

NOMINATIONS OF MICHAEL J. CALHOUN AND JOHN A. CALHOUN III

HEARING BEFORE THE COMMITTEE ON FINANCE UNITED STATES SENATE NINETY-SIXTH CONGRESS

SECOND SESSION

ON

THE NOMINATIONS OF

MICHAEL J. CALHOUN TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION AND JOHN A. CALHOUN III TO BE CHIEF OF THE CHILDREN'S BUREAU, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

JANUARY 24, 1980

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THURSDAY, JANUARY 24, 1980

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

The committee met, pursuant to notice, at 10 a.m. in room 2221, Dirksen Senate Office Building, Hon. Russell B. Long, chairman of the committee, presiding.

Present: Senators Long, Baucus, Dole, Chafee, Wallop, and Durenberger.

The CHAIRMAN. Let me ask everyone to take his place, please. I call this meeting to order.

Let me see if we can move down this agenda. Mr. Stern, what is the first thing we have to consider here?

Mr. STERN. Mr. Chairman, you might want to move to the nomination of Michael Calhoun, since Congressmen Conable and Moore are here to speak.

The CHAIRMAN. I see two great statesmen there, with Louisiana representing almost 50 percent of the statesmanship. We have a great deal of statesmanship out of New York.

I will call on my two friends from the House to explain their views with regard to this confirmation.

Do you gentlemen want us to confirm this nomination or not?

STATEMENT OF HON. BARBER CONABLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Representative CONABLE. Yes, Mr. Chairman. I don't want there to be any doubt about that.

Michael Calhoun has worked for the minority staff on the Ways and Means Committee for 3½ years as our top trade adviser. He has been extremely effective in this role, bringing a high degree of sophistication to the advice he could give to people of all persuasions relating to the issue of trade which, as you know, there is great disagreement. He is respected by everyone on the committee for his abilities.

If you look through his background you will find he has a remarkable background. Originally he was a child of the Army. He went briefly to the Air Force Academy and then transferred to Princeton, from which he graduated.

He has his law degree from Harvard Law School and has spent a year at the London School of Economics. He was working at Covington & Burling in town here when he was hired by the minority staff of the Ways and Means Committee. He has been a thoroughly stable and dependable member of the staff.

We are proud of Mike. We are proud of the work he did on the MTN. He spent a couple of months in Geneva as an observer for us there and was widely respected by the STR people for his background and understanding.

Beyond that let me say I think you need people of his ability and his background on the ITC at this point. There are two vacancies down there and a third member of the six-member panel is ill. There is going to be a lot of pressure on imports and if there is any slowdown in the world economy, you can be sure that people in the American industrial community will be concerned about possible unfair trade practices and we will want to have the strongest, most objective people in the information-gathering business, people who understand the area thoroughly and who can bring objectivity to the deliberations of the ITC.

In other words, this is a very important time for us to strengthen that group. Mike Calhoun would strengthen any group with whom he is connected.

In short, I cannot think of many people in Government today in whom I would have more complete confidence than in Mike Calhoun, his objectivity, his strength and his thorough background and experience.

The CHAIRMAN. Well, I am pleased to introduce to the committee my Congressman. He represents me. He comes from the Fifth Congressional District and he is doing a great job for us up here.

Mr. Moore, are you here to speak for or against this nomination?

STATEMENT OF HENSON MOORE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Representative MOORE. Mr. Chairman, most assuredly for. I thank you for your fine comments.

I have spent the year sitting on the Trade Subcommittee of the Ways and Means Committee of which Mike Calhoun is minority counsel and chief adviser and during this last year we had the multilateral trade negotiations come up. Our subcommittee spent fully 6 months meeting almost every day, going through every detail, every facet, behind closed doors of these multilateral trade negotiations so I learned very quickly the value of having somebody like Mike Calhoun at your elbow.

He was present during much of these negotiations in Geneva. He is one of the few human beings alive that understands what is in these negotiations, what we agreed to, what it means to American agriculture and business.

He is extremely knowledgeable and capable, as Barber has indicated. Most intelligent. What I found so great about him, he knows what is going on in the world of trade.

By his work for the last 3 years, I don't think you can find a more capable or more informed person in the country to go to the International Trade Commission than this fellow is. Basically from my

work with him, he favors free trade, he favors free enterprise very strongly, but he is also very practical and very concerned about unfair trade or dumping of the things that we are all sensitive to.

By going to the International Trade Commission, he is one of the few appointees, I think, that can ever be made who knows all the treaties, who knows all the law. Most importantly, he knows the background behind it. He sat there for weeks and months on hearings and negotiations and saw these things being shaped up that are now firmly policies or laws or treaties. He knows these things and knows the background of them. He knows the American sensitivities, where our problems are, what industries are helped or hurt by various provisions in these treaties or bills.

I think you would have to look a long time to send somebody to the International Trade Commission who knows something about trade and this man knows just about everything to know about all the laws and treaties about trade. We really are going to be at a loss without him on the subcommittee. It is a sincere loss to us. I think it is a real gain to the International Trade Commission. From what I see in the past, they can use some gains.

I might also simply say this is not a political appointment. This is not a political hack.

This is, without a doubt, one of the most capable people you can find in the country today who knows what is going on, and should be going on, in trade.

I give him my complete and wholehearted endorsement and hope very seriously that you will all confirm him.

The CHAIRMAN. Are there any questions, gentlemen?

Senator DOLE. I do not have any. He may be too well qualified.

The CHAIRMAN. That is my thought. Can we do without him up here? Do you think we can spare him?

Senator DOLE. I have no question of either of the gentlemen here. It is rare I see two Republicans here. I don't know how to act.

The CHAIRMAN. If there are no further questions, thank you very much, gentlemen.

Let's call Mr. Michael J. Calhoun.

Mr. Calhoun, you have a very impressive record here and you come highly recommended. Do you have a statement you'd like to make about this matter?

[The biographical material of Michael J. Calhoun follows:]

MICHAEL J. CALHOUN

7/76 to Present.—Professional experience: Assistant Minority Counsel for International Trade, Committee on Ways and Means, U.S. House of Representatives. I and my staff assistant are responsible for advising Republican members of the Committee on international trade-related legislation, general international trade issues, and international trade policy. I was accredited as a Congressional Staff Delegate to the Tokyo Round Multilateral Trade Negotiations in Geneva which I attended regularly. I work closely with the majority staff on all Subcommittee matters and Committee positions regarding international trade policy.

6/74 to 7/76.—Associate, Covington and Burling, Washington, D.C. Over the two years I had a range of legal experience including: a customs classification case; a major case under Section 201 of the Trade Act of 1974; some NLRB-related work; and some drafting of pleadings for a major First Amendment damage action before the U.S. District Court.

6-73 to 8/73.—Summer Associate, Milbank, Tweed, Hadley and McCloy, New York City. Two of my major tasks as a summer associate were: extensive research

on a large bankruptcy case and work on a lending arrangement between a major New York bank and a steamship company. At the end of the summer, I was offered a full time position upon completion of law school. However, I accepted a position with Covington and Burling instead.

6/72 to 8/72.—Law Clerk, Lawrence Prattis, Philadelphia, Pennsylvania. This was a summer job during the summer after my first year in law school. I did virtually all of the legal research and much of the drafting of pleadings for this sole practitioner. He is now on the Pennsylvania bench.

9/75 to Present.—Faculty, Mount Vernon College, Washington, D.C. I am presently teaching two courses: Business Law and Public Law.

Part time 1973.—Faculty, Milton Academy, Milton, Massachusetts. During my second year of law school I taught American History.

9/70 to 6/71.—Faculty, Oakwood School, Poughkeepsie, New York. I taught American Government, Middle Eastern Studies and American History after my college graduation.

1977.—Educational experience: George Washington University. I took Graduate courses in Business Finance and Economics of International Trade.

9/74 to 7/75.—London School of Economics, London, England. LSE has a one-year post-graduate law program available to a limited number of foreign students on a competitive basis. The program was composed of four one-year seminars selected by the student. My program included: International Economic Law, a study of international economics and the problems posed by national and multinational efforts to regulate international trade and financial relations; Competition Law of the EEC, a study of EEC antitrust law; Law of the Sea; and International Institutions, a study focusing on regional associations having development orientations.

9/71 to 5/74.—Harvard Law School, J.D. I took courses usually taken by students looking for a broad-based legal education, including Taxation, Commercial Transactions, Transnational Legal Problems and International Legal Process.

9/68 to 5/70.—Princeton University, B.A. My major course of study was American foreign policy. My undergraduate thesis, a B.A. requirement at Princeton, undertook an analysis of the conceptual foundation of American foreign policy since World War II.

9/68 to 5/70.—Woodrow Wilson School for Public and International Affairs, Certificate, 1970. On a competitive basis, sixty Princeton University Juniors were given the opportunity to choose from the School's graduate curriculum for their final two years of course work. The program requirements included one major research seminar each semester. Participants received a B.A. from the University and a Certificate from the School. This program is now a five-year B.A./M.P.A. program.

6/66 to 7/68.—U.S. Air Force Academy.

1977.—Distinctions: an Outstanding Young Man of the Year, by U.S. Jaycees.

1974 to 1975.—Rotary International Fellow.

1972 to 1974.—Founding Chairman, Association of Black Princeton Alumni.

1970 to 1971.—American Political Science Association, Black Graduate Fellow.

STATEMENT OF MICHAEL J. CALHOUN

Mr. CALHOUN. Senator, I would like to express my appreciation to both Mr. Conable and Mr. Moore for what I would have to say, in all sincerity, is a very humbling endorsement. I would also like to thank all the Republicans on the Ways and Means Committee that have had the confidence in me to give me the responsibility and opportunity to have experienced probably one of the most significant trade exercises to the United States that I think we will experience in the next 10 to 20 years.

In the 1980's, particularly in view of the economic situation we are in now, trade will prove important in a way I think we are unable to truly appreciate right now. The opportunity I have had to participate as, it were on the ground floor of trade legislation which will guide our policy in the 1980's at both the negotiating process in Geneva and at the drafting exercises during last year is an opportunity

that I will value for quite a long time. If I had not had this opportunity to have worked for the Republicans and the Democrats as well, on the Ways and Means Committee, I would not have had that experience. I would like, for the record, to express my deep and sincere appreciation to all of them.

The CHAIRMAN. Would you give us your thought about the relationship of the International Trade Commission to the Congress and to the Executive? What is the relationship of the Commission and the duties of the Commission to the Congress and the executive branch?

Mr. CALHOUN. Senator, as a staff member who has worked with the Ways and Means Committee on Trade, I cannot help but understand the fact that the International Trade Commission is first and foremost an independent agency, fundamentally a factfinding agency, and has the responsibility of factfinding both to the President and Congress, but I think, in the MTN exercise and in the yearly oversight function that the Ways and Means Committee has had over the ITC, there has been a very firm feeling on the House side, in any event, that the ITC should be a strongly independent agency and certainly should not feel the least bit beholden to the office of the President.

The CHAIRMAN. This is a thing that has concerned me through the years. There are some persons in the State Department who feel that trade is foreign policy and the State Department ought to control it, and the way to control it is to go through the White House to put the pressure on the Commissioners of the ITC.

We, on this committee, and I think the House committee has shared our view once they understood what our position was on it, have determined that this should not be the case, and that the Commission should be independent.

We have even undertaken to insulate its budget from being subject to being cut at the displeasure of the Office of Management and Budget. We did not want the executive branch to dictate to that Commission. We wanted the Commission to be independent.

I see your head nodding. I think you ought to explain your thought about that for the record, if you agree with it, that the Commission is supposed to be independent. It is supposed to read that law. It is supposed to undertake to construe what the Congress had in mind when it wrote the law, and what the President was agreeing to when he signed the law, and it is supposed to recognize that while it is not operating in a vacuum, at the same time it is not a part of the executive branch.

Mr. CALHOUN. Senator, you are absolutely right about that. There is no question as to the independence of the Commission and the importance of the fact that the Commission remain isolated from foreign policy and other kinds of national policy concerns.

The formulation of trade policy with respect to the items under the jurisdiction of the International Trade Commission, is constructed in a fairly delicate way. There are three parties who participate in it, each having its own independent and unique contribution.

The President obviously has concern for international and national policy considerations. The Congress has its concern of oversight, its fundamental responsibility under the Constitution for jurisdiction over international commerce, and the ITC's function is solely with respect to factfinding.

And I understand personally, and in my capacity as minority counsel with the Ways and Means Committee I have so advised my members, that factfinding meant, with respect to considerations before the Commission, that Commission determinations would be based solely on the merits of the case.

Consequently, ex parte activities coming from the executive branch or for that matter, from the legislative branch, are wholly improper as a basis for determinations made by the International Trade Commission.

The CHAIRMAN. Thank you very much, Mr. Calhoun.

Are there any further questions?

Mr. Dole?

Senator DOLE. Mr. Chairman, I think we have an outstanding candidate in Mr. Calhoun, certainly one with experience, and I think this will be very helpful as the ITC faces its very important trade responsibilities.

I think I just have a couple of questions. As you know, some of us have earlier urged the President to reappoint Joe Parker to the ITC, largely because of his experience on the Commission and his solid agricultural background. He at one time, you may not know, was a staff member on the House side on the House Agriculture Committee.

I want to assure you that our efforts on behalf of Mr. Parker were in no sense intended to reflect negatively on your qualifications, Mr. Calhoun. In fact, as has been all too typical, I do not think the White House consulted any one of us, or any formal group, about the nomination. But none of that was your responsibility.

Some of us do come from States where we have a rather large concern and a proper concern about agriculture and agribusiness and an interest in the future of agriculture.

I was just wondering, you are aware of the ITC's responsibilities under section 22 of the Agriculture Adjustment Act?

Mr. CALHOUN. Yes, sir, I am very familiar with that responsibility.

Senator DOLE. That, as I understand it, is to advise the President whether imports interfere or threaten to interfere, with support programs. It is not binding on the President, but at least there is that responsibility.

Mr. CALHOUN. That is right, sir. Again, it is a factfinding responsibility but it is an undertaking to determine whether, as a result of import practices or volume of imports, there has been a negative effect on price support activities under the jurisdiction of the Secretary of Agriculture.

Senator DOLE. You probably know, if you have worked with Henson Moore—who has a lot of experience with agriculture, particularly, in his district, the problems of sugar—that, there is a feeling of some that Government support programs in effect guarantee farmers a profit. That is not an accurate perception but there is that perception out there.

The truth is that often farmers lose money if all they get for their crops is a Government support price.

So in the Trade Act, we specifically provided that increased burden on the agricultural support program should be a factor in determining material injury under the dumping and subsidy laws.

We also specified, I think at my initiative and the initiative of others, that the ITC could not make a negative finding simply because the market price is above the support price.

I am not asking you to commit yourself on any hypothetical factual situation, but I would like to know what your general approach is to injury cases where there is a Government support program.

Mr. CALHOUN, Senator, the question you pose touches upon an issue that was seriously considered during the drafting exercise that implemented the MTN and is now codified under the 1979 Trade Reform Act. The language in the report of this committee with reference to that issue, I think states the case fairly well that, with respect to injury under areas dealing with price support, the Commission is not necessarily to find that injury does not exist simply because the impact does not touch on price support or does not give a downward pressure to the price below the price support.

The notion is, simply, that because items are coming in that are priced in a way that would fall below market priced but above price supports on a domestic commodity, does not in and of itself indicate injury nor does it not suggest that injury does not exist.

It is a case-by-case determination. I think the example used in the report involving livestock is a very good one, that although the industry, in a traditional analysis, might appear to be in good health, that is, prices are high, sales are high, the fact of the matter is that they might be reducing livestock because the projected price, because of imports down the road from, I would guess traditionally Australia, will have a downward effect on price and diminish ability to make a profit in the future.

So that those kinds of traditional indicia that the Commission would look to as injury in the industrial sector do not easily apply to the agricultural sector and special consideration needs to be made to take account of the peculiar situation that agriculture is in.

Senator DOLE. I certainly think that is an accurate reflection of the views of most members of this committee and in the foreign community because the factors showing injury to the farmer may be quite different than those faced by a manufacturer for a variety of reasons. Imports can threaten to interfere with the support program even though you have current market prices that are above the price support levels.

Sugar might be the best example of all. You know, sugar prices are high, now, but there could be—we could damage the support program, undermine the support program, based on imports or some other action. We are not concerned just with agriculture, but agriculture is sometimes overlooked by many. It is important to the economy of this country and important, not to just those who are on the farm, but to those who like to eat.

And we talk about farm prices and consumers. We certainly have a very close relationship. It is our hope that we can properly protect the farmers in this country from undue or unwise or improper outside influences.

I don't mean that we want to isolate the American farmer, but unless the farmer is protected, it is going to be tough on the American consumer and I think from what I know of your background and your work that you certainly understand that and appreciate it.

Mr. CALHOUN. Senator I do. I would just like to say one word to that, if I could. I certainly do not represent that I was born on a farm, nor understand the intricacies of the farm business, but with respect to the impact of international trade on agriculture in this country, my experience in working under Mr. Conable, Mr. Frenzel—and Mr. Steiger, of course, before he died—on the MTN, was with a strong view for the concerns of agriculture. Even in the mandate passed under the 1974 Trade Act charging the President to negotiate the MTN, the Congress expressed a specific concern that the MTN make an effort to pay particular attention to the concerns of U.S. agriculture in international trade.

I must say that for the 3½ years that I was with the committee, this was one of the fundamental, underlying concerns in the negotiating process in Geneva and in the drafting of the implementing legislation in the 1979 Trade Reform Act. So I am very familiar with agricultural problems in the context of international trade, and I am certainly sympathetic to the interest of not only the agriculture community in terms of production, but also to the broader population as consumers and the impact on the economy in general.

Senator DOLE. Thank you.

The CHAIRMAN. Any further questions, gentlemen?

Senator BAUCUS. Congressman Conable, I think accurately, suggested that the problems that the Commission is going to face in the future are going to be greater than they have been in the past for various reasons. I am just curious what your general philosophy is in regard to the Commission and, more precisely, what your goals are.

You have a certain familiarity with the operation of the ITC and you are a human being with certain background and experiences and certain views. Some things you have learned through experience and some that you have left to learn, like all of us, but I am just curious to know, as you look at the job ahead of you, what do you intend to accomplish, what are your goals? What are you going to emphasize or deemphasize? What would you do differently?

Just generally, to get a feeling how you approach the job.

Mr. CALHOUN. Senator, I suppose my starting point would be that I would only be one of six Commissioners. Obviously, the law requires that the Commission act as a commission.

To that extent, I do not think that I have an exaggerated sense of what I am going to be able to do as one person there, but I certainly have a firm grip on what I would like to do or the kinds of impacts that I would like to have.

I am aware that in the private sector for instance, in the trade bar in this city and in the country, that there is concern about consistency in Commission determinations. There is the feeling that there should be greater adherence to a rule of precedent.

I have heard it said, many times both in private and before the Trade Subcommittee, that lawyers are reluctant to bring cases before the Commission because they are not always confident of what direction the Commission is going to go. I think the suggestion has been that it has been somewhat erratic. What I would like to contribute to the Commission is a sense of disciplined analysis.

I think timeliness in determinations is another essential factor. It has been a matter that was of great concern to the Ways and Means Committee when we were drafting the Trade Act of 1979. The sense

that justice delayed is justice denied applies here, so I would be very concerned and interested in seeing speedy determinations, particularly when we are talking about economic impact. If industries are in trouble and they need relief, they need it right away and in most cases, by the time they bring the case to the International Trade Commission, the harm has been done, and for there to be unnecessary delay worsens their circumstance.

Those are two areas that I am particularly concerned about. In addition, I think access to the Commission is something that is important as well. The price to society of a liberal trade policy is to assure that those elements of society that are unfairly burdened by that policy have an opportunity to be heard and have an opportunity to seek redress and I think, to the extent that the law provides, every person that can make a reasonable claim for injury should have an opportunity to be heard before the Commission.

So those are three goals that I have.

Senator BAUCUS. Are there any sectors or any industries where you find that a greater effort must be made to remedy certain problems?

Mr. CALHOUN. One of my major concerns—and it is well documented to the members that I worked for on the Trade Subcommittee—is in respect to the semiconductor industry, the computer chips. Increasingly, competition is coming in from Japan. There is reason to believe that the ability of the Japanese to rise in the market as quickly as they have has something to do with the consistent way in which the Japanese Government and the private sector tend to lie in bed together.

If the U.S. semiconductor industries are going to be challenged, it could have grave economic impact, as well as military impact. I think that is an area that I have advised my members to be concerned about this year from a legislative perspective and I think it is one that the Commission itself has had an interest in.

They have undertaken a study already and its one area that needs continued surveillance.

Senator BAUCUS. Thank you very much.

The CHAIRMAN. Are there any further questions, gentlemen?

If not, thank you very much.

Mr. CALHOUN. Thank you, sir.

The CHAIRMAN. Now let us hear from John A. Calhoun III, nominated to be Chief of the Children's Bureau of the Department of Health, Education, and Welfare.

[The biographical material of John A. Calhoun III follows:]

JOHN A. CALHOUN—RÉSUMÉ, REVISED OCTOBER 1979

Health: Excellent,
Born: December 1, 1939.
Married: Two children.

I. VOCATIONAL EXPERIENCE

A. *Instructor*: (Associate in Education) at Harvard Graduate School of Education teaching a course entitled "Delinquents, Schools and Families"; and a Littauer Fellow at the *Kennedy School of Government* (Harvard), 8/79 to Present.

B. *Commissioner, Department of Youth Services, 1/76-7/79*: Appointed by Governor to run the State agency serving delinquent youth. Job involved program and staff management and the creation of two new initiatives, one in which

victims and victimizers met in the presence of local citizens trained as mediators and as sentencing panelists; and the other which provided services to families of delinquents. Supervision of State staff of 600 and monitoring of 250 private vendors (contractors).

C. *Executive Director, Justice Resource Institute, 5/73-1/76*: Founded and directed this non-profit, criminal justice reform agency modeled after the Vera Institute in New York. JRI designed and ran experimental programs and performed short-term consulting tasks. Wrote, negotiated and started:

1. Urban Court (a program involving victims with their victimizers and local citizens on mediation panels and sentencing boards). Program became one national prototype for the "Community Court" or "Neighborhood Justice Center" concept of Attorney General Bell;

2. The Court Resource Project (pre-trial diversion for young offenders);

3. Diversion of Female Offenders;

4. Lowell Diversion Program (diversion of juvenile offenders);

5. Specialized Training and Advocacy Program (diversion of retarded offenders);

6. Occupational Education (work/study program for offenders);

7. Advocacy Center (program for status offenders and their families);

8. Drug Evaluation and Referral Program;

9. Treatment Alternatives to Street Crime.

Helped to draft and saw subsequent passage of the Pre-Trial Diversion Law (MGL, Chap. 276 A).

D. *Vice President, Technical Development Corporation (TDC), 2/70-5/73*: Chief function was the program development and administration in field of Corrections and technical assistance to various private, State and Federal agencies whose functions related to criminal justice. Drafted and administered major inter-agency grant for Corrections; set up first hospital/prison work-release program. Was with TDC when it grew in 2½ years from staff of two to 80.

E. *Director, the Court Resources Project (TCRP), 5/71-5/73*: Wrote and secured funding for TCRP, introducing Pre-Trial Diversion into Massachusetts.

F. *Action for Boston Community Development (Boston's Anti-Poverty Program) 9/66-2/70*:

1. *Director, ABCD Manpower Program Development Department and Special Assistant to Manpower Director and to Executive Director, 9/68-2/70*.—Basic duties were trouble shooting, speech writing, task force chairman, program development and program operation. Wrote and negotiated various programs (e.g., Action Center for Spanish-speaking Citizens; Residential Youth Center, etc.).

2. *Director, ABCD Summer Work and Cultural Enrichment Programs, 6/68-9/68, 6/67-9/67*.—Designed and administered program which involved supervision of staff of 224; program found work for 1200 of Boston's 14- and 15-year-olds and involved between 20,000 and 25,000 of Boston's citizens in cultural enrichment programs.

3. *Director, ABCD New Careers Program, 9/67-6/68*.—Instituted the New Careers Program in Boston. Project goal was to convince private, city and state human service agencies to train and hire the "para-professional".

4. *Director, ABCD Job Corps, 9/66-6/67*.—In charge of recruitment, assessment, counseling and eventual placement of teenage boys in job corps centers throughout the country. Recruitment and placement rate went from lowest in northeastern region to highest.

G. *Teacher, Elementary Schools in Inner-city areas of Philadelphia, 9/65-6/66*

II. OTHER RELEVANT EXPERIENCE

A. Teaching:

1. Associate in Education, Harvard Graduate School of Education (Present).
2. Seminar instructor at Kennedy Institute of Politics at Harvard University. Course: "The Offender in the Criminal Justice System—Victim or Victimizer" (1972).

3. Seminar instructor for Student Bar Association at Suffolk Law School. Course: "Discretion in the Criminal Justice System" (1972, 2 semesters).

4. University workshops or lectures at most local colleges, including: Harvard Medical and Divinity Schools; Harvard Center for Criminal Justice; Boston University; Boston College; M.I.T.; Brandeis; Simmons School of Social Work; Boston State College.

B. Consultation:

1. On manpower and training issues for the Department of Labor through various consulting firms.

2. On youth and justice-related issues for: National Institute of Law Enforcement and Criminal Justice; National Science Foundation; American Bar Association; Massachusetts Bar Association; State of Maine; State of Vermont; TBA Associates; American University; Harvard Center for Criminal Justice.

3. Unreimbursed consultation includes running workshops locally and nationally on: Pre-trial Diversion; Counseling; Selection and Training on Para-professionals; Criminal Justice and Manpower; Drug Diversion; Female Offenders; Legislation and the Institutionalizing of Pre-trial Diversion; Mediation; Citizen Sentencing Panels; Deinstitutionalization; Families.

C. *Public Speaking*: A constant. Averaged two speeches per week as Commissioner of the Department of Youth Services.

III. EDUCATIONAL BACKGROUND

A. Swarthmore (Pa.) Public School System through high school.

B. Brown University, A.B., 1962.

C. Episcopal Theological School, Master of Divinity, 1965.

D. Kennedy School of Government (Harvard University), Littauer Fellow, President.

IV. PUBLICATIONS

A. *Drug Dependence: Social Regulation and Treatment Alternatives*, New York: Jason Aronson (formerly Science House). Book prepared chiefly by Carl N. Edwards, with my role being contributive.

B. "Diversion and its Underlying Rationale: The Boston Court Resource Project," *International Journal of Offender Therapy and Comparative Criminology*, Vol. 20, No. 1, 1976.

C. "Massachusetts 1978: Deinstitutionalization Is Working", *Proceedings* (Journal of the National Association of Training Schools and Juvenile Agencies), Spring, 1979.

D. *The Selection and Training of Advocates and Screeners for a Pre-Trial Diversion Program*, 1972. (Document used by both the Departments of Labor and Justice as a manual sent to new pre-trial diversion programs.)

E. "A Program Manual Describing the Purpose, History and Implementation of Pre-Trial Diversion in Boston," 1973.

F. *Families of Troubled Youth in the Justice System*, Shaw Foundation Publication, September, 1979.

G. *Reforming Corrections for Juvenile Offenders*, Yitzhak Bakal and Howard W. Polsky, Foreword by John Calhoun, D.C. Health & Co., 1979.

V. SPECIAL AWARDS AND APPOINTMENTS

A. Governor's Security and Privacy Council. Appointed by Governor Sargent in 1973 to help oversee the application of the new Criminal Justice Computer to protect citizens from unwarranted usage.

B. Annual "Award of Recognition" from the American Arbitration Association for "Outstanding Accomplishments in Advancing the Use of Impartial Dispute Resolution Processes." November, 1978.

C. Fellow (Resource Person), Aspen Institute, Winter, 1979. Currently in training to be seminar leader.

D. Chairman, Shaw Foundation Conference on *Families of Troubled Youth in the Justice System*, March, 1979.

E. State Chairman, *Adolescent Task Force*.

F. Organizer and Chairman, *Massachusetts State of the Families Conference*.

G. Member of American delegation and presenter at the "International Seminar on Delinquent Youth," Hamburg, West Germany, May, 1979.

H. Editorial Board, *Residential & Community Child Care Administration*.

VI. MEMBERSHIPS (EXCLUDES PRIOR MEMBERSHIPS)

A. Franklin N. Flaschner Foundation (President).

B. National Center for Early Adolescence (Board Member).

C. Massachusetts Children's Lobby (Board of Directors).

D. University of Massachusetts College of Community and Public Service (Board of Advisors).

E. Project Concern (Board of Directors).

F. Governor's Advisory Committee on Families.

VII. MISCELLANEOUS AND HOBBIES

Photography; tennis; gardening; piano; political history.

VIII. JOBS OFFERED AND SERIOUSLY CONSIDERED

1963—Teaching at Newton High with MAT at Harvard.
 1963—Assistant Director of Tutoring Activities in Mississippi Delta Project.
 1965—Instructor at Middlebury College (Vermont).
 1967—Regional Coordinator, Job Corps (New York City).
 1969—Assistant Director, Department of Rehabilitation Services, DHEW,
 (Washington, D.C.).

STATEMENT OF JOHN A. CALHOUN

Mr. CALHOUN. Thank you, Mr. Chairman.

The CHAIRMAN. John A. Calhoun. What was the name of that fellow who served in the Senate some years ago—John C. Calhoun?

Mr. CALHOUN. Correct, Mr. Chairman.

The CHAIRMAN. I have his desk in the Senate Chamber. I am not sure if he has any relation to you. Do you have any relationship to former Senator John C. Calhoun?

Mr. CALHOUN. I do, indeed, on my father's side. He is from South Carolina and my mother is from Lexington, Mass., and I grew up close to the Mason-Dixon line.

The CHAIRMAN. That may gain you pardon from your Harvard background then.

Mr. CALHOUN. You mean in spite of.

The CHAIRMAN. Go ahead sir.

Mr. CALHOUN. Thank you, sir.

I am honored to be in front of you today and I would be delighted to answer any of your questions. I do not have a prepared opening statement.

The CHAIRMAN. You have a summary here that indicates you have had a lot of experience in the area over which you would exercise jurisdiction. I take it you do not have any conflict of interest of any sort to your knowledge?

Mr. CALHOUN. I do not, sir.

The CHAIRMAN. Are there any questions, gentlemen?

Senator WALLOP. Mr. Chairman, I have a couple.

The CHAIRMAN. Go ahead.

Senator WALLOP. Mr. Calhoun, next week the Senate Judiciary Committee will hold a hearing on S. 105, the Parental Kidnapping Prevention Act. As you probably know, the primary purpose of that legislation is to protect children from the experience of being snatched by one parent and removed, or concealed, from the other parent.

The first section of that bill is modeled on the Uniform Child Custody Jurisdiction Act which is now in effect in 39 States. The purpose of the Uniform Act is to avoid jurisdictional conflicts and confusion that have created the circumstance in which child snatching exists.

Until the act is adopted in all of the States and the District of Columbia, there will remain judicial havens where a court-shopping parent can get changes of custody or relief from any consequences of child snatching. My first question, then, is whether it is within the jurisdiction of the Children's Bureau to promote the adoption of this uniform child custody law in States which have not yet ratified it?

Mr. CALHOUN. Senator Wallop, it is an excellent question. I am certainly willing to commit myself to seeing if we are—and I think we may at least be able to—purvey information about that act to the States which currently are not using it or is not under their purview.

I think we can do that and I would be very happy to get back to you and your staff to indicate to you the extent of responsibility that we can take.

Senator WALLOP. I would appreciate that. As a matter of fact, I think it probably would be of interest if you would just submit that as a general status report to the committee.

Mr. CALHOUN. I would be very happy to do so.

Senator WALLOP. One other thing. I am aware and personally very interested in several of the mediation and conciliation programs that are operating as adjuncts to family courts which have had general success in resolving custody disputes and I would like to see more programs of that nature in the country, maybe eventually eliminating any need for S. 105.

Is the Children's Bureau, to your knowledge, involved in any activities which would stimulate the development of programs of this kind?

Mr. CALHOUN. Yes, we are, Senator. It certainly relates to your first question.

Very often, that which triggers the child-snatching is an unresolved custody dispute. We are currently about to launch an experimental child mediation program whereby we would attempt to eliminate, as much as possible, the seeds of custody dispute.

While I was in Massachusetts, as a matter of fact, one of the experimental programs I ran was a mediation program because I was struck by the fact of how, in many cases, the adversarial system, right-wrong, guilt-innocence, victor-vanquished, did not indeed solve the problem.

I started that program 4 or 5 years ago and it became a model for Attorney General Bell's Neighborhood Justice Centers but I must say we did not do custody disputes. We did husband-wife disputes, landlord-tenant disputes.

But to answer your question, the Children's Bureau is the place to launch an experiment and we would be delighted to keep you informed as to our progress.

Senator WALLOP. Would that experiment be, in the broadest sense, in custody disputes?

Mr. CALHOUN. It would be precisely in that area, not just husband and wife divorce disputes. It is in the custody area.

It represents a huge need, and it is an unattended need at this point.

Senator WALLOP. I wish you all the luck in that and thank you.

I have no further questions.

Mr. CALHOUN. Thank you, Senator.

The CHAIRMAN. Senator Dole?

Senator DOLE. I have no questions. We reviewed the résumé, staff has, and you are certainly well qualified and we wish you success.

Mr. CALHOUN. Thank you, Senator Dole.

The CHAIRMAN. Thank you very much.

Senator DOLE. I move that we report the Calhouns.

The CHAIRMAN. Is there any objection?

Without objection, agreed. We will favorably report these two confirmations.

[Whereupon, at 10:30 a.m. the committee proceeded to other business.]

[By direction of the chairman the following communication was made a part of the hearing record:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 23, 1980.

Hon. RUSSELL LONG,
*Chairman, Senate Finance Committee,
Russell Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: I respectfully request that this letter be made a part of the confirmation hearings on the appointment of Mr. Michael Calhoun to the International Trade Commission.

Mike Calhoun has served with distinction as Minority Counsel to the Trade Subcommittee of the House Ways and Means Committee for the past three years. His work is superior in all respects, and few people are as experienced in all facets of trade, and trade law. In my judgment, he will be as good a Commissioner as the I.T.C. has ever had.

I know of no opposition to his confirmation, but I do want to state my support very strongly for the record.

Yours very truly,

BILL FRENZEL,
Member of Congress.

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