

NOMINATION OF REUBIN O'D. ASKEW

HEARING
BEFORE THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
NINETY-SIXTH CONGRESS
FIRST SESSION
ON
THE NOMINATION OF
REUBIN O'D. ASKEW TO BE SPECIAL REPRESENTATIVE FOR
TRADE NEGOTIATIONS

SEPTEMBER 18, 1979

Printed for the use of the Committee on Finance



U.S. GOVERNMENT PRINTING OFFICE

54-725 O

WASHINGTON : 1979

HG 96-49

5361-15

COMMITTEE ON FINANCE

RUSSELL B. LONG, Louisiana, *Chairman*

| | |
|-----------------------------------|--------------------------------|
| HERMAN E. TALMADGE, Georgia | ROBERT DOLE, Kansas |
| ABRAHAM RIBICOFF, Connecticut | BOB PACKWOOD, Oregon |
| HARRY F. BYRD, Jr., Virginia | WILLIAM V. ROTH, Jr., Delaware |
| GAYLORD NELSON, Wisconsin | JOHN C. DANFORTH, Missouri |
| MIKE GRAVEL, Alaska | JOHN H. CHAFEE, Rhode Island |
| LLOYD BENTSEN, Texas | JOHN HEINZ, Pennsylvania |
| SPARK M. MATSUNAGA, Hawaii | MALCOLM WALLOP, Wyoming |
| DANIEL PATRICK MOYNIHAN, New York | DAVID DURENBERGER, Minnesota |
| MAX BAUCUS, Montana | |
| DAVID L. BOREN, Oklahoma | |
| BILL BRADLEY, New Jersey | |

MICHAEL STERN, *Staff Director*

ROBERT E. LIDTHIZER, *Chief Minority Counsel*

CONTENTS

NOMINEE

| | Page |
|---|------|
| Hon. Reubin O'D. Askew, former Governor of the State of Florida | 12 |

PUBLIC WITNESSES

| | |
|---|----|
| Bastow, Thomas F., president, Gertrude Stein Democratic Club | 32 |
| Chiles, Hon. Lawton, a U.S. Senator from the State of Florida | 10 |
| Davis, Robert A., president of the Gay Activists Alliance of Washington, D.C. . | 34 |
| Kunst, Robert, national director, Congress United for Rights and Equality | 38 |
| Stone, Hon. Robert, a U.S. Senator from the State of Florida | 11 |

ADDITIONAL INFORMATION

| | |
|--|----|
| Committee press release | 1 |
| Biographical sketch of Gov. Reubin Askew | 2 |
| Letter from Gov. George Busbee, chairman, Committee on International Trade and Foreign Relations, National Governors' Association to Senator Long | 15 |
| Administration textile program—pursuant to the President's statement of November 11, 1978 | 16 |
| Statement of Senator Bob Dole | 21 |
| Questions submitted by Senator Heinz and Governor Askew's answers to them . | 26 |
| Civil Service Commission revised guidelines | 36 |

NOMINATION OF REUBIN O'D. ASKEW TO BE SPECIAL REPRESENTATIVE FOR TRADE NE- GOTIATIONS

TUESDAY, SEPTEMBER 18, 1979

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C.

The committee met, pursuant to notice, at 9:05 a.m. in room 2221, Dirksen Senate Office Building, Hon. Russell B. Long, chairman of the committee, presiding.

Present: Senators Long, Talmadge, Byrd, Boren, Dole, Packwood, and Chafee.

[The press release announcing this hearing follows:]

[Press Release, Sept. 18, 1979]

FINANCE COMMITTEE TO HOLD HEARING ON THE NOMINATION OF REUBIN ASKEW TO BE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, today announced that the Committee will hold a hearing on the nomination of the Honorable Reubin Askew to be the Special Representative for Trade Negotiations.

The hearing will begin at 9:00 A.M. on Tuesday, September 18, 1979, in Room 2221 Dirksen Senate Office Building.

Written testimony.—Senator Long stated that the Committee will be pleased to receive written testimony from persons or organizations who wish to submit statements on the nomination for the record. Statements submitted for inclusion in the record should be typewritten, not more than 25 double-spaced pages in length and mailed with five (5) copies by Tuesday, September 18, 1979, to Michael Stern, Staff Director, Committee on Finance, Room 2227 Dirksen Senate Office Building, Washington, D.C. 20510.

The CHAIRMAN. Let me call this hearing to order. Other Senators will be along as the hearing proceeds. We have a tight schedule this morning. Those who are not present can read the record, if they want to, before we vote.

We are pleased to have before us the President's nominee to be Special Trade Representative succeeding Robert Strauss, the former Governor of Florida, the Honorable Reuben Askew.

We have a biographical sketch of Governor Askew and I think it would be well that this sketch be printed in its entirety in the record.

I will ask that the record contain this résumé of the Governor's achievements and the various contributions he has made to the United States and the State of Florida.

[The material referred to follows:]

BIOGRAPHICAL SKETCH OF GOV. REUBIN ASKEW

Reubin O'Donovan Askew was elected Governor of Florida in 1970 as essentially a tax reform candidate. In 1974, he became the first Florida Governor in history to be elected for a second, consecutive four-year term.

On inauguration day in January, 1971, he began to carry out the uphill fight for tax reform which he had promised the voters. He won legislative approval of a referendum on a corporate profits tax and promptly campaigned for the tax from one end of the State to the other. Despite the high-powered opposition of special interests, his tax reform won overwhelming voter approval and changed the tenor of Florida politics, probably for many years to come.

Consumer taxes on household utilities and apartment rentals were repealed. Loopholes were closed, spending reforms were enacted, and additional State revenues are being shared with school districts and other units of local government to ease the burden of local property taxes on homeowners. Upon the Governor's strong urging, the Legislature has also increased the homestead exemption to \$10,000 on all property taxes levied against the elderly or disabled, rolled back local school taxes by two mills, and exempted the first \$20,000 in intangibles from State taxes.

The reforms achieved by the Askew administration in the way State funds are raised and spent placed Florida on as sound a financial footing as any of the 50 states. By shifting some of the burden to large, national corporate interests which were not paying their fair share, the reform measures helped Florida provide necessary services during a time of economic difficulty in the mid-seventies without any further taxes on the people. In fact, during his eight years as Governor, there has not been a general tax increase on the people.

If tax reform was the top priority in his first administration, Governor Askew saw his reelection as a mandate for full and public financial disclosure by candidates and elected officials.

With the failure of the Legislature to pass any meaningful law in this area, the Governor took the issue to the people, convinced it was the greatest single step to help restore the confidence of the people in their government. He launched an historic statewide petition drive to place a strong and comprehensive code of ethics in the Florida Constitution. The cornerstone of the "Sunshine Amendment" is a requirement that all statewide-elected public officials, members of the Legislature and most county officeholders file annual statements disclosing personal financial interests.

Nearly 220,000 Floridians signed petitions, assuring the issue a place on the ballot in the November 1976 election. It represented the first successful effort in Florida history to bring a constitutional amendment to a vote of the people through the use of the initiative petition. The Sunshine Amendment was eventually approved by nearly 80 percent of the voters.

Reforming the standards of conduct in public office has been an important part of the Askew program. During his tenure, Florida's election laws were strengthened and given enforcement teeth for the first time by the creation of a State Elections Commission. One far-reaching measure placed testimonial dinners under strict regulation. An ethics commission was also created and was given constitutional status in the Sunshine Amendment. And conflict of interest laws were tightened. Traditional patronage was removed from Government decision-making, judicial nominating commissions were created to screen and recommend judicial appointments, legislation was passed requiring open, competitive negotiations on engineering and architectural contracts.

The Askew years have been a time of achievement and reform in other areas as well.

Environmental protection.—Environmental agencies were reorganized and landmark legislation was enacted to better manage Florida's unique land and water resources, a \$240-million bond issue was approved for the public acquisition of environmentally-endangered and recreational lands (most notably the Big Cypress in an historic, joint purchase by the State and Federal Governments). A growth policy, a State comprehensive plan and a coastal zone management plan were all adopted to guide and control economic and physical growth. Laws were passed to insure public ownership of sovereign lands under navigable waters. The Governor and Cabinet voted to ask Congress to deauthorize the Barge Canal and restore the area to its natural State. Construction setback lines are being established in every coastal county to protect Florida's precious beaches. And a massive beach restoration program was undertaken along Miami Beach. A safe drinking water act and mandatory reclamation of land mined for phosphate won legislative approval.

Human relations and equal opportunity.—Governor Askew used the appointive powers of his office to insure that government at every level in Florida is truly

representative of all the people, and that all of the people can genuinely feel that they have a voice in the decisions that affect them. And the record shows he appointed blacks to every level of the judiciary where they had never served before, including Joseph Hatchett who became the first black to sit on the Supreme Court of any southern state since Reconstruction. Askew appointed blacks to the boards of trustees of every community college and school boards and professional and occupational licensing boards where they never served before. He brought into his Administration more blacks than any of his predecessors or colleagues of the Deep South and selected some to serve as heads of major departments where they had never served before.

In 1971, Governor Askew appointed Athalie Range as Secretary of the Department of Community Affairs. She thus became the first woman and black to serve as head of a major department of State Government.

In 1978, the Governor chose Jesse McCrary as Secretary of State, and he became the first black in more than 100 years to be a member of Florida's Cabinet.

There were others such as Mildred Ravenell, Board of Business Regulation; Dr. Spurgeon McWilliams, Ethics Commission; James Matthews, Elections Commission; Freddie Grooms and Jesse McCrary, Constitutional Revision Commission; and Sonny Wright, Environmental Regulation Commission.

Early in his Administration, Governor Askew said that his goal was someday to be able to appoint blacks to public office without the color of the individual being in the headlines. Generally speaking, that goal has been achieved.

There were many other firsts for Governor Askew in his appointments of minorities and women to public office.

In 1974, Dorothy Glisson became the first woman ever to hold a Cabinet seat when Governor Askew appointed her Secretary of State.

Ann Booth was selected by the Governor to fill a vacancy on the First District Court of Appeal, and she became the first woman ever to sit on the bench at the District Court level in Florida.

Governor Askew appointed Alfredo Duran to the Date County School Board, the first Cuban-American to serve in that public office. In one of his last appointments as Governor, he named Mario Pedro Goderich as Circuit Judge of the Eleventh Judicial Circuit, the first Cuban-American to sit on the bench in Date County.

In addition, the Commission on Human Relations was created and given substantial power to insure that employers in both the public and private sector do not discriminate because of race or sex in hiring or promoting individuals.

Economic development and tourism.—In the face of a severe economic recession midway through his administration, Governor Askew launched a campaign to attract new business and industry to Florida and broaden the State's economic base. With the support of the Legislature and the State's business leaders, the budget for these efforts was increased substantially. A Florida office was opened in Europe, and a Tokyo-based consulting firm was hired to woo Japanese investments to Florida. The Governor personally led two economic development and trade missions to Europe and one to the Far East. These and other continuing efforts have begun to pay off in new businesses, jobs, capital investment, and sales of Florida goods abroad.

Tourism continues to be a mainstay of the Florida economy. Visitors have increased from 23.3 million annually in 1971 to a projected 34-million this year. Expenditures by these visitors have increased more than threefold from an estimated \$4-billion in 1971 to \$12.3-billion this year.

Judicial reform.—It represented a continuation of Governor Askew's efforts as a lawmaker. During his tenure, the judicial article of Florida's Constitution was rewritten, streamlining the State's court system and providing for the nonpartisan election of judges. In a major step to help remove politics from the courts and improve the quality of the judiciary, the people approved a system to retain appeals judges on the basis of merit without contested elections.

Governmental reorganization.—In addition to the court system, the Department of Health and Rehabilitative Services underwent a major restructuring. Eleven regional districts were established to improve the delivery of social and health care services. The Departments of Environmental Regulation, Business Regulation and Corrections were also restructured. A separate Department of Commerce was created to devote itself entirely to tourism and economic development. The Department of Labor and Employment Security was established to carry out its many important responsibilities.

The Parole and Probation Commission was strengthened. The professional and occupational licensing boards are now coming under systematic legislative review and have to justify their public purpose or face abolition.

Under the strong urging of the Governor, the 1978 Legislature approved an appointive five-member Public Service Commission, taking the regulation of private utilities out of the hands of politicians and placing that responsibility with a panel of qualified and knowledgeable officials.

Education.—School financing reforms were carried out to insure an equal educational opportunity for every child regardless of where he or she lives or what school he or she attends. The amount provided for each pupil in the public school system has increased from \$534 in 1971-72 to \$899 this year. A compensatory education program was approved and financed for those who need additional assistance in learning the basic skills. With these and other improvements in the education program and with the growth in classroom enrollment, state funds for public schools increased from \$674-million to \$1.28-billion.

In higher education, doors opened for the first time at the University of North Florida, Florida International University, the College of Dentistry and Veterinary Medicine at the University of Florida and the Medical Center at the University of South Florida. Since 1971, the cost of operating the university system in Florida has increased from \$309.8 million to \$638.7 million. And funding for community colleges has grown from \$97.4 million to \$193.5 million.

Human services.—Treatment of the retarded, mentally ill, elderly and youthful offenders became more community centered, less institutional and more humane. Neonatal intensive care programs were expanded. Medical care for the poor was expanded. Family assistance grants were increased. Nursing home reform and improved health and home care for the elderly won approval as did a law prohibiting age discrimination in public employment. Emergency medical services have been professionalized and greatly expanded throughout Florida.

Corrections.—During the 1970s, Florida's inmate population increased drastically from about 9,000 prisoners to more than 20,000. It was a challenge that was met by the construction of new facilities and expansion of others and insured that no convicted felons were turned loose because of inadequate prison capacity.

Beyond that, many rehabilitative programs were initiated such as the 31 community correction centers—8 for women—now providing work release programs for nearly 2,000 inmates. Halfway-in facilities, called Probation and Restitution Centers were established in Jacksonville, Tampa, Saint Petersburg and Miami, and others will soon open in Escambia, Polk, Orange and Broward Counties. These facilities give violators one more chance before sending them to prison. Also, a pre-trial intervention program was made available statewide for those who have committed minor felonies. Under agreement of all parties, those charged do not go to trial but are assigned instead to intensive supervision for a six-month period. If successful, charges are dropped, and the taxpayers are saved the cost of court proceedings.

Additionally, youth offender programs were greatly expanded, and medical services within the prison system were vastly improved. The parole staff has been integrated into the corrections program, and contract parole has been instituted to insure certainty of release time for prisoners who meet specific requirements.

Crime.—The Statewide Grand jury was created with a permanent staff provided in the Governor's Office. Anti-racketeering and anti-fencing laws were approved. Bookmaking at tracks became a felony. A new law imposed a three-year mandatory sentence for felonies in which a firearm is used. A program to pay crime victims was inaugurated.

Consumers.—A public counsel was established to represent the people before the PSC. The landmark "Little FTC Act" defines and prohibits deceptive and unfair trade practices. Eyeglass advertising and generic drug laws were approved. Citizens were placed on the boards regulating the professions and occupations.

Transportation.—Interstate construction was speeded and mass transportation was given new emphasis, most notably with financial assistance to the Dade Rapid Transit System. Interstate 10 across North Florida was completed from Jacksonville to the Alabama line. Other milestones include the completion of I-95 between West Palm Beach and Miami; I-110 in Pensacola, and I-295 around Jacksonville. Nearly half of I-75 from Tampa to Naples is under construction. Congress approved funds to replace 37 bridges in the Keys. Other major road projects launched since 1971 include the Tampa Crosstown Expressway, the South Dade and West Dade expressways and the East-West Expressway in Orange County.

Collective bargaining for public employees was implemented and greater benefits were extended to the unemployed and injured workers.

Following the Arab oil embargo, energy conservation and solar energy research were given new impetus.

In the waning months of his Administration, Governor Askew spearheaded a statewide campaign to defeat an attempt to legalize casino gambling in Florida.

During the weeks prior to the election, the Governor stumped from one end of the state to the other urging voters to turn out and reject casino gambling. They did on November 7 by an overwhelming 72 percent. It would be the last time that Governor Askew would go to the people on a vital issue. And that willingness to go to the people was, indeed, a mark of the Askew years. He did it for the corporate profits tax, the straw vote on busing, the environmental bond issue, Article V, merit retention of judges and the Sunshine Amendment.

Governor Askew has been a stout defender of equal opportunity and justice and was, as a result, awarded the 1971 John F. Kennedy "Profiles in Coverage" Award by B'nai B'rith, the 1973 John J. Kennedy Award by the National Council of Jewish Women, and the National William Booth Award of the Salvation Army. He also was awarded the 1973 Herbert H. Lehman Ethics Medal for applying his personal religious and ethical values to his public life. In 1976, he received the Human Relations Award from the National Conference of Christians and Jews. The Humanitarian of the Year Award of the Florida Commission on Human Relations went to Governor Askew in 1977.

His fight to protect Florida's environment has been cited in several conservation awards, including the special award of the National Wildlife Federation and the Florida Audubon Society Award as the State's "Outstanding Conservationist of the Year" in 1972 and the 1978 Collier County Conservancy Medal.

Governor Askew received the Herbert Harley Award from the American Judicature Society in 1975 for his leadership in strengthening Florida's court system and eliminating patronage and partisanship in the selection of judges. That same year, he was the recipient of the Theodore Roosevelt Award for Outstanding Public Service by the International Platform Association.

He has received honorary degrees from the University of Notre Dame, Stetson University, Rollins College, Eckerd College, Florida Southern College, Saint Leo College, University of Miami and Bethune-Cookman College. The governor was honored as a Visiting Chubb Fellow at Yale University in 1976.

Among Askew's earlier honors were his selection by the State Jaycees in 1960 as "One of Florida's Five Outstanding Young Men," the State Jaycee Good Government Award in 1971, and a number of citations as an "outstanding" member during his 12 years in Florida's Legislature.

As his reform programs gained national recognition, Governor Askew was selected to deliver the Keynote Address at the 1972 Democratic National Convention in Miami Beach.

In January 1977 he was elected Chairman of the National Governor's Conference, becoming the chief spokesman for the Nation's 50 governors. He has served as Chairman of the Southern Governors' Conference, the Democratic Governors' Conference and the Education Commission of the States. In 1976, Askew was Chairman of the Southern Growth Policies Board.

Upon taking office, President Carter named Governor Askew Chairman of his Advisory Committee on Ambassadorial Appointments to recommend names to these foreign posts on the basis of merit.

Born in Muskogee, Oklahoma, on September 11, 1928, Askew was one of six children.

In 1937 his family moved to Pensacola where he entered the Escambia County Public School System and, beginning at the age of nine, worked in his free time to help his mother support his family.

When he graduated from high school at 17, Askew entered the Army as a Private in the Paratroopers and rose to the rank of Sergeant. He then entered Florida State University where he was a member of ROTC and served as student body president. He graduated with a B.S. degree in Public Administration and was commissioned a Second Lieutenant in the Air Force. After two additional years of active duty in the Air Force, Captain Askew was admitted to the University of Florida Law School. In 1956 he received his LL.B. degree.

Almost immediately he began his public service career by accepting an appointment as Assistant County Solicitor of Escambia County. He was elected to the Florida House of Representatives in 1958 and to the State Senate in 1962.

Askew worked vigorously for fair apportionment in both the House and the Senate.

In the Senate, he was Chairman of the Appropriations Committee and the Committee on Constitutional Amendments and Revision. He served as President Pro Tempore of the Senate before resigning to run for Governor in 1970.

His many community services include being past president of the Western Division of Children's Home Society of Florida, past member of the Board of Directors of the Florida Association for Retarded Children, the Farm Bureau, Escambia County

Tuberculosis and Health Association, YMCA, American Legion, Heart Association and United Fund. He is a Mason and Rotarian.

He is married to the former Donna Lou Harper of Sanford, Florida, and the couple has two children, Angela Adair, 17, and Kevin O'Donovan, 15. Governor Askew is an elder in the First Presbyterian Church of Pensacola.

Title: Honorable.

Name: Reubin O'D. Askew.

Mailing address: 1401 Brickell Avenue, PH-1, Miami, Fla. 33101.

Present positions: Partner, Greenberg, Traurig, Askew, Hoffman, Lipoff, Quentel & Wolff; Chairman, Presidential Advisory Board on Ambassadorial Appointments; and Chairman, Select Commission on Immigration and Refugee Policy.

Date of birth: September 11, 1928.

Place of birth: Muskogee, Okla.

1951—BS Florida State University, Tallahassee.

1956—LLB University of Florida, Gainesville.

University of Denver.

CAREER HIGHLIGHTS

- 1971-79—Governor of Florida.
- 1962-70—Florida State Senate, 1970 President Pro Tem.
- 1958-62—Florida State Representative.
- 1958-70—Partner, Levin, Askew, Warfield, Graff & Mabie, P.A.
- 1951-53—Captain U.S. Air Force.
- 1946-48—Sergeant U.S. Army paratroopers.

OTHER ACTIVITIES

- 1969—President, Western Division of Children's Home Society.
- 1970-79—Board of Directors, Children's Home Society.
- 1972—Keynote address, Democratic National Convention, Miami.
- 1973—Chairman, Education Commission of the States.
- 1973—Vice-Chairman, Southern Governors' Association.
- 1974—Chairman, Southern Governors' Association.
- 1976—Visiting Chubb Fellow, Yale University.
- 1976—Chairman, National Democratic Governors' Conference.
- 1977—Chairman, National Governors' Association.
- 1977—Chairman, Southern Growth Policies Board.
- 1977-79—Chairman, Presidential Advisory Board on Ambassadorial Appts.
- 1979—Board of Trustees, Institute of Art, Dade County.
- 1979—Honorary Member, International Center of Florida.

AWARDS AND DECORATIONS

- 1951—ROTC Honor Graduate, Florida State University.
- 1950-51—Student Body President, Florida State University.
- 1953—Class President, University of Florida.
- 1959—Top Freshman Member of House of Representatives—Capitol Press Corps.
- 1965—Member of Most Outstanding Delegation in Florida—Allen Morris Award.
- 1960—One of Five Outstanding Young Men, Florida Jaycees.
- 1965-67—One of Four Outstanding Senators—Capitol Press Corps Award.
- 1966-67—Most Valuable Senator—St. Petersburg Times Award.
- 1971—Outstanding Lawyer, Legislator, Governor, Florida Bar Assn.
- 1971—Profiles in Courage Award, John F. Kennedy Chapter, B'Nai B'rith of Washington.
- 1972—Special Conservation Award, National Wildlife Federation.
- 1973—General William Booth Award, Salvation Army.
- 1973—John F. Kennedy Award, National Council of Jewish Women.
- 1973—Herbert H. Lehman Ethics Medal, Jewish Theological Seminary of America.
- 1973—Alumnus of the Year, University of Florida Law Review.
- 1973—Florida Engineering Society Protector of Environment Award.
- 1974—Leonard L. Abess Human Relations Award, Anti-Defamation League, B'Nai B'rith.
- 1975—Theodore Roosevelt Award, International Platform Association.
- 1975—Hubert Harley Award, American Judicature Society.
- 1976—Human Relations Award, National Conference Christians and Jews.
- 1977—Humanitarian Award, Florida Commission on Human Relations.

- 1978—Collier County Conservancy Silver Medal.
 1978—Cumberland Order Jurisprudence, Cumberland Law School.
 1978—Florida Society of Newspaper Editors Award.
 1978—F. Malcolm Cunningham Achievement Award, Florida Chapter National Bar Association.
 1978—Leadership Honor Award, American Institute of Planners.
 1979—Outstanding Government Official of the Year, South Florida Coordinating Council.

HONORARY DECREES

- 1972—Rollins College, Doctor of Administration.
 1972—Florida Southern College, Doctor of Laws.
 1972—Notre Dame University, Doctor of Laws.
 1973—Stetson University, Doctor of Humanities.
 1973—Eckerd College, Doctor of Humane Letters.
 1975—University of Miami, Doctor of Laws.
 1975—Bethune Cookman college, Doctor of Humanities.
 1975—St. Leo College, Doctor of Humane Letters.
 1978—University of West Florida, Doctor of Laws.
 1979—Barry College, Doctor of Laws.

112 of 117



The Governor



Reubin O'D. Askew

REBUBIN O'D. (O'DONOVAN) ASKEW, 37th Governor of the State of Florida, was born September 11, 1928, in Muskogee, Oklahoma, the son of Leo C. and Alberta Askew. He had resided in Pensacola since 1937.

Mrs. Askew is the former Donna Lou Harper of Sanford, and they have two children, Angela Adair, born February 27, 1961, and Kevin O'Donovan, born May 13, 1963.

Governor Askew received a B.S. in Public Administration from Florida State University in 1951. He also attended Denver University, where he did graduate work in public administration. He received an LL.B. degree from the University of Florida in 1956.

He served as student body president at Florida State University. There, he also was a distinguished military graduate and a member of Omicron Delta Kappa, Gook Key, Delta Tau Delta and Alpha Phi Omega. At the University of Florida, he was class president, Chairman of the Board of Masters of the Honor Court, Executive Editor of the Florida Law Review, and Justice of Phi Alpha Delta law fraternity.

He served in the United States Army paratroops in 1946-1948 and in the Air Force in 1951-1953.

He began his public service career by serving as Assistant County Solicitor of Escambia County in 1956-58. He was elected to the House of Representatives in 1958 and to the State Senate in 1962. In the Senate, Askew was Chairman of the Appropriations Committee and the Senate Committee on Constitutional Amendments and Revision. He served as President pro tempore, 1966-70. He worked vigorously for fair apportionment in both the House and the Senate, and was a member of the State Constitutional Revision Commission which spearheaded the adoption of a new State Constitution in 1968.

He was elected Governor of Florida in 1970 as essentially a tax reform candidate. In 1974, he became the first Florida Governor in history to be elected for a second, consecutive four-year term.

During his first year in his first term, Governor Askew accomplished the main planks of his platform outlined in the campaign. He won legislative approval of a corporate profits tax and other tax reform measures and, later in

BEST COPY AVAILABLE

the year, campaigned for and won a 70 percent vote of the people adopting the State Constitutional Amendment necessary for the enactment of the corporate tax.

Under his leadership, reforms have been carried out in the areas of the environment, consumer protection, educational financing, criminal justice and the standards of conduct in public office. Florida's elections laws were strengthened and given enforcement teeth by the creation of a State Elections Commission. An Ethics Commission was also created. The Governor realized a long time goal in early 1972 when the voters gave overwhelming approval to a new judicial article of the State Constitution streamlining Florida's court system and providing for the nonpartisan election of judges.

As Governor, his honors have included the 1971 "Good Government" award from the Florida Jaycees, the 1972 "Profiles in Courage Award" from the John F. Kennedy B'Nai B'rith Lodge of Washington, D.C. He received the special award of the National Wildlife Federation and the Florida Audubon Society award as the State's "Outstanding Conservationist of the Year" in 1972.

He was the recipient of the National William Booth Award of the Salvation Army and in 1973 received the Herbert H. Lehman Ethics Medal for applying his personal, religious and ethical values to his public life. In 1976, the National Conference of Christians and Jews presented Governor Askew with the Human Relations Award.

As his programs gained national recognition, Governor Askew was selected to deliver the Keynote Address at the 1972 Democratic National Convention in Miami Beach. In 1974 he was elected Chairman of the Southern Governors' Conference. He was also elected Chairman of the Democratic Governors' Conference in 1976. He has served as Chairman of the Education Commission of the State and the Southern Growth Policies Board.

He has received honorary degrees from the University of Notre Dame, Stetson University, Rollins College, Eckerd College, Florida Southern College, St. Leo College, University of Miami and Bethune-Cookman College.

His many community services include being a past president of the Western Division of the Children's Home Society of Florida, past member of the Board of Directors of the Florida Association for Retarded Children, the Farm Bureau, Escambia County Tuberculosis and Health Association, YMCA, American Legion, Heart Association and United Fund. He is a Mason and Rotarian.



Mrs. Askew

Legal Basis for the office of Governor: Article IV, Section 1, Constitution, and Chap. 14, Florida Statutes. Method of selection: Elected by the qualified voters. Qualifications: When elected, shall be an elector, not less than 30 years old, and a resident of the state for the preceding seven years. Term: Four years. Term ends January 2, 1970. Method of removal: Through conviction in the Senate on impeachment charges brought by the House of Representatives. Compensation: \$50,000 a year, and perquisites, including the use of the Executive Mansion at Tallahassee.

BEST COPY AVAILABLE

The CHAIRMAN. I will first recognize the senior Senator from Florida, Mr. Chiles, and then Senator Stone.

**STATEMENT OF HON. LAWTON CHILES, U.S. SENATOR FROM
THE STATE OF FLORIDA**

Senator CHILES. It is a great pleasure for Senator Stone and I to be here today to have an opportunity to introduce Governor Askew to the committee. He does not need much of an introduction. Both you and Senator Talmadge know the Governor.

Senator Stone and I have had an association with him for a long, long period of time. Mine goes back to law school, where we went to law school together. We went to the legislature at the same time. We both ran statewide when it was Lawton-who and Reuben-who. In 1970, it was Dick-who, who was running for statewide office at that same time, back in 1970.

So the three of us have had a chance to associate together in the house and in the State senate and then Dick and Reuben in the cabinet together, and my association while he was Governor being working with him in the Senate up here.

He has had a most outstanding and distinguished career in public service in Florida, one of the few men that I know of who still was sort of breaking the mark on the popularity polls at the time when he went out of office for Governor in the State of Florida.

Generally, when a person is going out of office, a Governor of Florida, like many States, he has to go hide for awhile. It is only 10 or 12 years that he can come out of hiding, because generally the next candidate is already running against the man who is going out and he becomes very unpopular. That really did not happen in Reuben Askew's case.

He is the first Governor of Florida to serve 8 years and to be reelected under a change in our constitution. He certainly had a distinguished career.

Now we are talking about a most important job, to take Bob Strauss's place and to serve as our Trade Representative. Most of us in the Congress as we were debating the last trade bill, I know, Mr. Chairman, the work that you put into that and the work that this committee did on that trade bill and the greatest concern that Congress has had, I think, is that we really have not had, from our Executive level, the kind of voice that we feel that we should have to enforce our trade agreements and to have someone who argues for trade in this country.

We amply argue from the State Department. We amply argue from all of the international aspects. There is no one who says, really, what we should be doing for trade and that means jobs in this country and it means balance of payments and it means everything else, and we saw, in Bob Strauss, a fellow for the first time who would really stand up and talk about that and I think—I do not think, I know—in Reuben Askew we are going to have the kind of advocate that the Congress has been looking for that is going to be hardnosed to try to see that the agreements that we have negotiated are going to be kept.

We know we are going to keep our side of those agreements. We sort of traditionally have done that, but to see that the other side, the other countries, are going to keep those kinds of agreements.

I think that is the kind of aggressive leadership that he will bring to this trade post and that is why I wholeheartedly recommend him. He focused on trade in part of his second term as Governor of Florida.

He traveled to Latin America, traveled to Japan, travelled to Europe with trade missions. We are now seeing the fruits of those missions in Florida.

As he was head of the National Governor's Conference, he talked to all of the Governors of the need of each one of the 50 States to involve themselves and even as the Governor's Conference, they set up machinery that would involve themselves into international trade.

So that he is a person with a mind for international affairs. He realizes the importance that trade means to jobs in this country and to our economy and it is my pleasure, as I say, to be here with Senator Stone and to recommend him to the committee.

The CHAIRMAN. Thank you very much, Senator Chiles. Senator Stone?

STATEMENT OF HON. ROBERT STONE, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator STONE. Thank you, Mr. Chairman and Senator Talmadge. I have served with Governor Askew in the legislature when I was tax subcommittee chairman. Then State Senator Askew headed our appropriations committee while the full ways and means, including the tax subcommittee, was headed by Lawton Chiles, so we have worked together for many years.

Then I served with Governor Askew when he was Governor and I was secretary of state in Florida's cabinet. Even after that, when I worked up here with Lawton to try to expand Florida's exports in the field of citrus to Japan, it was Governor Askew who visited in Japan and activated our Embassy there and activated the industrial leaders and political leaders of Japan to consider our export of citrus needs practically and thoroughly, with the result that their admissions of our citrus exports more than doubled.

So when we wonder whether Governor Askew will make a good trade negotiator, we really do not have to wonder because we have the specific experience of Governor Askew doing that as Governor, reaching all the way out to Asia to help our exports effectively, thoroughly, and with friendship.

I also want to say that for a man to be a negotiator for our country he has to have fortitude, he has to have great strength, and all of us sitting at this table and at your table, Mr. Chairman, are southerners. When Governor Askew was challenged as to whether our public schools would stay open or whether that issue would be politicized, I well remember how tall Governor Askew stood.

I will never forget walking into an event in southwest Florida through lines of pickets in effect telling Governor Askew to close the schools or leave, and Governor Askew stopping to talk to those pickets and explaining that he was Governor of all the people of our State, and our public schools were going to stay open.

That is a man of courage on a tough issue in the South, and that is the kind of man that can fill the bill, for the job that Senator Talmadge says is the "American desk."

Here is a man to fill the American desk and standup for all of our people and for exports as courageously on the national level as he has done, for so many years, on the State level.

I am proud to be associated with this nomination and I want to tell you he is Florida's finest.

The CHAIRMAN. Thank you very much, Senator Stone.

We are going to save our questions, gentlemen, for the Governor.

I take it, then, that both of you recommend approving his nomination notwithstanding your long association. [Laughter.]

Thank you very much, gentlemen.

Now we will hear from Governor Askew.

Governor, do you have a prepared statement?

Governor ASKEW. Yes, sir, I do.

The CHAIRMAN. We will hear your prepared statement then.

Governor ASKEW. Thank you.

With your indulgence, Mr. Chairman, I would like to read it. I will try to leave out part of it. I think it has been covered very generously.

STATEMENT OF HON. REUBIN O'D. ASKEW, FORMER GOVERNOR OF THE STATE OF FLORIDA

Governor ASKEW. Mr. Chairman and members of the committee, I am truly honored to be here today as President Carter's nominee to succeed Bob Strauss as the President's Special Representative for Trade Negotiations.

The successful conclusion of the Tokyo round multilateral trade agreements and their ratification in the Trade Agreements Act of 1979 must and will be followed up by vigorous and vigilant enforcement of those agreements and that law. If confirmed, I intend to see that done.

The President has called the new law to which you, Mr. Chairman, and the members of your committee and others contributed so much, "Perhaps the most important and far reaching piece of trade legislation in this history of the United States."

Ambassador Strauss, in one of his last official appearances before this committee as STR, said of the Tokyo round results:

This is an impressive achievement, but it represents only the first few chapters in a book that we are just beginning to write, a book on a new American approach to foreign trade.

I share both these assessments, and the importance of the challenge they present was a persuasive factor in my accepting this appointment.

Mr. Chairman, I stake no claim yet to technical trade expertise. However as Governor of my State I came to know firsthand what trade can mean as a stimulus to economic growth, more and better jobs for our people, and greater consumer product choice, in short, higher living standards.

During my tenure in Tallahassee I undertook to encourage trade expansion as part of a program for the economic development of Florida. I led trade and economic development missions to Europe, South America and the Far East. I encouraged the National Gover-

nors Conference to set up its special committee on trade, to focus and assert State interests at the national level.

I invited the International Chamber of Commerce to hold its triennial congress in Florida last October, which attracted national and international leaders. I hosted a conference in Florida of the Southeastern United States-Japan Association, a joint organization of businessmen from seven Southern States and Japan.

Some of these efforts only now are beginning to come to fruition. While trade and development were only one aspect of my stewardship, I felt they were central to my program, especially in my second term.

I recognize that two of the main concerns of this committee and the Congress are to improve our export performance and to make America more competitive in the world marketplace. Those are central purposes of both the Trade Act of 1974 and Trade Agreements Act of 1979. Those are major goals of the President's executive branch trade reorganization proposals this year. If confirmed as STR, I will put those objectives high on my agenda.

I understand that a primary intent of the Congress in the trade acts of 1974 and 1979 was to assure fair international trading rules. I agree that we must use the new agreements to achieve better discipline over unfair foreign trade practices, particularly such nontariff measures as dumping and Government subsidies which injure domestic producers or distort traditional export market patterns.

I am convinced that the new agreements negotiated in Geneva, as implemented through the new law, give us the vehicle we need to assure fair treatment for both American exports and imports. But as President Carter, Ambassador Strauss, you, Mr. Chairman, Senator Dole and many others have pointed out, the proof of that faith lies in how fairly, and how firmly we implement the agreements and enforce the law.

I appreciate the nonpartisan political partnership of Government, between the executive and legislative branches, together with the private sector and the public in the effort to develop a truly effective national foreign trade policy.

Mr. Chairman, in coming before you today as the President's nominee for this critical assignment, I would like to share with you the personal attitudes with which I approach it.

The first is that I deeply believe that the vital economic self-interest and future of the United States depend not only upon continuing our 40-year policy of seeking an open and fair trade system, but in fact upon redoubling our efforts in that direction.

Our economic well-being and security is increasingly interwoven with that of other nations, North and South, East and West, industrialized and developing. Trade is the bond of economic interdependence. The U.S. must assert a positive active role in setting its trade policy agenda.

I also think that the new codes of trade conduct we have negotiated must be monitored and refined or expanded as necessary to build a solid, dependable body of international trade case law and precedent.

Just as important, the Trade Agreements Act of 1979 must equally be made to work and seen to work. This statute, together

with the Trade Act of 1974 and others, is the law of the land. We must look to it to assert our own rights, as well as obligations, under the codes.

I take very seriously the responsibilities of the office to which I have been nominated. If confirmed as the President's principal trade policymaker as well as negotiator, I intend to strive for balance, reason and even-handed judgment in the decision-making process.

I share the view of my many friends in Congress, in both houses and on both sides of the aisle, that the Legislative Branch of our Government, under the Constitution as well as the trade statutes, must be a full partner with the Executive Branch in formulating trade policy.

I look forward to working closely with the committee, the House Ways and Means Committee, your trade subcommittees and other interested committees, members and staff.

Finally, I subscribe fully to the notion of a private sector voice provided for in the trade acts of both 1974 and 1979, a right conferred upon all sectors of our economy and society, industry, agriculture, labor and consumers, to participate in trade policy-making.

In sum, I hold to the basic trade policy principles which Congress has mandated and to which President Carter is dedicated.

I recognize that this by itself does not automatically pre-pave the road ahead. Trade relations between the United States and all its trading partners, at least in the short run, are more likely to pose additional problems than they are immediately to deliver needed new markets and sources of supply.

There is no panacea for those problems. This is true wherever you look around the globe. Recent universal economic difficulties, coupled with swift and deep-reaching changes in the world economy, have levied severe strains on the international economic and trading systems. And we are charting unexplored territory with our new trade codes and agreements.

Nevertheless, against formidable odds, the Tokyo Round produced remarkable results. If together, we can make the new rules and law work for fairer and freer trade among all nations, we will have contributed significantly toward the achievement of these worthy objectives. A healthier, stronger and more secure economy for the United States and its trading partners, a further integration of the developing world, which represents tomorrow's markets and sources of supply into the international trading system to the mutual benefit of industrialized and developing nations alike, unified international rules of trade which limit national government intervention in world markets, the peaceable resolution of international economic irritations and disputes which often contain dangerously disruptive seeds of international political discord, and an improved quality of life for all the world's people, including our own, in terms of employment, productivity and consumption.

Mr. Chairman, I have confidence, confidence in this country, its people and its President. Working with the Congress and the private sector, I have confidence we can accomplish these goals.

Thank you, Mr. Chairman. I would be pleased to take any questions.

The CHAIRMAN. Governor, have you explored with the administration and also with our committee staff any possible conflict of interest problems that could conceivably exist?

Governor ASKEW. Yes, sir, I have in substantial detail and beyond that which is actually in writing, in response to any questions, I have made it clear that even though I am completely severing my relations with the law firm, I have an understanding with them that during the time I am privileged to serve as STR they will not make any appearances before that office and should there be any matter that comes before me, even though they are not a direct, interested party, in which I believe any client they represent has an active interest, that I would recuse myself in that regard.

And furthermore, Mr. Chairman, I founded another law firm many years ago, together with another person. I have not been associated with the previous law firm for 9 years. But I would also, to make sure that there is even not an appearance of conflict, I would recuse myself should any matter come before me involving that firm as well.

The CHAIRMAN. Thank you very much, Governor Askew.

Senator Talmadge?

Senator TALMADGE. Thank you, Mr. Chairman.

First, Mr. Chairman, I would ask unanimous consent that a letter from Gov. George Busbee of Georgia, chairman of the National Governors' Conference Committee on Trade be made a part of the record at this point.

The CHAIRMAN. Without objection, it is so agreed.

[The material referred to follows:]

NATIONAL GOVERNOR'S ASSOCIATION,
Washington, D.C., September, 17, 1979.

Hon. RUSSELL LONG,
*Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The National Governors' Association wishes to express strong support for the President's nomination of Reubin Askew as Special Trade Representative.

Governor Askew achieved an outstanding record during eight years as Governor of Florida and as Chairman of the National Governors' Association. During his two terms, Governor Askew exerted great leadership in expanding Florida's international trade. He strongly advocated the establishment of the Association's Committee on International Trade and Foreign Relations as a vehicle for increasing the contribution which the Governor's can make in trade and foreign affairs.

As the Committee considers Governor Askew's qualifications for this important post, we urge early and favorable action on his nomination.

Sincerely,

Governor GEORGE BUSBEE,
*Chairman, Committee on International
Trade and Foreign Relations.*

Senator TALMADGE. Governor, you did me the honor and courtesy of coming by for a visit and you and I discussed at some length textiles and apparels, which is Georgia's most important business, as you know. I am vitally interested in something that so affects the economy of my State.

You and I discussed it in detail, but I do think that it ought to be a part of the record on your confirmation.

I am gravely concerned about the future of exports from China. They have about a billion people. It is a state economy, operated by

the state, who can export anything they want to, at any price that they want to.

They have refused, as you know, to enter into a textile agreement with us and we have had to take unilateral action to limit the imports from Red China.

You support that unilateral action, I take it?

Governor ASKEW. Absolutely. I do, sir.

Senator TALMADGE. You have had an opportunity, I am sure, Governor, to study the President's textile program. You fully support it, I take it?

Governor ASKEW. Yes, sir, I do.

Senator TALMADGE. You stated in your prepared statement that you would see that it was carried out to the letter of the law?

Governor ASKEW. Yes, sir. To the best of my ability, sir.

Senator TALMADGE. As I understand it, the present instrument expires at the end of 1981 and it is the policy of our Government to seek renewal for a further term of years. Do you support that?

Governor ASKEW. Yes, sir, I do, sir.

Senator TALMADGE. Thank you very much, Governor. I think you are eminently qualified for the position you seek. You are highly recommended by your Senators, and I think you will do an outstanding job and I complement you and congratulate you, sir.

Governor ASKEW. Thank you, sir.

The CHAIRMAN. Under our "early bird" rule, the first Senator on the scene is entitled to be recognized first.

Senator Chafee was the third man in the room. He is recognized.

Senator CHAFEE. Thank you, Mr. Chairman.

Governor, I appreciate your coming by yesterday. I am sorry that I was not there. You certainly come here with a good reputation and it is a pleasure to have an opportunity to meet you across these tables.

I would like to follow up on the points that Senator Talmadge made. Textiles are very important in my section of the country as well. As you know, they are the largest single source of manufacturing jobs in our country.

Are you familiar with the administration's so-called "white paper" that deals with the textile industry?

[The paper referred to follows:]

ADMINISTRATION TEXTILE PROGRAM—PURSUANT TO THE PRESIDENT'S STATEMENT OF NOVEMBER 11, 1978

The Administration is determined to assist the beleaguered textile and apparel industry and is committed to its health and growth. This industry provides employment for almost two and one-half million people, the largest single source of jobs in our manufacturing economy, and provides our consumers with a reliable, competitively priced, vital source for all the many vital clothing, medical, military, industrial and other products of its modern technology.

In 1978, U.S. imports of textiles and apparel amounted to seven billion dollars. U.S. exports amounted to only 2.6 billion dollars, a differential of almost five billion dollars. This situation, with trade restrictions abroad and our lack of success in exporting, contributed to unemployment at home. It must be improved in the national interest. Accordingly, today, the Administration is announcing a new approach to deal more effectively with the serious problems that face this industry.

Global import evaluation.—The United States Government will, on a continuing basis, conduct a global import evaluation, consisting of a continuous evaluation of textile and apparel imports, from all countries, category-by-category. The purpose will be to analyze the impact of textile and apparel imports from all sources in the

context of U.S. market growth and conditions in the industry. The results of this analysis will be evaluated for their negative and positive consequences for trade measures, in the light of U.S. rights under the Multifiber Arrangement (MFA).

A member of the Cabinet, pursuant to a directive from the President, will have personal responsibility for overseeing the global evaluation program, in cooperation with the agencies having responsibilities with respect to textile trade, and will report quarterly to the President on its implementation. The program will begin not later than March 31, 1979.

Import controls.—Based on the continuous global import evaluation of textile and apparel imports from all countries, category-by-category, the following actions will be taken:

1. Import surges that cause market disruption, as defined in Annex A of the MFA, will be aggressively controlled, whether they occur from one source or many, under agreements or otherwise. In all of the import control actions, special attention will be paid to the most import-sensitive or import-impacted product categories.

2. There will be aggressive and prompt enforcement of U.S. international rights, including the use of MFA Article 3, and Article 8 (involving circumvention) where the criteria of these articles are met.

3. Understandings with respect to existing agreements with the leading major exporting countries will be reached to tighten controls for the remaining life of these agreements, and to eliminate threats of further market disruption through import surges which arise from one agreement year to another due to: (i) the use of flexibility provisions; (ii) partially filled quotas in one year followed by more fully filled quotas in the next year; or (iii) surges that occur in the course of a single agreement year when an undue proportion of the year's shipments is concentrated in a short span of time. In order to preclude harmful fluctuations, where quotas have been substantially undershipped in the preceding agreement year, in concurrence with the MFA concept of orderly growth in trade, year-to-year increases in such cases should not normally exceed the previous year's shipment's plus one-half of the unfilled portion of the previous year's quota but in no event more than the current year's quota. Thereafter, the applicable growth and flexibility provisions would apply.

4. Where necessary to preclude further disruption from the leading major exporting countries, the Administration's objective will be to assure that (1) 1979 imports will not exceed 1978 trade levels or 1979 base levels, whichever are lower, and (2) in each of the three following years, import growth will be evaluated annually by category (including all flexibility provisions for each category) in the context of the estimated rate of growth in the domestic market in that category, and adjustments made. Particular attention shall be paid to the most sensitive categories, especially in apparel, where the import to domestic production ratio is high and indicative of market disruption. The industry and government will cooperate to the fullest extent possible so that current data on domestic production on a category or product basis will be available to assure the effective working of this provision.

5. The United States Government has just negotiated a more effective bilateral arrangement with Japan to remove the serious problem of disruptive fluctuations. Strong efforts must also be made by the Government and industry to expand substantially textile exports to Japan.

6. Recognizing the potential for sharp and disruptive growth in textile and apparel imports from any major new supplying country, the United States Government will seek to negotiate import restraint levels with the supplier as close as possible to the most recent levels of trade for heavily traded or import-sensitive products and to secure an effective means to expeditiously deal with disruptive import surges in any other category, in the context of the global import evaluation program described above.

7. There will be improvement in quality and timing of monitoring efforts to provide the information for prompt evaluation and appropriate actions. The present system will be reinforced and, working with industry and labor, means for faster feedback and response will be developed.

8. Consistent with federal practices and procedures, there will be full and prior industry/labor consultation on strategy, outlook and problems with respect to bilateral agreements.

MTN.—A snapback clause, effective during the implementation of the MTN tariff reductions, which will restore textile and apparel tariffs to their pre-MTN levels if the MFA does not continue to be in effect or a suitable substitute arrangement is not put into place, will be adopted as part of the implementation of the MTN tariff reductions. In the event the MFA is not renewed or a suitable arrangement is not put into place, legislative remedies will be proposed to allow the President authority

to unilaterally control imports of textile and apparel products consistent with the policy enunciated in this statement.

As a matter of continuing policy, the textile and apparel items included in the Berry Amendment will be excluded from coverage of Government Procurement Code liberalization.

Law enforcement.—A major effort, made possible by a special appropriation of the last Congress, designed to dramatically improve the administrative enforcement of all our textile agreements, is currently proceeding. This program must be carried through expeditiously.

U.S. trade remedies against foreign unfair trade practices, including the countervailing duty law and antidumping act, will be improved, their administration made more responsive and their procedures accelerated in accordance with legislation implementing the Multilateral Trade Negotiations.

Customs will improve and make more thorough its monitoring and enforcement efforts, including the use of penalties available under law where appropriate, with respect to improper transshipments, country of origin requirements, and violations of quantitative limits, with the objective of preventing evasion of restraint agreements and quantitative limitations.

Industry export drive.—The industry will initiate a major export drive, with the U.S. Government's commitment of full support, including a market development program, and a vigorous USG efforts to tear down foreign trade barriers.

High-level textile policy group.—The President will appoint high-level Industry-Labor-Government Policy Group to identify and bring public attention to problems affecting the competitiveness of the industry.

Other specific actions.—The pilot program to enhance productivity in the apparel industry will be expanded to include the ladies' apparel industry.

U.S. industry competitiveness.—The textile and apparel industry indicates its resolve to make maximum efforts to maintain international competitiveness, through promoting efficiency within the industry, to continue to act responsibly pursuant to the President's anti-inflation program guidelines, and to support the national trade policy, which includes as an integral part the program of orderly growth in textile trade as outlined above. For its part, the Administration will act expeditiously to put the foregoing program into effect and expects concrete results in sixty days.

Conclusion.—This textile program is an integral part of the MTN package. However, the Administration will begin implementation of the program immediately and many of the essentials will be in place within the next several months.

Governor ASKEW. Yes, sir.

Senator CHAFEE. Now, this position paper makes certain commitments for more rigorous and effective enforcement of the rules governing textile and apparel imports. Do these commitments have your support?

Governor ASKEW. Yes, sir, they do.

Senator CHAFEE. I bring to your attention a very interesting article in the Washington Post from Tokyo in which it said that the U.S. Ambassador to Japan, Mike Mansfield, endorsed the creation of a conference of top industrial countries to consider an international business code of conduct.

Said Senator Mansfield, "As trade expands and more and more is conducted across national boundaries, the rules of international conduct become more important." As you know, the United States unilaterally has entered into a code of conduct which has been set forth for our businessmen.

What are your views on this suggestion by Ambassador Mansfield? Have you given that any thought?

Governor ASKEW. No, sir. I am not familiar with it, but on first blush, I would think that it would be a very good thing.

Senator CHAFEE. I would think it would be, too, because we have as I say, a code that has been imposed on our businessmen under the Foreign Corrupt Practices Act and the feeling is certainly very strong that businessmen from other nations are not subject to any such severe limitations as our representatives are from our U.S.

corporations. I commend that to you for your serious consideration and I hope that if you get an opportunity, you foster it.

You touched on this issue briefly in your answer to Senator Talmadge, but could you explain in more detail the current trade dispute with China? If we grant China the Most Favored Nation status, what will be the effect on any textile trade agreements? Would we have a textile trade agreement with them at the same time? As you are aware, an obstacle to the MFN agreement with the P.R.C. concerns the import quotas on Chinese textiles and apparel.

Governor ASKEW. I think the two of them are really independent of each other, but I think it stands to reason that one impacts upon the other. I think that because of the tremendous possibility of the interchange of trade with the People's Republic of China that it is going to be extremely important.

As we move along, we would be looking essentially at a quid pro quo.

I think the reason that we had to take unilateral action was because the PRC did not enter into a bilateral textile agreement. We are going to make another effort toward that, but the two agreements will become interdependent technically. I think there definitely has to be some consideration in their receiving MFN status, together with whatever we see of the good faith momentum toward the negotiation of some type of understanding between our two countries.

Senator CHAFEE. Fine. Thank you very much. You seem to be highly qualified for this job.

Governor ASKEW. Let me just go back to one thought, in regard to the Foreign Corrupt Practices Act. I think it is important that our businessmen conduct themselves in a manner that is worthy of the United States.

But I am not speaking only in reference to that law. We have an interagency task force now which is looking at any possible U.S. disincentives to export. I personally believe that because of the whole trade field being so critical that we need to free up American businessmen to compete abroad.

I have had, frankly, a very strong environmental record in Florida. It has been critical, because Florida has a fragile ecology, much as so many other States in this country. Yet we are at a point now that we recognize because of the energy problem that we really have had to look at some trade-offs.

We are not really giving up, necessarily, any goals in the protection of the environment but we are having to postpone some of our timetables, so we are having to make some concessions now that a few years ago we simply would not have made, because to do so is critically important in this whole energy field. I think in the trade field, with the intolerable balance of payments deficit that we are under now, we are going to have to look at this issue in something other than a vacuum. I think we are going to have to look at it from the standpoint, particularly in the tax field, of some types of trade-offs, even though we would not, without any consideration of where we are in terms of the necessity for an aggressive export policy, we might not make some of those concessions. The importance now of this country having an aggressive export policy, I

think depends to a large extent on our giving a signal to the private sector that we are going to give them some incentive, even though they bear a great deal of responsibility in terms of productivity and competitiveness in the marketplace.

So that I would hope, even in addition to this interagency task force

Senator CHAFEE. Is that the committee that the President has appointed and that Mr. Reginald Jones heads on East-West Trade Policy?

Governor ASKEW. No, that is a different thing, but the point, generally, that I want to share with you as I come to this responsibility is that even though a few years ago if I had been a member of the U.S. Senate I might have opposed some changes, the fact of the matter is now the critical importance of trying to free up American business abroad.

I think we might be at a point of looking at trade-offs, just as we have had to look at them in the case of the environment, in terms of trying to provide warmth and energy to the people in this country.

So I think it is going to be critically important that we examine all of these disincentives, if we are really to try not to look at only our imports, just in the energy field, but to have a much more aggressive export policy.

Furthermore, gentlemen, one of the reasons that I agreed to accept this responsibility, first of all, is the high priority that President Carter expressed to me and what he thinks that the next year means in terms of making these agreements work.

I recognize that many Members of the Congress voted in the national interest, in light of some of the pressures of their own constituents, feeling that the overall good was for their constituencies as well as for the country.

I recognize the tremendous responsibility that I have upon me to try to deliver upon some of the promises that we indicated to the Congress that we felt they could legitimately make to the interests in their respective States. So I feel in this area it is going to require an enforcement, really, of our rights, because frequently in the past, trade for whatever reason or not, has not received the priority that it should in terms of our national foreign policy.

I think trade must have a strong, single advocate at the very top to insure that we get the job done.

Senator CHAFEE. I think you will find a lot of support for those views around here. Thank you very much, Governor.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Dole?

Senator DOLE. First of all, I want to agree with the statement you just made. I think there was a bit of over-reaction following Watergate and a number of other things, certainly we have responsibility in the Congress for some of the impediments to our exports. I think that we may have overstepped good judgment in some areas when it comes to business and exports and how far we should go.

I do not think anyone should violate the law, but I do suggest that we have probably gone too far.

Second, I welcome you to the committee. I know you to be a man of integrity and outstanding Governor of the State of Florida. I have a statement that I would like to be made a part of the record.

Senator TALMADGE. Without objection, it is so ordered.
[The statement of Senator Bob Dole follows:]

STATEMENT OF SENATOR BOB DOLE

I would like to join my colleagues in welcoming you, Governor Askew. The Special Trade Representative holds one of the most important positions in the Executive Branch. The STR must be the major advocate of our broad international trade interests both within the Executive Branch and in negotiations with foreign countries. The positions you take can have a major effect on the aircraft-maker in Kansas, the steelworkers in Oregon, or the New England shoemaker. With the Secretary of Agriculture, the Special Trade Representative can move aggressively to lower foreign barriers to our farm exports.

I have no illusions that in a brief hearing we can fairly expect to know how strongly you will pursue our diverse trade interests. I do want you to know that there is a bipartisan desire on this Committee to see vigorous enforcement of our trade laws and agreements, and to turn around our trade deficit. I hope we will be able to work together toward these ends.

Senator DOLE. I think it goes without saying that the job you are about, and will assume very soon, is probably one which is most important in any administration. You are following in the footsteps of a very successful man, Robert Strauss, and I think that that will be a difficult job, but certainly a challenge that I think you can meet.

It is difficult for us to know as we sit here, through 30, 40 minutes or an hour, to make a judgment, but I think that those of us who know Governor Askew can make a judgment that you will do the very best that you can as you have done in your past public service.

So I would ask that my statement be made a part of the record.

I think that some of the concerns that some on this committee have, and others will have, is that you almost have to hit the ground running because the big challenge now is trying to implement the agreements.

There have been a lot of experienced trade people who have left the STR, and greatly increases our concern.

It might be helpful for the record if you could tell us what you intend to do to meet the immediate challenges of implementing the agreements at the earliest possible time, in the face of the departures and everything else.

Governor ASKEW. Senator, I agree completely with that. That is, frankly, the very language that I have used in saying that I have to hit the ground running.

I have already recommended to the President, and I am optimistic in terms of the President's reaction, I think, two outstanding deputies.

We have moved forward with the tentative selection of a general counsel. I think that we have a team that is ready to go, if given the word.

It is difficult for any office to lose the caliber of the leadership that STR has lost, because it brought together a unique group of committed, energetic people. I would like very much for there to have been a little more continuity officially than there will be.

I will, however, make every attempt to have the benefit, to the extent that it does not pose a conflict of interest, with those who have left the office and who have served in it before, such as Mr. Strauss who served in that capacity, and Bill Eberle—a good friend of mine—and others, as well as the immediate acting STR's of recent time, and the deputies.

It is my feeling that we are going to have to immediately make our presence felt in Geneva. If all of this is really to work, one of the keys is to strengthening that mechanism of the GATT in order for it to happen.

As you know, there will be some changes in the top leadership of the GATT. It is critically important that we have an immediate input, to the extent that I have not been presumptuous, that we have tried to do that.

We are bringing aboard, I believe, an outstanding assistant for agricultural policy.

What I have tried to do, in short, Senator Dole, is to bring together the best qualified technically expert, energetic group that I can who have had that experience and who can have some of that continuity and who really work as hard as we can. It is apparent, however, that for us to do what is being envisioned, by the Congress, is going to require some additional personnel, and as we get into the questions of executive reorganization, I think that would be made clear.

I, personally, am tremendously reassured by the fact, and one of the reasons I was able to accept this job, that traditionally it has been the Congress that has taken the initiative in this whole trade field. In fact, the creation of STR and the upgrading of the STR to a Cabinet-rank position, shows it has tremendous congressional support.

I want to do everything I can to be faithful to the Congress, to make sure I can justify the continuation of that type of support, I say particularly nonpartisan support, which has been the key to it.

I think that it being staffed up, being assured of a continuing viability with the private sector, these were the characteristics which really made a difference in the Tokyo Round. These are the things which I think are going to be extremely important and we are trying to move on them as quickly as we can so that we can go forward, because right now we are in the midst of some negotiations. We are going to have to immediately try to work at reforming the GATT.

Then we are going to have to try to determine the U.S. trade reorganization.

But I have done everything I could up to this point to try to continue momentum which I believe has been slowed by virtue of the necessity for some changes in this area.

Senator DOLE. Thank you, Mr. Chairman. I have another question, but I will wait till the next round.

Senator TALMADGE. Senator Packwood?

Senator PACKWOOD. Governor, in response to Senator Chafee's question, did you say that it might be necessary to re-evaluate the Foreign Corrupt Practices Act in light of other countries' international practices, if we are going to remain competitive?

Governor ASKEW. I am not specifically referring to the Foreign Corrupt Practices Act. I am making a general statement that would include it, along with others, Senator Packwood.

I am simply saying that I talk to a lot of people who are just as anxious as the Congress and the President to reflect integrity in our foreign practices, who really become somewhat apprehensive of what some parts of it means as far as application goes.

I do not think, for 1 minute, that we should change the thrust or the spirit of that act.

I think, however, that we might need to look at it from the standpoint of seeing whether or not it holds true in some parts and whether or not it has been an overaction in specificity.

I do not think the problem, necessarily, is in the act itself. The problem is in what a lot of people can see as a potential reading of the act.

I think that makes a lot of our business people very wary and those of us who have submitted ourselves to public service are well aware of that feeling. I am sure that it is now occurring to the distinguished Senator from Kansas, when you look at the National Election Law, and all of its many ramifications, you cannot but be a little bit apprehensive to make sure that you completely follow it.

So I think some of the anxiety, to the extent that we can, we should try to take out of the Foreign Corrupt Practices Act, without trying in any way to change the spirit or the thrust of that act. I am in no way offering any specific proposals at this time.

Even in addition to that, I am talking about in terms of regulations where we require our exporters to meet the same environmental regulations of the United States when they go into the export area.

There is some rationale in terms of setting an example and in terms of some tax provisions. I am simply saying that we are in such a critical state in terms of a trade imbalance of \$28.5 billion last year that we need to be looking at these from the standpoint of simply making some trade-offs without sacrificing a principle, that will, at least, reassure the private sector in terms of their willingness to expand their efforts in the export field.

Senator PACKWOOD. Governor, I agree with you completely about the regulations being specific. That is not the normal complaint that you get from American international business leaders. They will almost baldly say bribery is a common practice which our international competitors engage in every day and we are prohibited from doing it under the Foreign Corrupt Practices Act.

Are you suggesting that, in any way, that act should be changed to allow us to meet that competition?

Governor ASKEW. I am in no way suggesting that the law should be changed, that the United States should condone bribery in any way. I am simply saying that is not the central test of it.

But I think there are concerns reflected in that act that I think, frankly, might need to be reviewed, and I really never meant to dwell so much just on that.

What I really meant to say was that in a general review of any disincentives, or disincentives as the private sector considers them to be, we need to consider, as we look at those disincentives, particularly, for instance, in the tax field, that if it means the loss of

some revenue, maybe under other circumstances, we would not, in any way, condone that. Yet, if we become pennywise and pound foolish in the necessity to expand our export policy, we may have to look at it in terms of a different light, even if it was a repeal, or after a certain period of time, just to try to give an additional incentive.

Senator PACKWOOD. Is that the end of my time?

Senator TALMADGE. Senator Boren.

Senator BOREN. Thank you, Mr. Chairman.

I want to say, first of all, that I am delighted that Governor Askew has agreed to take this position. It is a privilege to be able to vote for his confirmation.

I had the privilege of serving with him on the National Governors' Conference, when he was Governor of Florida, and also succeeding him as chairman of the Southern Growth Policies Board, and I think Reuben Askew is one of the most able public servants that we have in this country.

So I think it is a good thing for this country that he has been willing to come back to public service and to contribute his considerable talents to this effort of trying to help bring the United States into a more favorable trade balance.

I am very glad to hear what you had to say about continuing the partnership with the private sector which Ambassador Strauss has started very effectively in terms of bringing the thinking of the private sector to bear in the recent negotiation, also continuing to work with them in terms of enforcing those agreements.

I think too often our Government is an impediment, at one level or the other, to the promotion of exports in this country. We are up against many, many others where the Government is almost within a partnership relationship with those private concerns in their own countries.

I wonder if, in addition to your work in enforcing the agreements themselves if you expect to be able to make recommendations in terms of reorganization of our own governmental structure as it applies to trade policy, to try to more effectively bring into focus the barriers that the private sector feels and to try to make recommendations to the President, later to the Congress, in terms of removing some of these barriers and creating a forum where issues about them can be resolved.

Governor ASKEW. I would be happy to share with the Senate my views in this area of governmental reorganization. First of all, I start from the premise that reorganization per se never really solves anything. In this case, however, I think that it is critically important, to every extent possible, that we have a single voice representing trade in the United States, making recommendations to the President, and working with the Congress.

As to the specificity of it right now—there still are some differences. What I really think is of overriding importance is to try to place the responsibility for negotiations for all U.S. trade in STR either by direct negotiation or by coordination of trade negotiation.

That, I think, is critically important, because you are quite correct, Senator. In some instances we deal with countries whose economy and government is a little bit different than ours and they can come from a stronger base and, in some instances, cer-

tainly expedite their decisionmaking. I completely agree with the necessity of a very strong voice in this area.

Senator BOREN. I appreciate the answer, Mr. Chairman. I have no other questions.

Again, I want to congratulate the President on this appointment and say again that, among his fellow Governors, there was not anyone more respected as an able administrator than Reuben Askew and I am delighted by this appointment.

Senator TALMADGE. Senator Byrd?

Senator BYRD. Thank you, Mr. Chairman.

Governor Askew, I want to express agreement with the comments made by the able Senator from Oklahoma. I, too, am delighted that you have returned to public service. You certainly made an outstanding record as Governor of Florida.

I think that this position that you now have been appointed to is one which requires hard, tough, negotiating. I do not know you well enough to know whether you are a tough enough negotiator or not. I hope you are; I assume you are.

I am delighted to support your confirmation. I have only one question, Governor.

The textile industry, both those who work in the plants and those who manage the plants, are very much concerned about the level of imports and the industry as a whole feels that imports should be limited to the growth in the domestic market.

Imports have been running around 6 percent while domestic growth has been between 2 and 3 percent.

Do you agree that there should be a limitation on the imports of textiles to the level of the domestic growth?

Governor ASKEW. As you know, we negotiated agreements, at least for 1979, particularly where the sources of the import surges in this area, essentially South Korea, Hong Kong, and Taiwan. We have successfully completed the 1982-84 Taiwan agreement and now we have to go forward with Hong Kong and Korea.

We will be in negotiations the latter part of this week with Korea. Then we will work on Hong Kong, but we will certainly do everything that we can, and I am optimistic that we can, in order to keep those in balance.

Senator BYRD. Do I interpret your reply to my query as being that you do favor limiting textile imports to the level of the increase in the domestic market?

Governor ASKEW. We have bilateral agreements with them. We are working on that premise now. I do not think I could commit now to a specific level from here on out, but I will say that is the basis under which we are operating.

Senator BYRD. Now, correct me if I am wrong, but I have been informed that the President has taken the position and has so informed the textile industry that he favors limiting exports to the growth in the domestic market. Are you aware of that?

Governor ASKEW. In his program he calls for the analysis of imports in the context of U.S. market growth. My main concern, that I have been briefed on, is parallel to that which you are saying, with these countries through 1982, and I believe, possibly to 1985. I can assure you that I will check on this.

Whatever commitment that the President has made, I assure you, will also be my commitment.

Senator BYRD. The textile industry, of course, as you know so well, is vitally important to many of our States and I would hope that you would be able to, in your negotiations, hold the level of imports to whatever growth we might have in the domestic market.

Thank you.

Governor ASKEW. Senator, let me just say that I do agree with the critical importance of the textile industry in this country, really all over the country, and I anticipate shortly a meeting with the industry labor group, in fact, a policy group. In fact, I had set up a tentative meeting, but Morris Bryan accompanied Ambassador Young to Africa and, at his request, we postponed it.

But I will actually become, in effect, the President's personal negotiator in that regard, as Mr. Strauss was, and will continue to be very vigilant and to whatever extent any commitments have been made on behalf of the President, then I assure you I will do everything I can on it.

Senator BYRD. Thank you.

Senator TALMADGE. Senator Dole?

Senator DOLE. First, I would like to submit some questions that Senator Heinz would like to have addressed in writing, to furnish for the record.

[The material referred to follows:]

QUESTIONS SUBMITTED BY SENATOR HEINZ (FOOTWEAR)

Question 1. I'd like to ask you if you share the belief that it is important to act to assist a domestic industry that may be increasing imports—largely because of cheaper labor that is available elsewhere—when that industry provides entry-level jobs for our hard-to-employ, unskilled and semi-skilled workers?

Answer. I think assistance to domestic industries should be determined on a case-by-case basis, each on its own merit. But certainly the factors Senator Heinz cites in his hypothesis—including domestic and foreign employment factors—are ones that should be taken into careful consideration in such cases.

Question 2. If you are confirmed, as U.S. Special Trade Representative—and it were brought to your attention that the intended purpose of these OMA's was not being achieved, to the serious detriment of the non-rubber footwear industry—would you feel an obligation to investigate carefully, and take prompt, appropriate action authorized by law to remedy that situation?

Answer. Yes. If confirmed, I would be disturbed to learn that a program recommended by the Office of the Special Trade Representative is not achieving its purpose. I intend, forcefully and effectively, to administer all programs for which the Special Trade Representative has responsibility. If it is determined that the Orderly Marketing Agreements on non-rubber footwear are not achieving their intended purpose, I would recommend immediate action to remedy the situation.

Question 3. In fact, it is my understanding that there has been a tremendous surge in imports of non-rubber footwear since 1976, the base year for the OMA's and the year when imports reached the disastrous levels which prompted Government action.

Although non-rubber imports from Taiwan and Korea have declined pursuant to the OMA's, shipments from other countries have risen sharply—despite assurances to the Congress and the industry that imports from other countries would not be permitted to make up for the rollback on Taiwan and Korea. But that is exactly what has happened! Imports from countries other than Taiwan and Korea grew from 170 million pairs in 1976 to 225 million pairs last year, and are projected to reach 296 million pairs this year—an astounding growth of 126 million pairs, which far surpasses the approximately 50 million pair decline from Taiwan and Korea.

If you examine the figures and find that this is indeed the case, would you consider there to be an urgent need to look at this program and see if something

shouldn't be done to achieve a reduction in imports—so that this Administration fulfills its commitment to the industry to provide meaningful relief?

Answer. Yes. The recent trends in non-rubber footwear imports have been brought to my attention. However, the OMA program should not be judged by numbers alone. One should consider the extent to which imports are disruptive. One of the priority issues on my desk is footwear imports, and I will promptly give it my full attention. Results of the interagency study currently underway to assess the effectiveness of the import relief program for the domestic non-rubber footwear industry are among my first concerns.

Question 4. According to the Trade Act, when a major portion of imports of a product are controlled by OMA's, the President has the authority to take unilateral action against third countries not party to the OMA's (Section 203(g)(2)), with respect to like articles. Therefore, the OMA's were crucial in that they conferred the authority to control imports from other countries.

I am told that Hong Kong blatantly refuses to negotiate to limit its non-rubber footwear exports to the U.S. They did negotiate a Certificate of Origin program, designed to prevent transshipments from Taiwan which avoided the quotas. But that program apparently has been totally ineffective in curbing Hong Kong's exports. Indeed, they continue to remain near record levels (6.6 million pairs in 1976; 28 million pairs last year; projected 26 million pairs this year).

If there is no rapid and substantial decline in imports from Hong Kong, would you be willing to take a firm position with that country and use whatever remedies are legally available to you to resolve that situation? Including unilateral action, if that course appeared to be necessary?

Answer. Yes. I understand that when the Orderly Marketing Agreements were negotiated with Korea and Taiwan, the other important non-rubber footwear exporting countries were informed that the U.S. Government would monitor their footwear imports and that surges in shipments would be reviewed. These countries were also made aware of our authority to take further action to protect the effectiveness of the OMAs.

Discussions currently are underway with Hong Kong, the Philippines, Italy and other countries, in this regard.

Question 5. The fact is that after two years of so-called import "relief", non-rubber imports are higher than ever. They are projected to reach nearly 444 million pairs this year—up by around 70-75 million pairs from 1978 levels. At the same time, domestic production is expected to fall to record low levels this year. And between May, 1976 and May, 1979, employment in the industry dropped by an alarming 21,700 workers—nearly a 13 percent drop.

In view of these dismal statistics, the import relief program for footwear can hardly be considered effective. Don't these figures indicate that the OMA's have been a dismal failure?

If you are confirmed U.S. Special Trade Representative, would you be prepared to take prompt and forceful action to ensure a more effective import control program than we have seen to date?

Answer. No and yes. The footwear relief program ordered by President Carter consists of the Orderly Marketing Agreements with Taiwan and Korea, and a domestic footwear revitalization program. This program assumes that the domestic industry will undertake efforts to take advantage of new market opportunities. The effectiveness of these programs cannot be judged solely on the number of non-rubber footwear imports forecast for 1979. For example, there is a difference in the effect on U.S. employment depending on the type of footwear entering the U.S. For example, the effect of shoes valued at less than \$1.25 is different from that of more expensive shoes.

The OMAs and the footwear industry revitalization program were both part of the President's program. A major aim of the footwear industry revitalization program is to modernize the manufacturing and marketing operations of the domestic non-rubber footwear industry. Another objective is to confront the structural problems of the industry and to undertake broad initiatives to address industry needs. The program has resulted in operational improvements in manufacturing costs, product and labor costing, material control, and inventory control, and production planning. Plant layout and machinery investments, marketing strategies and product development were also improved through this program.

According to the latest information from the Department of Commerce, the program also resulted in a dramatic increase in footwear exports and improved operating procedures at individual firms. An initial evaluation of the overall effectiveness of the revitalization program will be completed in November and reported in the second annual report of the footwear industry revitalization program.

I agree that the level of non-rubber footwear imports now entering the country, if it continues for the rest of the year, is a cause for increased concern. I will be watching closely the vital signs of the domestic footwear industry. I am prepared to take prompt and forceful action to protect the effectiveness of the President's relief program as the circumstances warrant.

I will keep Congress informed of any actions contemplated under this program.

QUESTIONS SUBMITTED BY SENATOR HEINZ (MUSHROOMS)

Question 1. In March of 1977 the President denied the tariff rate quota which was recommended by the U.S. International Trade Commission to give the domestic mushroom industry relief from imports. Instead of a quota, the President instituted a monitoring program which instructed the Special Trade Representative to consult with the governments of Taiwan and South Korea when import penetration disrupted the domestic market. In the last eighteen months, large amounts of canned mushrooms have been imported into the United States from Hong Kong. Mushrooms are not grown in Hong Kong. These mushrooms are coming from either Taiwan or the Peoples Republic of China. What effort has the STR taken to determine the country of origin of these mushrooms? If they are from the Peoples Republic of China, will our government collect the proper duty? If they are from Taiwan, what efforts are going to be taken to terminate this disruption of the domestic market?

Answer. STR is in contact with the Customs Service concerning the questions of the origin of canned mushroom imports and whether fresh mushrooms imported into Hong Kong for processing undergo sufficient transformation to be considered products of Hong Kong. The U.S. Embassy in Beijing also has been alerted to the concerns of American mushroom growers and processors and is now seeking information on the Chinese mushroom industry. If mushrooms from Hong Kong are determined to be products of China, the Customs Service can be expected to collect the appropriate duty.

The question of transshipment of mushrooms has been raised with Taiwan, and that nation has denied the charge. They claim that the method they use to pack mushrooms makes transshipment to the U.S. uneconomic.

We will continue to closely monitor this situation and report to interested Congressional members.

Question 2. In view of the severe hardship that imports, which are now 45 percent of the American market, have caused domestic mushroom producers, what are the administration's plans to keep the Peoples Republic of China from disrupting the domestic market should the PRC obtain most favored nation trading status?

Answer. The administration does not intend to permit mushroom imports from the PRC to disrupt the domestic market. If the PRC were granted MFN status, the duty levied on its mushroom exports to the United States would fall from 45 percent ad valorem and 10¢ per pound (drained weight) to 10 percent ad valorem and 3.2¢ per pound. If this resulted in disruptive increase in exports to the U.S., we would use one or more of the range of mechanisms available for relief.

Question 3. In the past crop year the Government of Taiwan expressed an intention to export 44.9 million pounds of mushrooms to the United States. Does the STR intend to ask Taiwan to express an intention for the crop year which will begin December 1, 1979?

We are planning interagency consideration of this matter in October.

Question 4. One of the problems with the monitoring program is that consultations do not begin with the exporting nations until after there has been an excessive level of import penetration. Is there anything which might be done to encourage those nations which export mushrooms to the United States not to send huge shipments to the United States in excess of their stated intentions?

Answer. The expressions of intent made by foreign governments are an informal and unofficial means of controlling imports. A more substantial pledge, such as an Orderly Marketing Agreement, may be sought if it is determined that there is an excessive level of import penetration.

Taiwan argues that it is conforming to its expression of intent, and trade figures show that both Taiwan and world imports of canned mushrooms, except for Hong Kong and Korea, dropped last year (below):

SHIPMENTS IN STANDARD CASES (24 lb drained weight)

| | 1977-78 | 1978-79 |
|-------------------------|-----------|-----------|
| World | 3,740,000 | 3,487,000 |
| Taiwan | 2,304,000 | 1,678,000 |
| Hong Kong | 306,000 | 526,000 |
| Republic of Korea | 98,600 | 1,125,000 |

Question 5. Other countries have taken action to protect their own domestic mushroom industries. The Common Market on several occasions has simply shut the door by setting up immediate import restrictions. When this happens all of the mushrooms which are being grown for the market which became closed are diverted to the United States causing severe disruption. One Taiwan exporter told a domestic importer "When the Common Market closes us out, it is better for us to ship our mushrooms to the U.S. Then negotiations begin, your government expresses its displeasure, but at least we get rid of our mushrooms." What can the administration do to eliminate this unfortunate situation?

Answer. The EEC has a licensing mechanism for many agricultural products, whereby it grants an import license for a product only when the exporter agrees in advance to limit exports. The license is revoked if import limits are exceeded. Under new import licensing code provisions and remedies available to domestic producers under the unfair trade practice provisions of the Trade Agreements Act of 1979, hopefully this imbalance can be corrected.

Question 6. There is presently pending a GSP petition for fresh mushrooms from the Dominican Republic. Do you believe that fresh and canned mushrooms are like or directly competitive products, and if so, how can you justify the petition?

Answer. I don't know. The petition will be reviewed by the interagency Trade Policy Staff Committee (TPSC). Public hearings on the petition will be held next week. In reviewing the case the TPSC will consider testimony from the hearings, an economic analysis by the U.S. International Trade Commission as well as reviews of the petitions from each participating agency to determine whether fresh mushrooms are import sensitive in the context of GSP. In reaching a decision the TPSC will consider the competitive relationship between imported fresh mushrooms and domestic canned mushrooms. I have informed my staff of your concerns, and instructed them to keep me informed of the status of the TPSC review of fresh mushrooms.

Senator DOLE. He asked me to read at least two of the questions. You do not need to respond at this time; they will be submitted.

Do you share the belief that it is important to act to assist a domestic industry that may be increasing imports—largely because of cheaper labor that is available elsewhere—when that industry provides entry-level jobs for our hard-to-employ, unskilled, and semi-skilled workers?

The second question is a several-part question in reference to the footwear industry and the decline of imports from Hong Kong.

I just ask if you would take a firm position, if it became necessary.

Those will be submitted. You can furnish answers for the record.

Governor ASKEW. We will furnish written answers for the record to those. I did have an opportunity to visit briefly with Senator Heinz.

Senator DOLE. Turning to another major concern, you are from an agricultural State. Many people do not realize the importance of Florida in agriculture, but it has a large impact on agriculture, and it is of big benefit to consumers.

Governor ASKEW. It is big on beef too, Senator.

Senator DOLE. Right.

We are concerned about the effect on farmers of embargoes on grain and soybeans, export subsidies used by foreign competitors.

There is always a fear among agricultural interests that they are somehow relegated to the foot of the table, and that their interests are really never fought for.

But I think that knowing your interest, and knowing where you come from, that that should not be a fear that farmers should have very long.

You will be working with the Secretary of Agriculture in order to increase exports?

Governor ASKEW. In trying to come up with an assistant STR we worked with agriculture in the private sector really, I think, for a consensus candidate. Our concern for agriculture was not shown sufficiently in the Kennedy Round. I think in the Tokyo Round, it was.

I think what is going to be important from my standpoint in this area is to try to get some type of agricultural framework established with the EC. It is an area of critical importance and frankly over the long haul it is agriculture that is going to make the difference in the stability of this country.

Senator DOLE. Finally—I know you have to leave right after you finish here, and I did not have a chance to see you yesterday because of an unrelated matter—there will be some witnesses following you, opposing your nomination.

Do you have any comments on what may be said by those in opposition?

Governor ASKEW. No, sir, except that any decision I make in that regard will have nothing to do with the responsibility of this office.

The CHAIRMAN. Senator Packwood?

Senator PACKWOOD. Going back to the argument that American businesses are put at an unfair disadvantage with foreign businesses, the second issue they argue is the Arab boycott legislation. Many businesses overseas refuse to do business with Israel so they can do business with the Arab countries.

We have passed some legislation that denies some tax preferences and other benefits for some companies who would observe that legislation.

What is your view about the antiboycott decision?

Governor ASKEW. It is an area that I do not feel equipped to definitively respond to at this point. I would be happy to try to get into it a little deeper and to speak personally with you on that.

Senator PACKWOOD. Well Governor, basically the situation, is this: We have had a strong commitment to Israel and we have said to American businesses, we are not going to allow you to discriminate against Israel, or at least we certainly are not going to give you tax benefits that other businesses do not get.

The answer to many of those businesses is German businesses do, and English businesses do, and Japanese businesses do, and we have to compete with them.

Governor ASKEW. I understand generally the thrust of your question and the area. It is just that I would like to feel I could understand better some of the implications before I give you a definitive response, so that whatever I give you can then depend on completely.

Senator PACKWOOD. All right. Another question.

From time to time, the argument is used that you should not hesitate to use trade as a bargaining tool. Specifically, we will not sell the Russians any wheat if they are going to finance Cuban troops in Angola.

What is your general view toward that kind of leverage?

Governor ASKEW. I think, generally, that that kind of decision would have to be made at the highest level, but I frankly think that if it is done in an indirect manner, I do not think that it is objectionable.

I think what you have to be careful of, however, when you start having some sort of linkage in this regard is the ramifications. Such action can spread, to other countries and with other trade agreements. And where you may feel completely justified in taking an action, per se, if it impacts totally and other areas, it winds up undermining that which we are trying to do, and I think that is an additional consideration you have to make.

I think the American people will have to feel, however, that wherein we have leverage we ought to assert it, and to the extent that it is appropriate within the international trading context, I certainly am not hesitant to assert it at all.

In fact, if anything, I think our country over the years has not fully asserted the leverage that might otherwise be available to them.

Senator PACKWOOD. It puts you in a bind when you have asked our farmers to plant and export everything they can, and they have a tremendous investment, and all of a sudden you say we are going to embargo the export of wheat to Russia because we do not like their foreign policy activities in Africa.

The farmers say, you have asked us to plant. We have invested hundreds of millions, or maybe billions, of dollars. Now you are saying we cannot sell. How do we respond to that?

Governor ASKEW. I do not think you can respond to it except to say that is a decision made in the national interests, oftentimes for bigger reasons than they might feel in their own individual sphere.

It is not a constituency which you could respond to favorably.

All I am saying in this area is that sometimes there has to be an overriding consideration that if you consider the issue on its merit, without any overriding considerations, I think the answer would be relatively clear: You just do not do it.

Senator PACKWOOD. One last question and let me touch upon the same subject that Senator Dole mentioned. You will have two witnesses following from the gay community strongly opposed to your nomination, one of them quoting you in a 1977 press conference as saying, "I would not have a homosexual on my staff."

Did you say that?

Governor ASKEW. Yes, sir, I did. I said a known homosexual, and I would not.

Senator PACKWOOD. Pardon me?

Governor ASKEW. No, sir. I said I would not have a known homosexual on my staff, and I would not.

Senator PACKWOOD. Is that your present position?

Governor ASKEW. Yes, sir, it is.

The thrust of that, frankly, was in regard to schools and to give you a little background on this, Senator, it was a question of a repeal of an ordinance in Dade County.

I was asked at the press conference on April 29, 1977, in which I said it was essentially a local matter in terms of the repeal of the ordinance. But I said that I would have no difficulty if I were a citizen of Dade County, as I now am, in voting to repeal the ordinance because I would not want a known homosexual teaching my child, and this is the statement that I made at that press conference.

In the following statement, I was asked in regard to my staff, to which I responded. If I was in private industry, I might have a completely different view. I do not know.

Senator PACKWOOD. Your present position still is you would not have a homosexual on your staff?

Governor ASKEW. I would not have a known homosexual on my staff, simply, Senator, by virtue of the tremendous problems it presents in dealing with public constituencies.

Senator PACKWOOD. What are you going to do when it comes to hiring people on your staff of the Special Trade Representative?

Governor ASKEW. At the rate of the flexibility that I am given, I think that might be a moot question. To my knowledge, all people who have asked to come on board are heterosexual in character.

Senator PACKWOOD. If I understand your answer to the extent that you can, within the bounds of the law, you intend to follow the policy as Special Trade Representative of not hiring known homosexuals?

Governor ASKEW. Let us put it this way, Senator, that I would follow whatever the personnel policy of the Federal Government is, but in the selections I have made thus far—and I have very little flexibility in hiring—I have not, and would not.

Senator PACKWOOD. I think I understand your answer. To the extent that the law permits you, you will not hire known homosexuals. If the law gives you no legal route, you have no choice?

Governor ASKEW. That is correct.

Senator PACKWOOD. I have no other questions.

The CHAIRMAN. Governor, you have other things to do.

Governor ASKEW. Yes, sir.

The CHAIRMAN. If you would prefer to be excused, you may at this point. I appreciate your testimony here. Personally I think you are very well qualified for the job. In due course, we will vote on the nomination.

Thank you very much.

Governor ASKEW. Thank you, sir.

The CHAIRMAN. Now we will hear, for 10 minutes each, Mr. Thomas Bastow and Mr. Robert Kunst.

Mr. Bastow?

STATEMENT OF THOMAS F. BASTOW, PRESIDENT, GERTRUDE STEIN DEMOCRATIC CLUB

Mr. BASTOW. My name is Thomas Bastow. I am president of the Gertrude Stein Democratic Club. We are the major political action organization of Washington's gay community, which numbers approximately 75,000 men and women.

With me is Robert Davis, president of the Gay Activists Alliance, Washington's leading gay educational and lobbying organization.

We are here to oppose the confirmation of Reuben Askew in the Cabinet-level office of Special Trade Representative. We are joined in our opposition by the Walt Whitman Democratic Club in Philadelphia and the Gay Political Caucus in Houston and the Alice B. Toklas Democratic Club in San Francisco.

The reasons for our opposition to Mr. Askew go back to the spring of 1977. At that time Dade County, Fla., had just adopted an ordinance protecting the right of its citizens to equal opportunity in employment and housing, regardless of their sexual orientation.

To achieve repeal of the Dade County human rights ordinance, Anita Bryant launched a national media campaign against gay people, one of the most virulent, sustained attacks on an American minority group in our recent history.

At the height of Ms. Bryant's campaign, Mr. Askew, who was then Governor of Florida, announced his support of that campaign. He volunteered that he would vote for the repeal of the Dade County human rights ordinance if he could. Mr. Askew's stated reasons which he has repeated here today, for supporting Ms. Bryant were his own unwillingness to work with or to have his children taught by anyone whom he knew to be a homosexual.

The Governor's support for Ms. Bryant was a major news story in Dade County and throughout Florida. With Mr. Askew's help, Ms. Bryant won. People in Dade County may now legally be denied equal treatment in housing or employment solely because they are gay.

Mr. Askew was the only major figure in American politics to ally himself with Ms. Bryant. When a similar hate campaign was mounted against gay teachers in California last year, public officials as diverse as Governor Brown and former Governor Reagan united to defeat it. The people of Dade County, Fla., were not as fortunate with their public officials.

If Mr. Askew had picked on virtually any other American minority, it is inconceivable that this committee would be considering his nomination to a Cabinet-level office today. Just 3 years ago, a Cabinet member, Earl Butz, was forced to resign because he had told a tasteless joke about blacks. Governor Askew's antigay statements in 1977 were unhappily, no joking matter.

If Governor Askew is confirmed as Special Trade Representative, he will have a staff of 60 Federal employees. Governor Askew said in supporting repeal of the Dade County human rights ordinance and he said here again today that he would not allow any known homosexual to work on his executive staff. This statement raises specific questions about Mr. Askew's ability to deal fairly with gay Federal employees, questions that Mr. Davis will address.

Beyond these specific questions is a more basic general question. Can Mr. Askew bring himself to respect people whose lives are different than his? The millions of gay men and women in America aren't asking that their public officials like them or approve of their lifestyle.

But gay people are asking that their public officials respect them as capable productive members of our society.

Respect for diversity is one of the great founding principles of our country. In the 17th century the religious practices of minorities aroused more intense strife than the lifestyles of sexual minorities do today.

Yet William Penn and Lord Calvert founded colonies here on the principle that people of diverse religious practices should live together in a spirit of toleration.

William Penn argued that respect for diversity was a positive good, that diversity would strengthen society. In this century, philosophers have expanded on Penn's thought. A great value of a free society is that people encounter diverse ways of life, attitudes, ideas. This diversity makes people question, makes them use and develop their reasoning power. This is why all modern totalitarian societies have suppressed diversity including sexual diversity.

Today, after centuries of abuse and witch hunting, gay people are claiming our place as a legitimate element of diversity that can strengthen American society. And Americans are beginning to accept that claim.

Earlier this year Time magazine carried a cover story on homosexuality in America. Time's senior correspondent introduced the story by writing, "My biggest surprise was to discover how much heterosexuals could learn from homosexuals about closeness, warmth, and communication. I had always assumed that it was the other way around." It's time that Mr. Askew learned, too.

Time that he learned Anita Bryant's goal is a totalitarian one when she calls upon Americans to suppress any manifestation of sexual diversity.

Time that he learned to respect gay people even though we are different than he is.

Time that he learned there is no longer an open season on gay people in American politics. Until Mr. Askew demonstrates that he has learned—and his earlier testimony shows that he hasn't learned—we urge you to reject his nomination.

**STATEMENT OF ROBERT A. DAVIS, PRESIDENT OF THE GAY
ACTIVISTS ALLIANCE OF WASHINGTON, D.C., INC.**

Mr. DAVIS. Members of the committee, my name is Robert A. Davis. I am the president of the Gay Activists Alliance of Washington, D.C., Inc., an organization founded in 1971 to promote full civil rights and civil liberties for lesbians and gay men in the Metropolitan Washington area.

Most of our attention over the last 8 years has been devoted to issues on the local political scene rather than to national issues. Our record of accomplishments in the District of Columbia is one of the finest in the Nation.

We are especially proud of our role in persuading the D.C. Board of Education to pass a resolution in 1972 banning discrimination against gay teachers or other employees of the school system, the first such legislation passed by any school board in the country.

Similarly, we take pride in our role in helping to enact and enforce the D.C. Human Rights Law. This statute ranks as one of the most comprehensive antidiscrimination laws ever enacted.

It specifically includes a ban on discrimination based on sexual orientation in employment, housing, public accommodations, education, credit, and public service.

We hope your committee will take due note that politically motivated attacks against gay rights in the District of Columbia have backfired disastrously against their instigators.

By the same token, public leaders who have defended the rights of gay citizens have prospered. The District of Columbia can thus present itself as a model for the rest of the country in the protection of its citizens against all forms of bigotry and hate.

The one national issue that the Gay Activists Alliance has consistently pursued and the one that most forcefully compels our appearance here today is the defense of the employment rights of lesbians and gay men working for the Federal Government. You can appreciate the importance of this matter to our group when you realize that many of our members, including three who have served as president, work in the Federal civil service.

From the days of Joe McCarthy until mid-1975, the U.S. Civil Service Commission refused to allow any known homosexuals to work for the Federal Government in any capacity whatsoever. Literally thousands of decent Americans were fired from their positions in the witch hunts mandated by this disgraceful policy for a quarter of a century.

But eventually gay citizens started to fight back in the courts. One of the earliest battles, we're proud to say, was waged in virtual isolation by Washington's own Dr. Franklin E. Kameny, who was fired from his job with the Army Map Service in 1957 solely for being gay.

Although he lost his own case, Dr. Kameny sacrificed his professional career as an astronomer to devote himself full time to the cause of gay liberation with special emphasis on helping gay employees of the Federal Government.

In one of the most remarkable David versus Goliath campaigns in American legal history, Dr. Kameny and his allies were completely vindicated by the courts.

The ultimate extinction of the Civil Service Commission's homophobic policies was virtually sealed by the 1973 U.S. District Court decision in the case of Society for Individual Rights versus Hampton.

The court not only ordered the Commission to restore a homosexual supply clerk to the position he last held when the Commission discovered he had been discharged from the military for homosexuality, the court further ordered the Commission to cease firing any employees solely for homosexuality unless it could establish a concrete nexus between sexual orientation and a particular job.

The court here acknowledged that a homosexual may be deemed immoral by the majority of our society, but this alone does not justify denying that person Government employment.

The notion that it could be an appropriate function of the Federal bureaucracy to enforce the majority's conventional moral code of conduct in the private lives of its employees is at war with elementary concepts of liberty, privacy, and diversity. Therefore, the Commission can discharge a person for immoral behavior only if that behavior actually impairs the efficiency of the service.

The Civil Service Commission formally announced its surrender in the revised suitability regulations issued on July 3, 1975, the day before Independence Day, appropriately enough. I would like to submit for the record a copy of these revised guidelines and related materials published by the Commission at that time.

[The material referred to follows:]

[Civil Service News, July 3, 1975]

The Civil Service Commission has issued new guidelines for evaluating the suitability of individuals for Federal employment.

The guidelines amplify revised suitability standards, approved by the Commission earlier following thorough consideration and consultation with Federal agencies and interested organizations. Both the standards and the guidelines fully reflect significant court decisions, the Government's need to maintain efficiency of operations, and the rights of individuals.

The new guidelines are based on the concept that each case must be decided on its own merits and that all decisions regarding the fitness of applicants or employees should be made in a manner that will promote the efficiency of the service while assuring fair, impartial, and equitable treatment of the individual.

A significant change from past policy—resulting from court decisions and injunction—provides for applying the same standard in evaluating sexual conduct, whether heterosexual or homosexual.

"Court decisions require that persons not be disqualified from Federal employment solely on the basis of homosexual conduct," the guidelines point out. "The Commission and agencies have been enjoined not to find a person unsuitable for Federal employment solely because that person is a homosexual or has engaged in homosexual acts. Based upon these court decisions and outstanding injunction, while a person may not be found unsuitable based on unsubstantiated conclusions concerning possible embarrassment to the Federal service, a person may be dismissed or found unsuitable for Federal employment where the evidence establishes that such person's sexual conduct affects job fitness."

Decisions to deny employment to applicants or to separate employees already on the rolls on suitability grounds may be taken only when it can be shown that the conduct of the individual may reasonably be expected to interfere with the ability of the person to function in the job or the agency's ability to discharge its responsibilities. As the courts have ordered, there must be some rational connection between the individual's conduct and the efficiency of the service.

Under the policy and its attendant guidelines for evaluating the suitability of individuals, the following factors may be considered as bases for disqualification:

1. Delinquency or misconduct in prior employment.
2. Criminal, dishonest, infamous, or notoriously disgraceful conduct.
3. Intentional false statement, deception, or fraud in examination or appointment.
4. Refusal to furnish testimony (answers) as required by civil service rules.
5. Habitual use of intoxicating beverages to excess.
6. Abuse of narcotics, drugs, or other controlled substances.
7. Reasonable doubt as to the loyalty of the person involved to the Government of the United States.
8. Any statutory disqualification which makes the person unfit for Federal service.

In making suitability determinations, evaluators must consider each of the following factors to the extent that any or all of the factors are pertinent to the individual case under consideration:

- a. The kind of position the person is applying for or serving in, including its sensitivity.
- b. The nature and seriousness of the conduct.
- c. Circumstances surrounding the conduct.
- d. Recency of the conduct.
- e. Age of the person at the time of the conduct.
- f. Contributing social or environmental conditions.
- g. Absence or presence of rehabilitation or efforts toward rehabilitation.

Mr. DAVIS. I have made this brief summary of the successful war against homophobia in the U.S. Civil Service so that you can appreciate our strong objection to the confirmation of Mr. Reubin Askew as the Special Representative for Trade Negotiations.

During his April 29, 1977 press conference endorsement of the movement to repeal the Dade County gay rights law, the then Florida Governor remarked that, "I wouldn't have a homosexual on my staff."

Mr. Askew's attitude would put him into direct conflict with the courts and with the current civil service personnel policies if he ever dared to implement a ban on gay employees in his agency, which we understand has a total of about 60 employees.

Mr. Askew's very presence will have a chilling effect on the freedom of speech and freedom of association of all his subordinates. What gay employee would feel free to come out of the closet without fear of jeopardizing her or his position?

What nongay employee would feel free to speak out against antigay prejudice when he or she might be victimized by an accusation of homosexuality? Witch hunts have seldom been seriously concerned with the possible innocence of their targets.

The situation of Mr. Askew's employees who are covered by civil service regulations would be precarious enough. But even more vulnerable would be the top level staff in the excepted service who would not be protected by the new suitability regulations.

Our primary purpose in appearing here today is to serve notice on Mr. Askew and on the members of the Senate Finance Committee that the Gay Activists Alliance will not tolerate the least erosion of the rights we have fairly won in the courts.

We will not allow homophobia to become entrenched ever again in any Federal civilian agency, no matter how small. We demand strict enforcement of every employee's legal right to be judged on her or his individual merits regardless of sexual orientation.

If Mr. Askew is confirmed, we intend to frustrate any antigay purge before it can begin by insuring that all employees within his agency are fully informed of their rights. If and when Mr. Askew attempts to subvert the employment rights of his gay subordinates, we shall call for his immediate dismissal and help his intended victims take appropriate legal steps against him.

If President Carter realizes that dedication to human rights begins at home, he should withdraw Mr. Askew's nomination at once. Failing that, the members of the Senate Finance Committee should rally around the elementary concepts of liberty, privacy, and diversity and reject the nomination. His unabashed bigotry has disqualified Mr. Askew from any position of public trust at the Federal level.

Thank you.

The CHAIRMAN. Senator Packwood?

Senator PACKWOOD. I have a question. I want to make sure that we agree on what the law is.

As I recall, the Society for Individual Rights versus Hampton did not go to the Supreme Court; it was not appealed, was it?

Mr. DAVIS. No.

Senator PACKWOOD. What we are operating under, as far as employment is concerned, is the decision of 1965 in the Civil Service regulations.

Mr. DAVIS. In 1975, the Civil Service issued a set of regulations for evaluating suitability of employees.

Senator **PACKWOOD**. Right, based on the Civil Rights Act of 1965 and the district court decision. The 1965 act, that you cannot discriminate on the basis of sex, race, and other criteria.

Mr. **DAVIS**. Yes.

But it does not particularly fall under those kinds of protected classes.

Senator **PACKWOOD**. What, then, did the Civil Service Commission base its regulation on?

Mr. **DAVIS**. It based it on court cases which had, up to that point, rejected the Civil Service's right to actually dismiss employees on the basis of their homosexuality.

The change in regulation actually grew out of these court cases.

Senator **PACKWOOD**. In your estimation, considering the civil service regulation, does Governor Askew have any legal room to discriminate against homosexuals?

Mr. **DAVIS**. He absolutely does not have any right to do so.

Mr. **BASTOW**. Many of the employees of the Special Trade Representative are exempted from the civil service regulations.

Mr. **DAVIS**. Insofar as they fall into civil service regulations.

Senator **PACKWOOD**. I asked him specifically, to the extent you are not bound by the Federal rules or regulations, would you discriminate against homosexuals on the staff and he said "Yes." Are you telling me that there are any number of people that he can hire that are beyond the regulations, and he is equally free to discriminate against them without punishment, and they have no recourses?

Mr. **BASTOW**. Yes, that is correct. I have known gay people in the Office of Special Trade Representative. I do not know whether they are exempted from Civil Service regulations or if they are within the GS grades.

Senator **PACKWOOD**. I am trying to understand the law in this case. You are telling me there are people within his purview to hire not protected by civil service regulations, because we have not passed any law beyond that, that he could discriminate against?

Mr. **BASTOW**. Absolutely.

Senator **PACKWOOD**. No other questions, Mr. Chairman.

The **CHAIRMAN**. Mr. Kunst?

STATEMENT OF ROBERT KUNST, NATIONAL DIRECTOR, CONGRESS UNITED FOR RIGHTS AND EQUALITY

Mr. **KUNST**. My name is Bob Kunst. I am a native from Miami. I am the national director of Congress United for Rights and Equality, which is CURE for short. I am also the coauthor of the human rights ordinance in Dade County, Fla., along with Dr. Alan Rockway and Anita Bryant was my counterpart, which both of us turned it into an international issue.

I would like to suggest that we are not just dealing here with Mr. Askew today. We are dealing with the members of this committee, that you are on trial as well as Mr. Askew.

I am not sure that anybody is aware of what is going on outside, because I can tell you what is happening, and I would like to share with you, if you would be interested to know, if you are not willing to deal with people's merits and job performance, only willing to look at who they sleep with and how they sleep with and what

have you, then that is certainly out of the purview of what you have been hired to do.

You are in office at the will of the people, all people, all Americans, gay, bisexual, heterosexual and asexual—and I am representing all of them. I am gay, but I am not just representing the gay community.

I think we have seen the biggest outrage and the biggest, phony snow job that I have ever possibly witnessed, except in the first round in 1977 when Mr. Askew came out with the same nonsense then. I had the pleasure and privilege of telling the rest of the Nation that I thought that Mr. Askew was a sexually insecure lame duck Governor. I would not hesitate to repeat it today, because anybody in the world who has the nerve and audacity to put down somebody else's lifestyle is basically insecure with their own.

If we are not going to have public officials and public servants who are going to be representing all American interests, then we are certainly in one hell of a trouble. I am going to tell you something. If you confirm Mr. Askew's nomination, you are going to find, without any hesitation, that you have put the biggest albatross around the neck of Mr. Carter for the next election.

Generally, you are all interested in getting elected. OK. I would like to tell you, as a gay activist and as a humanistic consultant, in the last round—not round one; round one we did a fabulous job. We got the whole issue out with Anita. All over the world, and every kid in the country, knows what gay is all about. And I did it with my partner, Dr. Arnold Rockway.

Then we were joined by Melodie Moorehead, M.A. in Dade County. Instead of getting 92,000 votes we got 140,000 votes on a \$3,900 budget. Do you know how to get 30 votes per dollar spent instead of paying \$5 or \$10 a vote, or do you not want to consider my merit in job performance? Are you still worried about who I am sleeping with?

Because I am going to tell you what professionalism is all about. Mr. Askew is not going to have just a second opportunity. He is going to have a third opportunity to vote on this, because the Congress United for Rights and Equality is going to put this issue back on the ballot for Dade County, for the Presidential primary, the most significant primary in the country, and we'll just tag along, every Presidential candidate that comes in.

Either you support the rights of all Americans, gay, bisexual, heterosexual, or asexual, or do not bother even showing up, because I am going to tell you something. What is forming out there in the country right now, which I am a part of, are people who are organizing based on lifestyle, not your traditional liberal versus conservative politics, we are not interested in any longer.

If you want to know about a policy role from the gay community, I can tell you how we have developed recognition without being a terrorist organization. We did not have to hire the PLO in order to get the country to recognize us.

I want to tell you what it is like, to trust the people again, and give them back the inalienable power that they have so long felt isolated from while being abused and exploited by insensitive power hungry politicians. In every other section of the country we have had the lowest voter turn-out in the last 10 years. In Dade

County, we got 55 to 60 percent of the people to vote. That is only the beginning; watch us in 1980.

By the way, I believe in snow jobs. Just after we passed the first ordinance in Dade County it snowed in Miami for the first time in history. God obviously is on our side.

But I want to tell you something. I feel that Mr. Askew's presentation absolutely is reprehensible. I would like to tell you from a purely economic point of view on how Mr. Askew has made the state of Florida the mocking, hypocritical, and almost the most disastrous situation I have ever seen.

Would you like to talk to the citrus industry about a half a billion dollars worth of gay boycott and heterosexual boycott on Florida citrus? Ask them how they feel about Mr. Askew's position? Nonpassage of ERA in Florida derailed by the gay issue Anita Bryant has attached to ERA has cost the State another \$300 million plus in lost conventions and a major economic drop in tourism because of such poor performance and antihuman rights policies.

Would you like to find out about Mr. Askew's position when he came out and said, "I don't want any gay workers in my administration" and then Mr. Jim Curasi, who was executive director of the Public Service Commission in the State of Florida comes out and says, well, Mr. Askew, I happen to be bisexual. I think you're full of it. And then the next thing that happens, Mr. Curasi winds up without a job.

If there was any reason to pass an ordinance, that was it, and then the next thing we find out is the people in the State of Florida get a 25 cent telephone charge, the highest in the Nation.

I want to tell you, the people are tired of this kind of snow job. You cannot play with us any longer. We have already organized on the basis of lifestyle.

When Mr. Askew went to Europe, do you know that the people in Amsterdam went out and demonstrated against Mr. Askew and I will tell you, without any hesitation or qualification at this point that there will be demonstrations everywhere Mr. Askew goes, everywhere.

The Dutch people were not just angry at him, they were so angry they raised \$42,000 on the spot and bought a full-page ad in International Time magazine on January 29, 1978, which says, "What is going on in America?" And it was signed by some of the most influential politicians and political influence from Italy, Germany, France, England and the Netherlands, some of the biggest people that Mr. Askew supposedly is going to have to deal with.

I think we ought to stop playing games. If we want to discuss discrimination, let's discuss inflation and government's participation in it. I think, without any question, gentlemen, if I were to go before a court of law and put my hand on the Bible and say, "OK, I swear that I am going to support the Constitution of the United States and the 14th amendment guarantees equal protection under the law, and the 5th amendment guarantees nonself-incrimination. The 1st amendment says a person has the right to be themselves. The 15th amendment, you do not have the right to abridge anybody's rights.

If a person does not follow that order and that Constitution, that person is committing perjury, malfeasance and misfeasance in office, and I believe that Mr. Askew represents the worst aspect of rewarding bigotry in this Nation.

Gentlemen, you have the responsibility now not to give the license to discriminate another pat on the back, because that is a role model to all children in the country.

When Mayor Mascone, heterosexual, and Harvey Milk, homosexual, were killed and a man gets eight years for killing two human beings, and my Governor Graham in Florida, who is also pro-Anita, comes out and says the best way to deter violence is to start capital punishment again, catering to the Bryant vote, gentlemen, where do you think the role model is? Who is kidding who?

You have a moral responsibility to not go on with his kind of nonsense. I, Dr. Rockway, and Melodie Moorehead, personally have been victims of discrimination. Our counseling center in Miami, Transperience Center dealing with all alternative lifestyles, was the second agency in the United States to receive Federal funding, Federal CETA funds. When Anita Bryant heard about it, she came in and completely eliminated our funding.

We have yet to have due process with the Department of Labor. Ray Marshall, part of the Carter administration, still refuses, after 2 years, to even let us have a hearing.

If you want to see what it is going to cost you, we are now suing in Federal court Ray Marshall, the Department of Labor, Dade and Monroe Counties, Hialeah, Miami, CETA and four members of its consortia. It is going to cost you millions when all we had before was \$55,000.

The gay and heterosexual community is contributing multimillions of dollars and you are violating the law, because you are dealing with us in terms of taxation without representation. There is no difference between what we have to suffer as gays and the people here in the District of Columbia. We all have the same problem.

It is amazing that the CETA government is actually responsible for the discrimination.

I need to ask you gentlemen, and Mr. Askew, that if the American Nazi Party is going to be supported in this country, how about the gay veterans and bisexual veterans and heterosexual veterans who fought against those people? Are they going to be protected? Because if you don't wake up to what's happening you are going to be behind the eight ball.

In addition, I had a conversation yesterday with the former State Insurance Commissioner, Tom O'Malley, who was a state cabinet official who has promised to testify on behalf of a possible land scheme operation that Mr. Askew is involved with.

I would like to submit that to this committee. If you do not want to deal with it from a purely human rights issue, and what is right issue, perhaps you might deal with it in terms of what might be a potential fraud issue and conflict of interest.

I feel that what has taken place here, in terms of Mr. Askew's own statements, is just absolutely outrageous.

How can you talk about competition and trade when what we have here is a classic example of restricting competition and prior restraint. What are you afraid of?

You are afraid if I come out as a role model and say how it's great, and I know my identity and my intimacy and how to relate and I am beyond sexism and gender role confusion, how I deal with fantasy and love and trust, do you think that everybody is going to turn gay? Do you not trust your own heterosexuality? Obviously, Mr. Askew does not. If he was on solid ground, he would not be prying in people's bedrooms, but instead he would focus on the essence of free enterprise, which is putting free ideas on the public market and letting everybody make a decision for themselves.

We have got to stop rewarding mediocrity, that Askew represents.

I do not feel that Mr. Askew represents me. I do not think that he represents anyone in this country. If he cannot handle dealing with his own people, how in the world is he going to handle dealing with anybody out in that big, beautiful world?

What if he comes up with a gay person from China or a gay person from Arabia or a gay person from any other place, or maybe they are not gay, maybe they are just into an alternative lifestyle from where he is at. You cannot afford to jeopardize the American economy with his insecurity.

The CHAIRMAN. Mr. Kunst, your ten minutes have expired.

Mr. KUNST. All right, sir.

I would like you to invite some questions to me. I feel like I have a lot to share with you.

The CHAIRMAN. Senator Talmadge?

Senator TALMADGE. No questions.

The CHAIRMAN. Senator Dole?

Senator DOLE. No questions.

The CHAIRMAN. Senator Packwood?

Mr. KUNST. Mr. Chairperson, I would like to ask one consideration. Would you please include the paper that I have submitted to you, and I would like to have that submitted in full to your record and the Congressional Record?

The CHAIRMAN. We will print that and the attachments that you have with it in the hearing record.

Senator PACKWOOD. I have just one question, Mr. Chairman.

Could you, and those who preceded you, have for me by late this afternoon, your understanding of the present Federal law on discrimination based on homosexuality and how many exempt employees Governor Askew would have in the Special Trade Representative's Office that he could discriminate against?

Mr. KUNST. Let me simply say point blank, sir, the Congress United for Rights and Equality would, under any circumstances, take any court action against Mr. Askew the moment up against a person up because he was gay. If you want us to tie up the entire Trade Commission, I would be delighted.

Senator PACKWOOD. All I want to know is what the present state of the law is.

Mr. KUNST. The law states it very clearly. If you would just go back to the Constitution of the United States, the question is, you cannot discriminate. That is not your purview. You have to stand

up for the Constitution and not allow all the little possibilities to get in the way.

Mr. Askew cannot get away with it.

I assure you, the moment it happens we will file one court suit after another, embarrassing this administration and tying up your hands and making sure you cannot function. You are not going to get away with it any longer; your time is up.

Mr. BASTOW. We will try to provide that information by this afternoon, Senator.

Senator PACKWOOD. Thank you.

The CHAIRMAN. Senator Wallop?

Senator WALLOP. No questions.

The CHAIRMAN. Senator Baucus?

Senator BAUCUS. No questions.

[The prepared statement of Mr. Kunst follows:]

STATEMENT OF ROBERT KUNST, NATIONAL DIRECTOR, CONGRESS UNITED FOR RIGHTS AND EQUALITY

CARTER'S ASKEW NOMINATION EXPOSES BANKRUPTCY OF HUMAN RIGHTS POLICY

The nomination by President Carter of Reuben Askew, former Governor of Florida, as Head of the U.S. Trade Commission demonstrates the total insensitivity, unawareness, contempt for all Americans, Gay, Bisexual and Hetrosexual which has become a hallmark, and ultimately a Waterloo of the Carter Administration. Askew's belief in bigotry and second class citizenship for some Americans, his failure to support separation of Church and State, his violation of the Oath of Office as Governor of Florida surfaced in Askew's support for the fundamentalist, right-wing Campaign of Anita Bryant. Askew actively collaborated and conspired with Sen. Curtis Peterson, the Citrus Industry's spokesperson who led the fight opposing ERA in Florida and inflaming the passions of ignorance and hate by introducing two anti-gay bills in the Florida legislature, one opposing adoption by gays and one opposing marriage by non-hetrosexuals.

This emotionally and sexually insecure ex-Governor stunned Florida and the World by announcing that he would not and could not work with Gay and Bisexual people. This forced Public Service Commission Chairman Paula Hawkins, top aid, Jim Curasi, a widely respected administrator out of office because of his admission of his Bisexuality. Askew's failure to uphold the Constitution by stating that he did not consider the right to be one's self, to hold one's own sexual preference "to be a Constitutional Right" led to widespread demonstrations and rioting in Amsterdam and other European cities when Askew embarked upon his ill-fated attempt to recruit business for Florida in Dec. 1977. The Dutch, particularly were so incensed that they collected funds at the Anti-Askew rally for a Full Page Ad in the January 9, 1978 International Issue of Time Magazine, "What's Going On in America?". This ad was signed by Major Politicians from all European Countries. Can America afford the further association with bigotry that an Askew appointment would provoke with further worldwide demonstrations? Askew has already been a major embarrassment to America.

An Askew appointment would further focus the upcoming March on Washington for Lesbian and Gay Rights, October 14, 1979 on the blatant hypocrisy and poor judgement of President Carter, whose Secretary of Labor, Ray Marshall has pursued a policy of discrimination in the National Administration of the CETA Program, condemning it to failure, as the termination of CETA funds for Dade County's Transperience Center, a mental health program for gay, bisexual and hetrosexual people has shown. (Representatives of C.U.R.E. including Full Equality Ordinance Co-Authors Bob Kunst, Dr. Alan Rockway and Melodie Moorehead will be available to meet with the press and interested persons at the Washington Hotel, during the October 14 March period.

The appointment of Reuben Askew to head the sensitive area of the U.S. Trade Commission would represent a tragedy for U.S. Business and Commerce as our economy attempts to regain its former vigor, and would result in hundreds of millions, perhaps billions of dollars of trade loss. We call upon the U.S. Senate Finance Committee and the U.S. Congress to soundly reject Askew in favor of a more competent, sensitive person who is able and willing to work with persons of all

nationalities, religions, colors, beliefs and personal practices and life styles. We call upon the U.S. Senate to initiate a special investigation of a potential land fraud scheme and scandal involving Mr. Askew during his term as Governor based upon information provided by Tom O'Malley, former State Insurance Commissioner at 10555 NE 2nd Ave. Miami Shores, Florida; telephone 305-756-0744.

We need in Askew's place a person who believes in the US Constitution and the rights of all Americans and citizens of other lands.

WHAT IS C.U.R.E.? CONGRESS UNITED FOR RIGHTS AND EQUALITY, FOR EMOTIONAL AND SEXUAL EQUALITY E.A.S.E.

An end to discrimination, which is outrageously inflationary, against All Americans (Gays, Bisexuals, Hetrosexuals, Asexuals), brings with it a sense of responsibility and accountability by public servants, sworn into office to uphold the U.S. Constitution, which guarantees the 'right to be oneself' without being subjected to the emotional and sexual insecurities of public servants catering to the whims of the religious fanatics as represented by Anita Bryant, et al.

We the people, will no longer be ignored or taken for granted or be abused by political exploitism, on any level, which is wasting the public's time, energy and money. We demand full participation as the CURE for this nation's ills, which includes all alternative lifestyles/lovestyles.

We need answers, not the Church, State, politicians or elements of the press, snooping into people's bedrooms, telling them (us-U.S.), how to live and how to love, which is none of their business or concern.

Belief Is Relief. The basics is to support, be aware of and sensitive to the U.S. Constitution which protects all Americans.

With this in mind, C.U.R.E. will place on the Dade County Ballot, for the third time, the Full Equality ordinance, to finally declare the New Majority, which is based on lifestyles/lovestyles and not the traditional liberal/conservative politics which has left this nation in turmoil.

The Ordinance will set the tone for the national Presidential race, in the nation's key primary, Florida, March 11, 1980. C.U.R.E. will also be at both the GOP State Convention in Orlando (Hyatt House) on Nov. 17, 1979 weekend, and the Dem. State Convention in St. Pete, that same weekend. We expect our 1980 victory to set the tone for the national campaigns, the national elections and going directly into Congress with this will of the People. Round III, will be bigger than Round one was. Anita and the right wing are going to lose the 'big one'.

Miami Referendum

"The
Bisexual
Connection"

Proof of our victory

Out of the closet, May 9, 1977

Public Service Commission Chairman Paula Hawkins is none too happy with top aide Jim Curral. Yesterday he acknowledged publicly that he is bisexual and blasted Gov. Reubin Askew's contention that "the homosexual lifestyle" is not a constitutional right. He didn't tell her about his plans to issue a statement. Mrs. Hawkins said she has no plans to demand Curral's resignation — unless the flap over his sexual preferences affects his performance on the job.

... — Forced to resign one week later

2. "Citizens, ripped of by Anti-Bisexual repression"
3. from Christopher St. Sept 1977 (Gay oppression of Bis)
4. from Oui Magazine Sept 1977.
5. from Miami Magazine May 1977

What's Going on in America?

Two hundred years ago Thomas Jefferson formulated the Declaration of Independence, which forcefully expresses the principle of inalienable human rights. Americans can be justifiably proud of both their philosophy and actions in encouraging democracy around the world.

We were therefore puzzled when we read the news that in certain states fundamental human rights were being withheld or revoked.

Such a development seems to us to be contrary to the philosophy of the Founding Fathers and contrary to Article 2 of the Universal Declaration of Human Rights, which states that every one is entitled to fundamental rights and liberties without distinction between groups or classes of people.

But apparently, even in a modern

democracy like the United States, universal rights do not seem to include homosexuals.

In spite of the Declaration of Helsinki, in defense of which President Carter has declared himself so strongly abroad, in certain states homosexuals are excluded from government jobs. Many homosexuals have been denied housing, employment and access to public accommodations.

Max van der Stoep, the Dutch Minister of Foreign Affairs, justifiably stated that human rights are eroded if they are not acknowledged without distinctions.

We are alarmed by the campaign of Anita Bryant, who preaches discrimination in the name of God.

We are also alarmed by the fact that many politicians in America, who do not personally believe in dis-

crimination against homosexuals, lack the courage to stand up to this bigotry. Some politicians have even jumped on the Bryant bandwagon of prejudice and injustice simply to further their own ambitions.

President Carter's human rights policy can gain credibility only if the rights of homosexuals in the United States of America are bound inseparably to human rights for all people. How can one advocate human rights to one's neighbor if one's own backyard is not in order?

To us, it appears that either Jefferson's idea of humanity and human dignity is upheld by the good people of the United States, or it is trampled on by the zealots.

We ask our traditional friends and allies in America to fight this injustice. You have done it before, you can do it again.

Simone de Beauvoir,
Author, France

Jan Emiel Dackx,
Secretary, Flemish Centre of
P.E.N. (Poets, Essayists,
Novelists) International,
Belgium

Adelc Feriali,
Member of Parliament,
Italy

Ludwig Feilermaier,
Chairman, Socialist Group of
the European Parliament

W. J. Gortsema,
Deputy Minister of the Interior,
The Netherlands

Stella Ghelard,
Author, England

Felipe Gonzalez,
First Secretary P.S.O.E.
(Workers Socialist Party),
Spain

Gunter Grass,
Author, Germany

Bernard Haitink,
Conductor,
Concertgebouw Orchestra,
The Netherlands, and London
Philharmonie Orchestra,
England

Mrs. Iren van den Heuvel,
Chairman of the Labor Party,
The Netherlands

F. Korthals Altes,
Chairman of the Peoples' Party
for Freedom and Democracy,
The Netherlands

David L. Lubinthal,
Rabbi of the Liberal Jewish
Community, The Netherlands

Siera Mansholt,
Former President of the
European Commission

Dacia Maraini,
Author, Italy

Vera Marthias,
Secretary of the International
Council of Sexual Democratic
Women, England

Alberto Moravia,
Author, Italy

Marco Pannella,
Parliamentary Leader,
Italy

Arke Dijkster,
H. Wolk,
Musiek Schippen

Jan Willem Oosterom,
Members of the Board of The
Netherlands Centre of P.E.N.
(Poets, Essayists, Novelists)
International

Jean François Revel,
Author, France

Karl-Paul Sartre,
Author, France

A. Scheerderop,
Rabbi, The Netherlands

Dorothee Sullig,
Professor, Systematic
Theology, Germany

J. Ed van Thijn,
Parliamentary Leader of the
Labor Party, The Netherlands

Gjide Vries,
Secretary General, European
Young Liberals

B. van der Wal,
Executive Director, Anne Frank
Foundation, The Netherlands

F. A. Wijnenbeek,
Secretary General, Federation
of the Liberal and Democratic
Parties of the European
Community

The initiative for this advertisement was taken by
Stichting Vrije Relatierichten (Foundation for Free Human Partnership),
Amstel 220, Amsterdam, The Netherlands.

Time MAG.
1/9/78

BEST AVAILABLE COPY

s Issue Is Back for

The Proposal:

Shall Chapter 11A of the Dade County Code be amended to provide all persons full and equal receipt of health, mental health and social services, and equal opportunity for employment, public accommodation and housing without discrimination or segregation on grounds of race, color, religion, ancestry, national origin, age, sex, physical handicap, place of birth, creed, affectional and sexual preferences, matriculation, political affiliation, native or familial language, source of income, past or present state of pregnancy, past or present military service, or membership in trade unions, organizations or associations?

MIAMI "Herald", November 5, 1978

ACTIVIST LEADER FINISHES DOOK AT PLANTATION KEY

Kunst Pushes Third Gay Rights Vote

By LARRY THOMPSON
Miami-Lower Keys Reporter
PLANTATION KEY — Claiming to have organized Anita Bryant for more than \$100 million worth of free media publicity, Dade County's homosexual rights leaders are once again planning to hit the ballot with a human rights issue which they are confident will receive the backing of a majority of that county's voters.

While the issue will not be put to a vote in Monroe County, Bob Kunst and his Congress United for Rights and Equality (CURE) are coming on Key West's large and mushrooming gay community for support, both moral and financial.

Kunst's CURE was formed in answer to an organization called "Citizens Against Unacceptable Sex Education" (CAUSE), a group Kunst said is an Anita Bryant outfit. "She is afraid that if gay becomes known, everyone will become gay in a way, that's a conspiracy."

Kunst, who has been the backbone of entertainer and orange juice pitchman Anita Bryant for two human rights campaigns in Dade County held since 1977, is readying a campaign to get his controversial rights measure back on the ballot in Dade County in March, 1980, the state presidential preference primary election.

Kunst, currently incarcerated in an apartment on Plantation Key where he is writing a book about the gay cause in the United States, pointed out in a recent interview with the Citizen that the first rights issue in 1977 won the support of 92,000 Dade voters, 31 percent, but when the issue was re-voted in 1978, the support had swelled to 140,000, representing 40 percent.

With the third time, Kunst's CURE is confident that the support will exceed the

be mutual respect, freedom of information and freedom of choice," Kunst stated.

Florida A Microcosm
His book on equality, based largely on the writings of the two Dade County rights votes but including information dealing with human rights fights in all parts of the globe, will use Florida as a microcosm of the world to depict the human rights issue. "What is going on here is happening all over. And it's not just the gay issue," he said.

According to Kunst, the United States is saturated with problems that need solving. "We need answers to problems. We cannot afford discrimination. I don't care if you sleep with giraffes. Do you have any answers for us?"

Kunst said that Monroe County played a role in Dade's past rights fights, with money rolling in not only from the gay side but from non-gays also. "The gay money has been of tremendous help to Monroe County, not only Key West," Kunst said. Without gay financial input, the Florida Keys would not be as well off, especially in terms of the development of the older sections of town, Kunst pointed out.

He expects the county's gay community to be involved in Dade's fight because once the issue is decided in Dade, it will only be a matter of time until Monroe County and the rest of the nation come to their senses and follow Dade's lead, according to the gay rights activist.

Kunst's CURE, an organization which currently consists of Kunst and his manager, Janet L. Wood, is planning a "demonstration" campaign. CURE is led by Carter because he has remained mute on the issue of human rights and sexual freedom.

Kunst said there is now a "DC to DC" connection between Dade County and Washington D.C., a connection which will work toward ridding the nation of what CURE feels is an inadequate leader.

"Gay Means Happy"
His book will be entitled "Gay Means Happy. By Anita's Best Friend." Authored by Kunst, it will be on the stands by the December holiday season, well in time to arrive as a holiday gift. "I expect it to outsell the Bible," the author said, with many a blink or smile.

He began writing it in Barbados last February and has reached his terminal point. Kunst is putting the final touches to his book in his apartment overlooking the Atlantic Ocean on Plantation Key. He plans to publicize it through talk shows and public appearances. He will even hawk it in shopping centers, signing his autograph for those who buy.

The book will be available in Monroe County also where, according to Kunst, "the people are inevitably open-minded, and they include the public officials and police," Kunst reported.

Kunst is wont to say that gay is a way of life today, regardless of what many people think. With a commitment made by the Dade County School Board to include sex education in its curriculum, all facets of human sexuality will be presented to Dade's students. "Every child two years old now has been growing up with gay in their life," Kunst said.

Kunst, who was once a door-to-door salesman selling kid's magazines in New York, is confident that the human rights issue is won. "The human rights issue is marching onward unshowered. The battle is already won."

This story was on the front page of the Key West Citizen, August 19, 1979. C.U.R.E. (CONGRESS UNITED FOR RIGHTS AND EQUALITY), is reprinting this story with the Citizen's permission. C.U.R.E. - P.O. BOX 1976, Miami Beach, FL 33119 (305) 892-0920 - VHS-V-1976

BEST COPY AVAILABLE

REGISTERED VOTERS MAKE BETTER LOVERS

Anita Bryant builds walls between people. She is anti-individualism, anti-freedom of information and freedom of choice. She is anti-everything that does not agree with her special prejudices. Her extremism, is politically motivated to distort our institutions, divide our allegiances, and to make America, what it isn't. Yet she, and what she represents, are totally vulnerable. Bob Kunst, Alan Rockway and Melodie Moorehead, on Nov. 7, 1978, secured 140,259 persons in Dade County, Fla. in Round II, to declare Full Equality for Everyone on the ballot, that everyone could recognize.

They have now been joined by Janet Wood in organizing C.U.R.E. (Congress United for Rights and Equality), to combat Anita's group C.A.U.S.E. (Citizens Against Unacceptable Sex Education). Kunst agrees that Anita is the cause and he and others is the CURE. Using Common Sense, and determination, Round II produced 48,000 new votes for our side and saw a reduction of almost 15,000 votes for Anita, who spent over \$50,000 trying to stop Full Equality, who only had a \$3900 budget. Gay Means Happy.

C.U.R.E. now is preparing for the March 11, 1980 Presidential Primary in Fla. where Full Equality will once again be placed on the ballot, which we are confident, we can win and make this historical declaration for the world to witness, that the majority is indeed a uniting of the minorities and alternatives, that will set the emotional and political tone for federal legislation, and entire 1980 political campaign from President on down, as well as both political conventions. The best defense is a good offense. We have a great one. C.U.R.E. has the formulae, the right ingredients, already set in motion to accomplish this monumental contribution to humanity. All that is missing is the financial help we lacked last time as well as any ideas and suggestions and spiritual support from yourself, and those you know who will get involved some way this time. Affiliate yourself. Make the break. Help us to stop rewarding bigotry as an official public policy that has so divided our nation. Be an All American (Gay, Bisexual and Hetrosexual) and let's enter together, the next decade, dedicated to unleashing a renaissance of creativity and potential, quality and survival. Got it? Get it! For all of us.

The CHAIRMAN. That concludes this hearing.
[Thereupon, at 10:30 a.m. the committee proceeded to other business.]