IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION	)	
	)	
vs.	)	No. 723 C.D. 1971
	)	
SCHOOL DISTRICT OF THE CITY OF ERIE	)	

BRIEF OF PETITIONER THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

I.

INTRODUCTION

Because respondent has not drafted any specific issues it wishes to present to this Honorable Court, Petitioner has taken the liberty of framing what it sees as those issues.

II.

Do the Education Amendments of 1974, Public Law 93-380, at 88 stat. 484, preclude this Honorable Court and the Pennsylvania Human Relations Commission from implementing that portion of the racial balance Plan which involves the transportation of students?

The argument of respondent suggests that transportation to achieve racial balance cannot be used in Erie as a result of the Education Amendments of 1974, signed into law by President Ford on August 21, 1974.

In an attempt to give credence to its' argument respondent has apparently availed itself of the services of a grammarian. One suspects this to be the same person whose testimony was excluded by this Court at the October 2, 1974 hearing on the basis of incompetency. This conclusion is buttressed from the non-legal language used in this portion of respondent's

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Brief.

Not only is this testimony still incompetent, it is blatantly incorrect.

Not only is respondent reaching for the last apple in its' barrel of defiance and obstructionism, it is attempting to mislead this Court.

If respondent was to properly advise this Court, it would have acknowledged that the additional language of Section 255, to-wit;

> "...shall apply to all public school pupils and every public school system, public school and public school board, as defined by Title IV, under all circumstances and conditions and at all times in every State, District, Territory, Commonwealth, or possession of the United States, regardless of whether the residence of such public school system, public school or public school board is situated in the northern, eastern, western or southern part of the United States".

was not even added to the Education Amendments of 1974'. That language was added to the Education Amendments of 1972'. and that language has been in existence for almost three years'.

Is respondent now submitting that all racial balancing which has taken place across the United States over the past three years is invalid because transportation was used as an element of that racial balancing? Even the most strained construction possible would not offer this as a logical posit.

Nor can respondent tenably argue that the additional language was intended to have the result respondent urges. Even a cursory reading of the Senate Congressional Record of March 1, 1972- when the addition of this precise language was considered on the Senate floor- reveals that the intent thereof was so far removed from respondent's interpretation as to make that interpretation a non sequitur.

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At page S3014 of the Congressional Record-Senate, for March 1, 1972, the following dialogue is transcribed:

> "Mr. ERVIN. Mr. President, I can state the amendment simply. This amendment merely provides that the prohibition on busing to achieve a racial balance shall apply in all circumstances to all parts of the United States, and that those areas of the country which did not anticipate the Supreme Court in discovering that the separate but equal doctrine had ceased to be the law of the land will be brought into the Union and treated as a part of the Union.
>
> I appeal to all Senators who think we should have a unified country with uniform laws applying to all areas of the country, because that is what the amendment would do.
>
> Mr. President, I reserve the remainder of my time.
>
> Mr. PELL. Mr. President, I yield to the Senator from New York.
>
> MR. JAVITS. Mr. President, the amendment of the Senator from North Carolina simply restates the law. In fairness to all of us, that should be made very clear. It states the law now found in section 407(a) of the Civil Rights Act of 1964. It simply adds the additional clause, which does not add or subtract from the law stated, that under all circumstances this shall be equally applied, whether in the Northern, Eastern, Western, or Southern part of the United States.
>
> I certainly see no harm in it. It simply restates the law."

If any doubt remains as to the proper interpretation of the subject language Senator Pell further states at the same page as follows:

> "Mr. PELL. Mr. President, there is no question that the South has done a better job of desegregation than the North. This measure states that the law should be applied uniformly and fairly through out the country. As the repetition of that legal position is a correct one, I urge that it be accepted."

This Amendment passed...92 to 0.

The language did not apply, does not apply and was not meant to apply to a State Agency or to a State Court as a prohibition to the action in question.

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Can we now, finally, inter this spurious argument which has been made repeatedly in both the Commonwealth Court and in the United States District Court for the Western District of Pennsylvania?

III.

Does the Plan submitted by the Pennsylvania Human Relations Commission comport with the Order of this Honorable Court, dated May 3, 1972?

It is to be recalled that the Court Order hereinabove referred to was directed to respondent as a result of respondent's stipulated agreement to the facets of that Order. The only portions of that Order which now have relevance are those which refer to the elements of an acceptable desegregation plan and not those which required respondent to comply with certain time tables and the submission of information to the Pennsylvania Human Relations Commission.

There seem to be no allegations by respondent in its' Brief that the Pennsylvania Human Relations Commission has not complied with the Commission's "Recommended Elements of a School Desegregation Plan". Moreover, as those elements are merely "recommended" the Commission routinely considers any justification submitted by a respondent when that respondent has reason to believe one or more of those elements cannot be strictly adhered to. This flexibility has most recently been evidenced in the Plans of the New Castle and Uniontown School Districts where- upon reasonable justification for variances to the "elements" and "guidelines" submitted by those school districts- the plans submitted by each district were approved by the Commission.

Consequently any plan submitted by the Pennsylvania Human Relations Commission in compliance with this Court's Order, must be considered in terms of reasonableness and the justification offered thereto by the Commission.

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Aside from an argument that the Commission has violated section B,2 and the percentage guidelines of the May 3, 1972 Order of this Court, respondent's Brief contains no other allegations that any other portions of the Court Order have been violated by the Commission. Respondent's argument that the guidelines articulated in the Plan of the Commission have been violated is misplaced because those guidelines were never ordered by this Court and are self-imposed guidelines by the Commission; self-imposed in an attempt to create as little disruption as possible and be as fair and reasonable as possible to all parties concerned.

It would have been a far easier task for the Commission to devise a Plan without the self-imposed guidelines. Larger number of students would have to be reassigned. The concerns indicated in the Plan for certain age groups of students would be forgotten. Danger would not be an element which would be considered.

Respondent objects to these concerns. However respondent would object even more if those self-imposed constraints were not attempted by the Pennsylvania Human Relations Commission. It is respectfully submitted that this Court is in a position to judge the thoughtfulness, reasonableness, care and effectiveness of this Plan.

Was it unreasonable for the Commission to adopt the following constraints in preparing the Court ordered Plan?

> "1. Not to reasign Kindergarten pupils to desegregate these pupils, but only to the extent that adjusted school attendance area boundaries require it.
>
> 2. Not to reassign any pupils in Special Education programs, except those in schools to be closed.
>
> 3. To desegregate within the existing grade span of each school, insofar as possible.
>
> 4. Not to reassign any more pupils than necessary to desegregate.

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5. To reassign all pupils who live in a block without regard to their race.

6. To minimize the necessity of transportation to desegregate by making reassignments of pupils living within one-and-a-half miles of a school.

7. Not to reassign a pupil to walk across any streets with more than two lanes of traffic.

8. Not to transport pupils for lengths of time or distance that risk their health or significantly impinge on their education process.

9. To transport pupils for no longer than twenty (20) minutes from pickup location to school.

10. To reassign blocks for transportation wherever possible located near a pick-up location that provides shelter.

11. Not to cause a projected total enrollment in a school that significantly exceeds the rated capacity of that school.

12. Not to reassign a child from a school that the Erie Board of Education has decided to keep open to a school that the Board has decided should be closed."

Was it not rather an obvious attempt by the Commission to recognize the problems indigenous to this school district and to alleviate any qualms of this Honorable Court as to the considerations shown, as far as humanly possible, to the students affected thereby?

The crux of respondent's positions revolve around section B,2 of the Order and the allowable percentage guidelines.

Section B,2 provides:

"Said Plans shall not place an undue share of participation in reassignment or transportation of pupils on any one racial group."

Respondent argues that the black student population is unduly burdened by the reassignment and transportation envisioned by the Commission's Plan.

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However it is to be noted that 35.8 percent of the total reassigned pupils are reassigned because of the closing of the Garfield School which, in the 1973-74 academic year, was approximately 64 percent black. This school was not chosen arbitrarily by the Pennsylvania Human Relations Commission for closing. It was in fact chosen for closing by the respondent itself. The Commission examined respondent's justification for closing Garfield School and determined that justification to be reasonable. Further, it can tenably be submitted that the Pennsylvania Human Relations Commission has no right to change a decision of this nature which a School Board is legally empowered to make.

Thus, the closing of the Garfield School is an adoption by the Pennsylvania Human Relations Commission of respondent's own decision, and the extremely high percentage of black students in that school raises the percentage of each race reassigned to the final figures incorporated in petitioner's Plan. The following testimony was illicited from Commission witness, Mr. Anliot, at pages 149 and 150 of the transcript:

> "Q. You obviously do feel that when you reassign 245 out of 268 black students to schools having too high of white student population and 0 whites to schools having too high a black student population that the burden of reassignment is not on the blacks as far as that school is concerned?
>
> A. The burden of reassignment when you close a school is on every single pupil in that school, black and white, no exception, no picking portions, you're it and you're not it. When a school is closed all of the pupils by definition are reassigned. That is not to be considered a burden as we are really talking about it in terms of the Order."

The total of reassigned students is 1,087, 579 black and 508 white. In light of the justification submitted therefore, the greater percentage of black students involved in this reassignment should be deemed neither unreasonable and unwarranted, nor an undue burden. At the hearing on the instant matter the testimony of Dr. Gordon Foster was offered by the Pennsylvania Human Relations Commission. Dr. Foster was the only expert witness offered by on desegregations

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either party to this matter and the qualifications of Dr. Foster as a nationally-recognized desegregation expert were stipulated to by respondent. At pages 238 and 239 of the transcript of testimony the following colloqui is transcribed:

> "Q. Well, Dr., its been testified to that 40-odd percent of the black student population in the Erie School District is reassigned under the Plan whereas 9 percent of the white student population is reassigned under the Plan. Now is there anything wrong with this, vis-a-vis, an undue share in the participation of a desegregation Plan?
>
> A. No, this is, in my opinion, simply a matter of the way the numbers are in terms of percentage minority and majority children in the district. To the average person there would seem to be a disparity and an unequal burden put on minorities, but in terms of the fact that you 18 or 19 percent black in the district and the only way you can effectuate a desegregation Plan is to involve this sort of numbers business and I think given that , the Plan is highly equitable. It sends white children to black schools and black children to white schools with no disparity whatsoever. "

Respondent then resorts to an argument that the percentage of white and black students reassigned to accomplish the instant Plan is 14 percent to 1 percent, as if thereby implying that 14 black students are reassigned for every white student reassigned which then would show an undue participation of black students in the Plan. This is pure sophistry. If the Erie School District had 5,864 cases before this Honorable Court and won 508 of those cases and if the Pennsylvania Human Relations Commission had 1,438 cases before this Court and won 579 cases, the Erie School District would have won 9 percent of its cases and the Pennsylvania Human Relations Commission would have been successful in 40 percent of its' cases. This does not mean that the Pennsylvania Human Relations Commission won 14 cases for every case the Erie School District won.' This is not 14 to 1 '. This is 4 1/2 to 1. Considering Garfield School, the testimony of Dr. Foster, the geographical situation situate in the Erie School District, and all other justifications submitted in the Plan itself and the testimony at the hearing, this is not undue participation of black students in the instant Plan.

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It is respectfully submitted that, were respondent to present the instant Plan to the Commission, the Commission would have approved the Plan because of the reasonableness and justification therein contained. This point is further buttressed by the testimony beginning at page 201 of the transcript as follows:

> "Q. Alright. Now that was pointed out in conjunction with a burden or a lack of burden or undue share of participation in the Plan. Mr. Anliot, if the Erie School District had presented a Plan to the Human Relations Commission which included justification as to why 40 percent of the black student population was being reassigned and 9 percent of the white was reassigned, would the Human Relations Commission have necessarily refused to accept that Plan?
>
> A. No, it would not necessarily have refused it.
>
> Q. Why?
>
> A. Because from the experience of its reviewing desegregation Plans since 1968, the Commission is cognizant of the kinds of justification for exceptions to a strict racial balance figure range, high-low figure.
>
> Q. Would that same answer apply to a situation where in a school there was one student or 3 students or 5 students or 8 students too many?
>
> A. Yes, it would.
>
> Q. And has the Commission in fact in the past accepted Plans that were accompanied by justification which were not in strict compliance with the Commission's Final Order?
>
> A. Yes, it has.
>
> Q. And could you give the Court an example of that?
>
> A. Yes, Coatesville, the very first school desegregation plan ever submitted to the Commission in the Spring of 1968. To my recollection there were 1 or 2 schools that were outside of the racial balance range to find in the recommended elements of a School Desegregation Plan. There were, as a part of the Plan -let me think of specifics in that situation.
>
> Q. Well rather than get into that, I think your answer is self-evident on the record, is it also correct to say that in the City of Uniontown, for example, certain areas were exempt from the operation of the Plan because of the justification that was submitted to the Commission by the Uniontown School Board?
>
> A. Yes, that's correct."

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The respondent has attempted to compute figures and percentages regarding black pupil reassignments under the instant Plan to white-segregated schools compared to white pupils reassignments to black-segregated schools. This repeated contention is a classic "strawman" argument in view of the actual words and intent of the relevant portion of the Court Order. The Order says nothing regarding the racial make-up of schools to which pupils might be reassigned or transported. In other words, whether a school to which a pupil is reassigned is white-segregated, black-segregated or desegregated has no relevance to compliance with this provision. This provision originated with the Pennsylvania Human Relations Commission, not with the Erie School District. The Commission's intent was that of the total number of pupils who would have to change schools to desegregate them that neither racial group comprise a proportion of these reassigned pupils without adequate justification.

The Brief of respondent, in making repeated citations of numbers and proportions reassigned to only particular kinds of schools, completely misreads and misunderstands the content and intent of this provision.

In reference to the clear meaning of this provision, respondent proposes an alternative that the Erie Board of School Directors never proposed and that would result in blacks comprising 100 percent of those reassigned and transported and no whites so reassigned. The "parental freedom of choice plan" would not have assured the reassignment of the numbers of black pupils stated in respondent's Brief as the minimum number of pupils to reassign to desegregate. The only other plan proposed by the district to comply with the Commission Order would have reassigned only pupils within 1 1/2 miles of any school. An examination of the Commission Exhibit maps introduced into evidence at the hearing indicate the residential location of black public school pupils in Erie and evidence as a clear fact that such a "walking" Plan would neither reassign these numbers of black pupils, nor desegregate the schools. Even more to the point of this "undue share" provision is that under

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the Plan of respondent, every single one of the pupils to be reassigned would be black.

For this all-black share of reassignment and transportation, there is clearly no justification.

Finally, the record reveals the following testimony of Mr. Anliot beginning at page 147 thereof as a concise and logical conclusion to this portion of respondent's argument:

> "A. If the elements of a desegregation Plan are supported by adequate justification, the proportions, the percentages per se do not tell the whole story, do not -it is not a pass-fail kind of a test about a Plan. This is clearly evidenced by the response of the Pennsylvania Human Relations Commission itself to desegregation Plan submitted by other districts in which those proportions vary considerably from one Plan to the other with respect to the percent black who are re-assigned, white reassigned. Let me give you one illustration of what I am talking about. In one Plan that I think of, basically the black elementary population was located in one school in the entire district. Now to desegregate that school obviously means that a very very high percentage of the black students in the district have got to be reassigned to other schools to desegregate all the schools. What that percentage turns out to be is very much a function of how concentrated are the black pupils within one school attendance area or more within a school district. So that these percentages we are talking about are lower in the sense of percentage black reassigned than in other desegregation Plans which the Commission itself has approved for that kind of reason."

As regards the allowable percentage guidelines, this Court ordered that a Plan be developed to racially balance respondent's student population within one or two percentage points of the original percentage figures used by the Commission in its' "guidelines".

The Plan called for Burns School to have one black student too many; Burton eight black students too many; and Diehl five black students too many. These figures were clearly articulated in the Plan submitted , and specifically called to the Court's attention at page 5 of the Plan.

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This Plan was formulated with all due considerations to the students and facilities of the respondent's school district and keeping ever mindful the goal to be achieved in accord with the charge placed on the Pennsylvania Human Relations Commission by the General Assembly and the Govenor of Pennsylvania. The Plan was considered and information received from a staff from the office of Equal Rights, Pennsylvania Department of Education, the staff of the Division of Education of the Pennsylvania Human Relations Commissions, consultations with Nationally-Recognized School Desegregation expert Gordon Foster, and after input had been received from seven officials from the respondent school district and a two-day visit to the respondent school district.

Respondent completely misconstrues the testimony of Dr. Gordon Foster when it interprets Dr. Foster's testimony as meaning any Plan could be acceptable even if it was as much as five percent to twenty percent off from the proposed percentage desegregation guidelines. The correct interpretation of Dr. Foster's testimony is that there can be as much as five to twenty percent data error involved in designing the Plan because the figures are often one year behind the facts... not that a five to twenty percent divergence of the acceptable percentage goals of integration will be tolerated! The testimony, beginning at page 236 of the record reveals the following:

> "Q. Dr. Foster, I am going to ask you some questions which I think the Court as well as counsel for both parties may be concerned with or have been concerned with at various times with this proceeding. In your experience are there any reasonable justifications for a desegregation plan to fail to desegregate every single school to within a precisely articulated racial balance range? In this particular case I think we have four schools which fall without the parameters established by the Commission and the Court very slightly by one, three, five and eight students.
>
> A. In making desegregation plans you are always dealing with data usually a year behind time or a part of a year behind time because you are projecting into the future. So in this particular instance, as an example, the plan was based on 1973-74 school year enrollment data. Because of this the figures will never come out in a plan that has been ordered and executed exactly as the planner

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projected them because there are population changes and racial and ethnic changes and so forth that take place even during the year as well as during the summer when school is not in session. So that its never possible to be exactly precise down to the pupil in terms of your population and racial percentage projections. Furthermore, we found generally it varies from place to place, but anywhere from five percent to say about twenty percent data error whether it is done by computer or done by principals or whoever it is done by, its almost anticipated that you do have a minimum of five percent data error in your student population base. So you do expect that kind of a leeway when a plan is finally executed. (Emphasis supplied)

Q. Assuming, as appears to be the case with this plan we are now concerned with, what we have in those four schools one, three, five and eight students in the various four schools in excess of the parameters, would that fact impair the value and the reasonableness of this plan?

A. Not as I understand the desegregation process because the basic problems of the basic objective, as I understand it, is to rid the schools of racial identifiability as they were in the past so that you don't have black schools or white schools, but just schools and if this be a correct assumption then having one extra child or five extra children just the other side of a dividing line is not going to make that much difference one way or the other in changing the perception of that school as racial identifiability.

Q. In your opinion does this plan change formerly racially identified schools into mere schools?

A. Yes, in my opinion, it does.

Q. And are the methods used in this plan, to-wit, slight change of some boundary lines, closing two schools, transportation of certain pupils to be reassigned and others to be reassigned by walking, is that reasonable plan?

A. Very reasonable, in my opinion and also very practicable. I think in setting down the guidelines for making the plan and then in developing the plan, the planner who is perhaps so insistent on minimizing transportation that the business that you brought up came out so that with very little additional transportation those figures could have been on the other side of the percentages."

Although the percentages offered by respondent in its' original Plan submitted to the Commission fell far outside the acceptable parameters set by this Honorable Court, that was not the sole reason for bringing respondent to task for failing to design an effective desegregation Plan.

Under cross-examination, Mr. Anliot testified, beginning at page 205 of the transcript:

> "Q. So that the reason you came to Court seeking enforcement was that the numbers were outside the parameters?
>
> A. No, as I tried to indicate , it was the numbers in combination with the lack of any acceptable justification for those numbers. The indication by the school district was very clear that their plan was a plan to desegregate as much as they could without the transportation of any pupils for any time or any distance. In short, a plan that wouldddesegregate to the extent that pupils could walk a mile and a half. It was a walking desegregation plan and there was no written justification for that restriction ever received by the State Human Relations Commission."

Finally, respondent asks this Court to substitute for the Court-ordered Plan of the Human Relations Commission, respondent's alleged "parental freedom of choice plan". It is already clear by the choices parents have communicated to the school district that it would result in more segregated schools rather then less, if approved and adopted. This alternative also assumes that the value of a desegregated and racially integrated education has not been established. The essential value of a desegregated education has already been determined as set forth in numerous Court decisions in all State and Federal Courts including the United Supreme Court and also by the highest educational policy-making body in the Commonwealth of Pennsylvania, the Pennsylvania Department of Education.

Respondent argues that the alleged freedom of choice plan withstands all the tests used under the Pennsylvania Human Relations Act and could be successfully and completely administered to accomplish the goals of the Pennsylvania Human Relations Commission.

Respondent conveniently forgets that respondent stipulated to the qualifications of the expert who testified in this matter, Dr. Foster, and Dr. Foster testified precisely on this question beginning at page 241 of the transcript as follows:

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"Q. Doctor, have you had any experience in analyzing the results of voluntary freedom of choice plans?

A. Yes, I have.

Q. What has been that experience?

A. Well, of course, for a period of years after the Civil Rights Act of 1964 until about 1969 with the Green Supreme Court decision the accepted method of desegregation by both Court and HEW negotiations and HEW guidelines was a freedom of choice pattern. This was tried for, ooh, two or three years, I would say to some extent. Our experience in the South with it and particularly in Florida where it was tried in almost every district it was a total failure. There were almost no whites would transfer to formerly black or predominately black schools. In the beginning there were let say a fair number of blacks who would option to transfer to predominately white schools, but in many cases we found after a year or even in the middle of the year many of those blacks asked for reentry into their black school and I think the reasons for that at least in Florida and other parts of the South were fairly obvious. In many cases they didn't receive too warm a welcome and they felt as though they were guests in sort of a hostile territory. So I can say in the State of Florida it was tried completely for two or three years and other southern districts the same. In the North it was tried in my experience in Dayton and to some extent in Grand Rapids and particularly in Detroit where the Court gave the district a years time to try it out under the so-called McDonald Plan and the schools under the McDonald Plan wound up more segregated after this trial year than they were the year before they started. I think everybody associated with the desegregation process that has had much experience in it, by and large the history of freedom of choice has been one of failure in terms of actual desegregation. (Emphasis supplied)

Q. And would that be your opinion?

A. Very definitely, yes."

The record is replete with uncontradicted testimony as to the efficacy and reasonableness of the Court-ordered Desegregation Plan submitted by the Pennsylvania Human Relations Commission.

It is unconscionable to allow this school district to remain in a segregated state six years and nine months since it was first ordered to prepare an acceptable desegregation plan. The multiple, myriad and ingenuous actions of respondent in the Western District Court for the United States District of Pennsylvania and before this Honorable Court were dilatory tactics,

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purely and simply. It is submitted that respondent could have designed an effective and acceptable desegregation plan. It is submitted that respondent should have designed an acceptable desegregation plan.

Frank Sala, respondent's witness, testified as follows on page 188 of the transcript:

> "Q. You received instructions from the school board to design a plan for integration that would comply with this Court's percentage parameters of allowances and is that the plan that was submitted to the Commission?
>
> A. I was given instructions to work on the design of a plan according to the criteria which were given to me by our chief school administrator.
>
> Q. Alright, that's what I am getting at. Now let me ask the other question again. If you had been asked to design a plan that would have fit within the parameters of this Court's Order, to have an acceptable integration plan within those parameters, could you have designed that plan?
>
> A. If I had been given the orders?
>
> Q. Yes.
>
> A. Yes."

Further, at page 189 of the transcript, the Court in questioning Mr. Sala elicited the following information:

> "Q. Now I will ask you once again, were you ever given any instructions by your superior, the superintendent, as the person in charge of mechanical parts of designing this plan, were you ever given instructions to make up a plan that would be in compliance with the May 3, 1972 Order of this Court?
>
> A. (No comment.)
>
> Q. You apparently can't answer that."

It is respectfully submitted that silence in this instance is much more eloquent than anything that has taken place heretofore.

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For the reasons hereinabove articulated it is respectfully submitted that the Rule To Show Cause why the Plan prepared by the Pennsylvania Human Relations Commission should not be adopted by the Court, should be refused, and the Plan implemented as being effective for the second semester of the 1974-75 academic year in the respondent school district.

Dr. Foster, testifying at page 246, states:

> "Q. From your working with the staff of the Commission and analyzing the data and facts available to that staff, is it your opinion that the Plan developed and submitted to this Court is a reasonable and logical Plan to fairly and quickly desegregate the Erie School System?
>
> A. In my opinion, it is. I think the guidelines were very carefully conceived. They pay attention to such things as time and distance factors in transportation, very careful attention is paid to such things as safety factors and pickup points for transportation which I think are necessary in a City like Erie because of the climatic conditions in the winter particularly. The Plan does not go into any detail in any aspect other than pupil assignment which is explained because of the quickness of the situation, but in terms of a pupil assignment plan, I think it is extremely satisfactory, yes."

Respectfully submitted,

Jay Harris Feldstein, Esquire
Assistant General Counsel
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