

The Bergen Record is the cornerstone upon which the Borg family built its burgeoning media business, Macromedia Inc., which includes the Bergen Record Corp., the News Tribune, Magna Media Advertising, Inc., and Gateway Communications.

But what is special about this company is that, through all of this growth, the Borg family has continued the tradition started by John Borg of fostering an employee-oriented business. The chairman of the board, Malcolm Borg, is known by his first name and all 1,200 employees know that he has an open-door policy.

This attitude extends outward to the community with programs such as the in-house tutoring program for Hackensack Middle School Students and the scholarship program for the children of Record employees. In addition, advertising space is regularly donated to benefit and promote such worthy causes as Food Action of New Jersey and Help the Heartland. Employees are encouraged to volunteer their time for worthy causes.

A commissioner on the Palisades Interstate Park Commission, Malcolm Borg has taken a lead role in moving to protect Sterling Forest, the largest contiguous forest in New York. The aquifers in this forest supply one quarter of New Jersey's population with drinking water. Mac Borg's commitment to this project is instrumental in our fight to protect this land from a planned development which includes 14,000 homes and light industrial and commercial space.

Mr. President, I would like to recognize the enormous contributions to Bergen County and New Jersey made by the Borg family, the Bergen Record and the employees of the paper. They have served their community well and I congratulate them.●

ON THE VALUE OF PUBLIC SERVICE

● Mr. HATFIELD. Mr. President, I appreciate this opportunity to share with my colleagues the thoughtful comments of National Labor Relations Board Chairman, William B. Gould IV, to graduates of the Ohio State University College of Law. In his remarks, Mr. Gould reminds us of the satisfaction one obtains through service to one's community and of the many opportunities available for us to do so. His inspiring comments make clear the value and importance of this commitment to assisting those around us.

A remark by philosopher Albert Schweitzer has never failed to kindle my enthusiasm for work in the field of public service. Mr. Schweitzer once told an audience:

I do not know what your destiny will be, but one thing I know: the only ones among you who will be truly happy are those who will have sought and found how to serve.

I thank my colleagues for this opportunity to make Mr. Gould's remarks a part of the RECORD.

The remarks follow:

[From the National Labor Relations Board, Washington, DC, May 14, 1995]

NLRB CHAIRMAN GOULD URGES LAW SCHOOL GRADS TO CONSIDER PUBLIC SERVICE CAREERS

In a commencement address on May 14 at the Ohio State University College of Law, National Labor Relations Board Chairman William B. Gould IV encouraged the graduates to consider careers in public service "even in this period of government bashing by the 104th Congress" and as the legal profession is under attack.

"My hope is that many of you will dedicate yourselves as lawyers or in other careers to a concern for the public good." Chairman Gould said in the graduation observance in Columbus, Ohio. "Now, when Oklahoma City has made it clear that the idea of government itself as well as the law is under attack, it is useful to reflect back upon what government, frequently in conjunction with lawyers, has done for us in this century alone in moving toward a more civilized society." He stated:

"What would our society look like without the trust busters of Theodore Roosevelt's era and the Federal Reserve System created by Woodrow Wilson? Regulatory approaches to food and drug administration, the securities market, the licensing of radio and television stations, labor-management relations (with which my agency is concerned) and trade practices are all part of the Roosevelt New Deal legacy which few would disavow in toto."

Mr. Gould said "the challenge of public service in Washington has never been more exciting or inspirational," as a result of "the Clinton Administration's commitment—not only to helping the less financially able to use available educational opportunities and to provide a higher minimum wage to those who are in economic distress—but also, most particularly, through the National Service." He added:

"My sense is that there is a great opportunity for lawyers to serve the public good through the public service today—even in this period of government bashing by the 104th Congress. More than three decades ago President John F. Kennedy called upon the sense of a 'greater purpose' in a speech at the University of Michigan when he advocated the creation of the Peace Corps during the 1960 campaign. President Bill Clinton's National and Community Service Trust Act (AmeriCorps.), designed to allow young people tuition reimbursements for community service, echoes the same spirit of commitment set forth by President Kennedy—and at an earlier point by President Roosevelt through the Civilian Conservation Corps."

Tracing his own interest in the law and government service, Mr. Gould said he was inspired by the Supreme Court's landmark 1954 decision in *Brown v. Board of Education*, the NAACP's anti-discrimination efforts in the South, and "[m]ore than anything else . . . the struggle in South Africa made me see the connection between the rule of law and dealing with injustice." He also spoke of the "trilogy of values" at his "inner core" that has guided his life and fostered his philosophical allegiance to the New Deal, the New Frontier and the Great Society.

The first of these values is the idea from his upbringing in the Episcopal Church of "our duty to live by the Comfortable Words and to help those who 'travail and are heavy laden.' The second was the belief, inspired by his parents, that "the average person needs some measure of protection against both the powerful and unexpected adversity." The third value, Mr. Gould continued, was "based upon personal exposure to the indignity of racial discrimination which consigned my

parents' generation to a most fundamental denial of equal opportunity."

The NLRB Chairman, on leave as the Charles A. Beardsley Professor of Law at Stanford Law School, said he was proud of the agency's prominent role in the Major League Baseball dispute where "the public was able to obtain a brief glimpse of the Board's day-to-day commitment to the rule of law in the workplace." On March 26, the Board voted to seek injunctive relief under Section 10(j) of the Act requiring the owners to reinstate salary arbitration and free agency while the parties bargain a new contract. He said further:

"What may have been overlooked in the public view was the fact that the Board was able to proceed through a fast track approach and make the promise of spontaneous and free collection bargaining in the workplace a reality. I hope that the players and owners will now do their part and bargain a new agreement forthwith!"

"I am particularly proud to head an agency which is celebrating its 60th anniversary this summer and which, from the very beginning of its origins in the Great Depression of the 1930s, has contributed to the public good through adherence to a statute which encourages the practice and procedures of collective bargaining. . . ."

SERVING THE PUBLIC INTEREST THROUGH THE RULE OF LAW: A TRILOGY OF VALUES

(By William B. Gould IV, May 14, 1995)

Ladies and gentlemen. Members of the faculty. Honored guests. I am indeed honored to be with you here today in Columbus and to have the opportunity to address the graduates of this distinguished College of Law School as well as their parents, relatives, and friends on this most significant rite of passage. Looking backward 34 years to June 1961, my own law school graduation day was certainly one of the most important and memorable in my life. It was the beginning of a long involvement in labor and employment law as well as civil rights and international human rights.

But I confess that today I am hardly able to recall any of the wise words of advice that the graduation speaker imparted to us that shining day at Cornell Law School in Ithaca, New York. So, as I address you today I don't have any illusions that what I say is likely to change the course of your lives. But my hope is that my story will provide some context relevant to the professional pathways upon which you are about to embark.

Both governmental service and the furtherance of the rule of law by the legal profession have possessed a centrality and thus constituted abiding themes in my professional life. I hope that my remarks to you here today will induce some of you to consider government as an option at some point in your careers, notwithstanding the anti-government tenor of these times.

The tragedy of Oklahoma City has dramatized the contemporary vulnerability of these values to sustained attack, both verbal and violent. As the New York Times said last month, we must "confront the reality that over the past few years the language of politics has become infected with violent words and a mindset of animosity toward the institutions of government." The columnist Mark Shields has noted that this phenomenon has been fueled by the idea that the "red scare" should give way to the "fed scare."

My own view is that government does best when it intervenes to help those in genuine need of assistance—but I am aware that this point does not enjoy much popularity in Congress these days. Again Shields, in discussing recent comments of Senator Robert

Kerry of Nebraska, put it well when he characterized the conservative view of the nation's problem: "The problem with the Poor is that they have too much money; the problem with the Rich is that they have too little."

Although I cannot recall the Great Depression and its desperate circumstances, a trilogy of values have always made up my inner core. The first of these is the idea that I heard in Long Branch, New Jersey's St. James' Episcopal Church every Sunday, i.e., that it is our duty to live by the Comfortable Words and to help those who "travail and are heavy laden." Fused together with this was a belief, inculcated by my parents, that the average person needs some measure of protection against both the powerful and unexpected adversity. The third was based upon personal exposure to the indignity of racial discrimination which consigned my parents' generation to a most fundamental denial of equal opportunity. It is this trilogy of values which fostered my philosophical allegiance to the New Deal, the New Frontier and the Great Society.

Simply put, I came to the law and Cornell Law School because of my view that law any lawyers can reduce arbitrary inequities and the fact that Chief Justice Earl Warren's May 17, 1954, opinion for a unanimous Supreme Court in *Brown v. Board of Education* represented an accurate illustration of that point. As you know, the holding was that separate but equal was unconstitutional in public education.

A unanimous Court rendered that historic decision—in some sense a corollary to President Harry Truman's desegregation of the Armed Forces—which possessed sweeping implications for all aspects of American society. The High Court's ruling prompted a new focus upon fair treatment in general and discrimination based upon such arbitrary considerations as sex, age, religion, sexual orientation and disabilities in particular.

As a high school senior reading of NAACP Counsel Thurgood Marshall's courageous efforts throughout the South—and one who was heavily influenced by the Democratic Party's commitment to civil rights platforms in '48 and '52, as well as President Truman's insistence upon comprehensive medical insurance—I thought that the legal profession was one in which the moral order of human rights was relevant. The prominence of lawyers in political life, like Adlai Stevenson who "talked sense" to the American people, was also a factor in my choice of the law as a career.

More than anything else, though, the struggle in South Africa made me see the connection between the development of the rule of law and dealing with injustice. I watched the United Nations focus its attention upon that country when a young lawyer named Nelson Mandela and so many other brave activists were imprisoned, or, worse yet, tortured or killed for political reasons. My very first publication was a review of Alan Paton's "Hope for South Africa" in "The New Republic" in September 1959. In the early '90s I had the privilege to meet Mr. Mandela twice in South Africa—and then to attend President Mandela's inauguration just a year ago in Pretoria.

The Brown ruling, its judicial and legislative progeny and the inspiration of lawyers dedicated to principles and practicality—lawyers like Marshall, Mandela, Stevenson and President Lincoln in the fiery storm of our own Civil War—promoted my belief in the rule of law. And the fact is that my faith in the law as a vehicle for change has been reinforced and realized over these many years through the opportunities that I have had to work in private practice, teaching and government service.

My sense is that there is a great opportunity for lawyers to serve the public good through the public service today—even in this period of government bashing by the 104th Congress. More than three decades ago President John F. Kennedy called upon the sense of a "greater purpose" in a speech at the University of Michigan when he advocated the creation of the Peace Corps during the 1960 campaign. President Bill Clinton's National and Community Service Trust Act (AmeriCorps), designed to allow young people tuition reimbursements for community service, echoes the same spirit of commitment set forth by President Kennedy—and at an earlier point by President Franklin D. Roosevelt through the Civilian Conservation Corps.

This sense of idealism and purpose was at work in the New Deal which brought so many bright, public spirited young people to Washington committed and dedicated to the reform of our social, economic and political institutions. The same spirit has been rekindled by both President Kennedy as well as President Clinton since the arrival of this Administration in Washington almost two-and-one-half-years ago.

In a sense, this has come about by virtue of the Clinton Administration's commitment—not only to child immunization initiatives and helping the less financially able to use available educational opportunities and to provide a higher minimum wage to those who are in economic distress—but also, most particularly, through the National Service.

You have an unparalleled opportunity in the '90s to serve the public good. Your course offering which includes Social and Environmental Litigation, Right of Privacy, Society, Deviance and the Law, Foreign Relations Law, Employment Discrimination Law and Law of Politics, to mention a few, reflect our times and provide you with a framework that my contemporaries never possessed.

Though most of my words today are focused upon government or public service as a career or part of a career, the fact is that your commitment to the public interest and the rule of law can be realized in a number of forms. It is vital to the public interest that those committed to it are involved in a wide variety of legal, business and social careers—representing, for instance, corporations, unions, as well as public interest organizations.

But our commitment to law and the public interest is made more difficult given the fact that our legal profession is in the midst of a tumultuous and confusing environment. On the one hand, lawyer bashing, sometimes justified and sometimes not, seems to be moving full steam ahead. Part of this phenomenon seems to be attributable to the fear that the production of so many law students will soon result in too many lawyers for a society's own good.

Only two years ago a National Law Journal poll showed that only five percent of parents, given the choice of several professions, wanted their children to be attorneys. Undoubtedly, this unpopularity is what has fueled a number of the legal initiatives undertaken by the Republican Congress to the effect, for instance, that the loser in litigation should pay all costs, that caps be devised for punitive damages, etc.

A 1993 ABA poll comparing public attitudes toward nine professions ranked lawyers third from the bottom, ranking higher than only stockbrokers and politicians in popularity. In attempting to discover the reasons for the low public opinion of lawyers the poll asked what percentage of lawyers and of five other occupations lack the ethical standards and honesty to serve the public.

The results revealed an appalling ethical image of lawyers. Lawyers ranked well below

accountants, doctors and bankers and barely above auto mechanics. According to the ABA poll half of the public thinks one-third or more of lawyers are dishonest, including one in four Americans who believe that a majority of lawyers are dishonest. The pollster concluded that "the legal profession must do some soul searching about the status quo, resolve to make some sacrifices to ensure a positive future, and, above all, clean up its own house."

One way for the profession to clean its own house is to find new substitutes for lengthy litigation, frequently both wasteful and unnecessarily acrimonious, such as alternative dispute resolution—particularly in my own area of employment law. More than a decade ago I chaired a Committee of the California State Bar which recommended that new methods be devised for many employment cases, and that where employees could have access to economical and expeditious procedures, it was appropriate to limit or cap damages. But the difficult balance involved is to avoid limitation of the basic rights of ordinary people to sue for the enforcement of consumer and employment related legislation.

Attitudes towards lawyers are inevitably affected by one's view of the law and the legal process. I hope that you will look very seriously at government service as you seek to use your newly acquired skills to better the position of your fellow human being. This is the most basic contribution that lawyers can make to society—and it is obvious that an increased commitment to government or, if you choose private practice or some other area of activity, pro bono work is central to this effort.

I am particularly proud to head an agency which is celebrating its 60th anniversary this summer and which, from the very beginning of its origins in the Great Depression of the 1930s, has contributed to the public good through adherence to a statute which encourages the practice and procedure of collective bargaining—as well as in other portions of our law. Since its inception, the National Labor Relations Board has possessed a culture of commitment to hard work, excellence, and to the promotion of a rule of law which is designed to allow both workers and business to peaceably resolve their difficulties through their own procedures.

Illustrative of this process was the NLRB's prominent role in the baseball dispute. It was not the Board's job to take sides between the players and the owners or to determine whose economic position ought to prevail. Consistent with this approach, it was our job to decide whether there was sufficient merit, as reflected by the facts and law, to proceed into federal district court to obtain an injunction against certain unilateral changes in conditions of employment made by the owners. The Board handled the baseball case as it does any other case.

Nor is it our job to take into account policy arguments arising out of the peculiarities of this industry, the income or status or notoriety of particular individuals on either side. The statute applies—properly in my judgment—to the unskilled and the skilled, to those who make the minimum wage and those who are financially secure.

In the baseball case, the public was able to obtain a brief glimpse of the Board's day-by-day commitment to the rule of law in the workplace. Where parties are involved in an established collective bargaining arrangement, our mandate under the statute is to act in a manner consistent with the fostering of the bargaining process—and I believe that we discharged our duty in baseball in a manner consistent with that objective.

What may have been overlooked in the public view was the fact that the Board was

able to proceed through a fast track approach and make the promise of spontaneous and free collective bargaining in the workplace a reality. I hope that the players and owners will now do their part and bargain a new agreement forthwith!

Our March 26 decision to seek an injunction seems to have facilitated the resumption of baseball and thus was a great victory for the public in renewing its contact with the game which, like the Constitution, the Flag, and straight-ahead jazz is so central to the essence of the country. Hopefully, it will have the effect of promoting the collective bargaining process sooner rather than later.

Frequently, the public gains its impressions of lawyers and law from such high visibility cases and from exposure through television rather than books. I can tell you that another factor stimulating my interest in the law was watching the McCarthy-Army hearings in the spring of 1954, that fateful spring when Brown was decided. The hearings focused upon the Wisconsin Senator's investigation of alleged Communist infiltration of Ft. Monmouth, New Jersey, where my father worked. Because of ideological hysteria, "guilt" by association and rank anti-Semitism, many of our closest friends were dismissed—and, indeed, I feared that this would be my father's fate, particularly because of his announced sympathy for Paul Robeson, a hero to so many black people of his generation.

Later I had the opportunity to attend the so-called Watkins Hearings in the following September in Washington which ultimately led to McCarthy's censure. Ft. Monmouth and the McCarthy-Army hearings demonstrated how excessive government authority can trample upon individual civil liberties—and the aftermath of the Watkins Hearings redeemed our country's constitutional protection of individual rights of belief and association.

Since then, I think that televised Congressional hearings, the Watergate hearings for instance, have contributed to the public's understanding about the rule of law and its relationship to the preservation of this Republic's principles. Though, regrettably less conclusive, it may be that the Iran-Contra hearings of 1988 and the Hill-Thomas hearings of October 1991 performed a similar function in that the assumption underlying both proceedings was that government, like private individuals, must adhere unwaveringly to the rule of law.

Again, this is to be contrasted with the spectacle of law as show business on television. In my state of California, the O.J. Simpson trial has treated the nation to an episodic soap opera which appears to be more about the business of the money chase than the real substance of law and the legal profession. As Attorney General Janet Reno said about the trial:

"I'm just amazed at the number of people who are watching it. If we put as much energy into watching the O.J. Simpson trial in America . . . into other issues as Americans seem to have done in watching the trial, we might be further down the road."

A recent Los Angeles Times Mirror poll reported by Peter Jennings last month revealed that only 45 percent of adults surveyed said that they had read a newspaper the previous day, and a quarter of those responding said they spent so much time watching the Simpson trial that they did not have time for the rest of the news. At best, the siren song of sensationalism is a distraction—and, at worst, it reinforces excessively negative perceptions of law and lawyers.

My hope is that many of you will dedicate yourselves as lawyers or in other careers to a concern for the public good. Now, when Oklahoma City has made it clear that the

idea of government itself as well as the law is under attack, it is useful to reflect back upon what government, frequently in conjunction with lawyers, has done for us in this century alone in moving toward a more civilized society.

Justice Holmes said, "Taxes are what we pay for civilized society,"—an axiom often forgotten in the politics of the mid-'90s. What would our society look like without the trust busters of Theodore Roosevelt's era and the Federal Reserve System created by Woodrow Wilson? Regulatory approaches to food and drug administration, the securities market, the licensing of radio and television stations, labor-management relations (with which my agency is concerned) and trade practices are all part of the Roosevelt New Deal legacy which few would disavow in toto.

It should not be forgotten that all three branches of federal government took the lead in the fight against racial discrimination and other forms of arbitrary treatment. And as Judge (now Counsel to the President) Abner Mikva has noted: "The history of the growth of the franchise is a shining example of why we needed . . . [the] federal approach."

Today, the challenge of public service in Washington has never been more exciting or inspirational. As I have indicated, President Clinton's National Public Service echoes anew the similar initiatives undertaken by both Roosevelt and Kennedy.

I urge you to think of the government as a career in which you can use your legal experience in pursuit of the public interest. That does not mean that you have to be a Washington or "inside the Beltway" careerist, although that is another way in which to make a contribution. Many of you may choose to serve in your communities throughout the country and, at a point where your career is well-developed, elect to serve through an appointment such as mine.

In particular, if you accept such an appointment consisting of a limited term (in the case of the Board five years), I hope that you will keep in mind President (then-Senator) Kennedy's characterization of eight law makers who were the subject of this book, "Profiles in Courage." Said the junior Senator from Massachusetts:

"His desire to win or maintain a reputation for integrity and courage were stronger than his desire to maintain his office . . . his conscience, his personal standards of ethics, his integrity or morality . . . were stronger than the pressures of public disapproval."

This is a particularly vexatious problem for those who are appointed and not elected because of the inevitable and appropriate subordination of appointees—even in the arena of independent regulation—to the people's elected representatives. My own view on serving in Washington is to do the very best you can to implement the public interest in the time allotted in your term, with the expectation that you will return to your community, reestablish your roots and feel satisfied that you have—to paraphrase President Kennedy—done your duty notwithstanding some of the immediate "pressures of public disapproval."

While I consider the term limits issue to be an entirely different proposition—the people ought always to be able to freely choose their elected leaders amongst the widest possible number of candidates—my view is that the proper standard for those who are subordinate to such leaders is that attributed to Cincinnatus, the Roman general and statesman of the fifth century, who upon discharging his public duty, returned to his community rather than taking the opportunity to seize power and perpetuate himself in office.

The independence of administrative agencies might be enhanced by legislation limit-

ing Board Members or Commissioners to one term of service. The temptation to please elected superiors might decline accordingly.

Of course, all of us cannot win victories within 15 days, like Cincinnatus, and be back on our farms or in our communities so quickly. But true public service involves a self-sacrifice which rises above the immediate pressures. Do the best that you can to serve the public good.

This does not assure success or complete effectiveness. But it does allow you to make use of your acquired expertise for the best possible reasons. And this, in turn, puts you in the best position to see it through to the end with a measure of serenity that comes when you have expended your very best effort despite setbacks and criticisms you may endure in the process.

As President Lincoln said:

"If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

You graduate from a distinguished institution in the most exciting political period since the reforms undertaken by the Administration of the 1960s. I hope that some of you will be attracted to public service and help advance our society through the rule of law.

As you embark upon the excitement of a new career and challenges in the days ahead, I wish you all good luck and success on whatever path you choose.●

ROBERT P. URIBE

● Mr. LEVIN. Mr. President, I would like to recognize the lifetime achievements of Robert P. Uribe. On June 30, 1995, he will retire from his counseling position at the First Ward Community Center where he has worked for 27 years. He has served the Saginaw community in a wide variety of volunteer positions and is a respected leader in the Hispanic community.

As a counselor, Mr. Uribe has assisted countless members of the Saginaw community with their medical, financial, literacy, and other social needs. His list of volunteer service is long and impressive.

Mr. Uribe has served as chairman of the Saginaw Latin American Movement, vice chairman of the Saginaw Social Service Club, chairman of the Police Community Relations Commission, and commander of the American Legion Post 213. He has been a board member of the Spanish Speaking Center Federal Program, a member of the Michigan Governors Wage Deviation Board, a member of the Equal Education Advisory Committee, the Advisory Council on Migrant Housing, the Saginaw County Drug Abuse Council, and several affirmative action programs. Currently, Mr. Uribe is a member of the GM Hispanic leadership group, the Saginaw Economic Development Corp. and the screening committee for housing of the Saginaw Housing Commission.

Mr. Uribe has selflessly served the Saginaw community for three decades.