of the Senate. It is supported by the Nation's major organizations representing public and private schools, State and local Governments, the ethnic diversity of the United States, as well as major professional organizations.

As I mentioned, the program has an international impact. Its materials are being used in the emerging democracies of the former Soviet Bloc. At the end of this month, we will be demonstrating the materials in Sarajevo before Bosnian educators to see the potential for their use to help develop a democratic political culture supportive of constitutionalism in Bosnia.

Mr. Chairman, the funding for this program in fiscal year 1995 is \$4,463,000, which leverages an estimated \$10 to \$1 in cost-sharing and funding at the State and local level. We would appreciate funding at the same level for this current year in order to help us maintain the program and, if possible, an increase to \$5 million in fiscal year 1997 to help us provide greater support at State and local level for the implementation of the program.

I'd like to express my appreciation and that of the Center and all the people in the program for supporting it for this period of time. We are aware of the responsibilities that accompany this trust and are dedicated to their exemplary fulfillment. I thank you, Mr. Chairman. I'd be pleased to answer any questions you might have.

[The prepared statement follows:]