

STATES' CONSUMER PROTECTION LAWS (AS OF 1997)—Continued

State	Info disclosure	Choice of plans and providers*	Access to ER services ¹	Prohibition on gag clauses	Respect and nondiscrimination#	Confidentiality	Complaints appeals**
Missouri		X	X	X			X
Montana		X		X	X		
Nebraska		X*	X	X			
Nevada		X	X	X			
New Hampshire		X	X	X			X**
New Jersey		X	X	X			X
New Mexico		X		X	X		
New York		X	X	X			X**
North Carolina		X	X	X			X
North Dakota				X			X**
Ohio			X	X			X
Oklahoma		X*	X	X			X**
Oregon		X	X	X			
Pennsylvania		X	X^	X			X**
Rhode Island		X	X^	X	X		X
South Carolina		X	X^				
South Dakota							
Tennessee		X*	X	X			X
Texas		X	X	X			X
Utah		X		X	X		
Vermont	X	X*		X			X
Virginia		X	X	X			
Washington		X	X	X			X**
West Virginia					X		
Wisconsin							
Wyoming				X			
Total	5	34	35	39	5	0	24

Twenty-nine (29) states have laws that allow direct access to a specialist without prior referral from the primary care physician. These apply primarily to OB-GYNs, but also can refer to chiropractors and dermatologists. Another 5 states () are expected to propose self-referral to specialists in 1998.

^Twenty-six (26) states have enacted laws requiring payment for certain care delivered in the emergency room. Twelve (12) of these states also impose a "prudent layperson" standard. Another nine (9) states (~) are expected to introduce this legislation in 1998.

#Five states prohibit discriminatory practices (e.g., denying/canceling coverage, higher premium) against victims of domestic abuse.

Twelve (12) states have external grievance review laws that require health plans to allow enrollees to appeal coverage or claims denials to outside medical expert or panel, if dissatisfied with outcome of plan's internal appeals process. Another 12 states () are expected to enact mandatory external grievance review laws in 1998.

Source: Blue Cross Blue Shield Association 1997 Survey of Plans.

GROWING UP BLACK IN SHEPHERDSTOWN

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. WISE. Mr. Speaker, I would like to introduce for the record an article by Mary Corcoran Lehman for the Shepherdstown Chronicle of Shepherdstown, West Virginia. This article was written in commemoration of Black History Month a few years ago. It is about the life of Mr. Charles Branson, a local city councilman, who has lived through an extraordinary period of American history and provides a fascinating perspective of this time.

While February, designated as Black History Month, has come to a close, I wanted to place this article in the Congressional Record today. The contributions of a person or culture to our society should not be limited to a specific month, but should be celebrated year round. Mr. Branson's story and others like it remind us that throughout one's life many people give significantly to the legacy of America everyday.

GROWING UP BLACK IN SHEPHERDSTOWN

(By Mary Corcoran Lehman)

Childhood for Charles Branson was enjoyable. He was born in 1921 at his home on Angel Hill on Shepherdstown's East End. At that time, he says, every black was born at home even though there were two hospitals in Martinsburg. Transportation was a problem, he remembers. Very few, if any, blacks had an auto in the 1920s. Charles' own family, for instance, got their first car in 1934 or 35.

The families in the East End were very close. Charles' maternal grandparents lived just 20 feet away. The grandparents owned both their home and the home where Charles, his parents, and his two siblings lived and grew up.

His parents, Charles says, worked very hard. His mother, who died when she was just 38 from complications from diabetes,

never saw a washing machine. She scrubbed the family's laundry on an old wash board. "Later in life I felt rather badly about that wash board," Charles says. She also worked as a domestic. His father worked various jobs. He was a laborer at Shepherd College, worked at the Blairton stone quarry and, in the early 30s when the Depression was still hitting hard all over, he worked for the WPA.

During the 20s and 30s Angel Hill was a mixed neighborhood, Charles remembers. "We all played together, black and white, in the street," he says. "There were no playgrounds. We'd shoot marbles, set up horse shoe pits and we played ball." Angel Hill children also played in the area where the Shepherdstown Day Care Center now is, he says, in a big field that extended back to where Porky May now lives.

Nathan Manuel, who is now a dentist, was Charles' closest friend back then. "We had a nice group then" he says. "We'd race up and down the street rolling tires." He remembers doing this with Robert Washington, Genevieve Monroe's younger brother. "And I also played with her sisters," he says.

Black and white adults, who lived on Angel Hill, also socialized, he says. "Society was not integrated then" Charles adds, "but as far as the activities of the people in the area it was integrated."

When Charles Branson was 8-years old he started school. He didn't begin school at the usual age of six because his legs were badly scalded with boiling water which tipped off a coal stove when he was six or seven. "I remember taking those bandages off," he says.

When he did start school he realized for the first time that there was a difference between blacks and whites. Charles had to walk all the way from Angel Hill to the far West End of Shepherdstown to attend the black Shadyside School. To get there he walked right past the white school on the corner of King and High Streets. It was about three blocks closer to his home than Shadyside and he says he used to wonder why he couldn't go there. The only time black kids went near the white school was after hours when they played on the fire escape tubes, he remembers now.

The great black educator Dr. John Wesley Harris was principal of Shadyside during the

years Charles was there. He succeeded Charles' grandfather John W. Branson. Harris was the senior Branson's pupil at one time. Branson's grandfather went to Page County, Virginia and taught in Luray. Several decades later grandson Charles would follow in his footsteps.

Charles graduated from Shadyside in 1937 without ever going through the eighth grade. The fifth, sixth, seventh and eighth grades were all in one class and by the time Charles was in the seventh grade he had heard and learned it all. When it came time for the eighth graders to take the state test, seventh grader Charles took it too and passed. The three others who took the test with him at the Eagle Avenue School in Charles Town passed also. Charles had the highest score so he was named valedictorian of his class and Clarence Holmes was salutatorian.

The only black high school in Jefferson County at the time was at Storer College in Harpers Ferry. It was a boarding school. Dr. Harris, whose son attended Storer also, took Charles to school in the fall. He came home for holidays. Board at the school in 1937 was \$16 a month. "Even that was hard for my parents to raise," Charles says.

Charles was at Storer for four years. In his junior year his mother died. Life became increasingly more difficult then. He couldn't stay on campus because his family could no longer afford the board so he went to work at a white tourist home in Harpers Ferry. The \$2 a month he earned enabled him to continue his schooling.

The tourist home, Laurel Lodge, was owned by the sister of Storer's Registrar Pansy Cook. "I wrung the necks of chickens and plucked them on Saturdays," Charles remembers. "They had big chicken dinners on Sundays and for the work they gave me lodging in the furnace room of their basement." Part of the job, he says, was to attend the furnace at night. The basement was so permeated with coal dust, he says, that even though he changed the sheets once a week by the middle of the week "they were as black as anything."

Charles had meals on campus and because he had so many friends there he always had a place to keep his clothes and take a bath. "It worked out very well," he says.

On weekends he would hitch a ride to Shepherdstown with Charles "Cop" Shipley, who lived in the yellow house next to Trail's Chevron where David Malakoff and Amy Young now live. Shipley's father Bob was the first state trooper in Shepherdstown. His brother Kenneth was fire chief in Shepherdstown for many, many years and lived in the old King Street fire hall.

In 1941 Charles completed high school. He remembers that Jennings Randolph, then a congressman, was the commencement speaker. After graduation Charles came back to Shepherdstown. But at that time Shepherdstown didn't have many opportunities for a black man to make money, Charles says. You could maybe work in the apple orchard for Goldsborough and Skinner at 20 an hour or see if Shepherd had a laborer's job but that was about it.

Instead Charles decided to go to New York City with his friend C.J. Jackson. Jackson had New York relatives; he had an aunt who lived out in Mount Vernon, New York. Charles found a job in downtown Manhattan at 125th Street and Seventh Avenue. He started out as a dishwasher in a little restaurant. In six months he had decided it was not the job for him. He went to New Haven, Connecticut where he hoped to work for the Winchester Rifle Works. One of his former classmates worked there.

When that didn't transpire, Charles got a job in Ansonia at a big old country club where he would up in the kitchen. "I never boned so many turkeys in my life," he says ruefully. "Time to get on back home." Back home to the orchards and Shepherd College.

He was working at Shepherd for a regular salary of \$40 a month and board when he married his wife Ruby in May of 1942. It was during World War II and every able bodied man, black or white, was joining or being drafted to join the armed forces. "I was working at Shepherd when I got inducted at Fort Hayes in Columbus in December," he says. After induction Charles immediately left for Fort Hood, Texas where he was placed in Tank Destroyer Training.

During the Second World War the army was segregated. Entire divisions of black soldiers were commanded by white officers. Charles became part of the 827th Tank Destroyer Battalion, Company C, Third Platoon. But being commanded by white officers hardly mattered Charles remembers, because he had to answer to non-coms, who were black.

Charles was a private first class and the assistant gunner in a M-18 Tank Destroyer. He originally received training for tank warfare in Africa but in 1944 after the Allied invasion of Europe tank training changed.

The 827th was sent to Europe. Charles landed at Marseilles and he and his battalion took part in the invasion of Southern France. "In November, a couple of days after my birthday, I knew something was happening. Whole battalions of various companies formed. A communion service was held. For the first and only time I had communion in the army," he says.

The next couple of days they began moving north towards the front. Then the snows came. They were especially deep in Europe that year, he remembers. "They came up to your waist in some places," he says. Finally they reached Strasbourg, almost to the Sigfreid Line and headed towards Luxembourg.

On December 16, 1944 in the early morning Charles saw balls of fire and heard a roaring. It was a hot shell and he was in active combat for the first time. He admits he was scared, "You'd have to be a fool not to be," he says. He was right on the edge of the Battle of the Bulge.

His platoon moved into an area supporting the 79th Infantry and the all-white 42nd

Rainbow Division, MacArthur's old division. During a lull in the battle he and the others crawled out of their tank and black soldiers and white soldiers freely mingled. "You couldn't get more integrated than that," he says.

Charles observed one instance of death at close hand. He was just 25 yards from a Company B tank that was hit. He saw a soldier trying to come out over the gun turret (snow prevented escape from the bottom). He found out later the man died from injuries.

In early January the tide turned when the sun came out and U.S. ground forces received air support. Charles saw his first jet plane, a German one, at that time. It dropped one bomb, he says and was gone so fast he wondered what it was.

The war ended for Charles on October 3, 1945 at Fort Mead, Maryland where he was mustered out of the army with a good conduct medal and a honorable discharge.

Before his discharge, in August, he would not have believed he would return to civilian life so soon. He was on a ship enroute to the Pacific Theater when a voice over the PA system announced the end of the war and the ship turned around to dock in Boston harbor instead.

When he came back home to Shepherdstown, he and Ruby brought the house at 308 West German Street where they still live. He bought it for \$600. It was a duplex then but later the and Ruby converted it to a single family home. He worked in the orchards until 1946. All the time his wife kept urging him to go back to school on the G.I. Bill. There were no decent jobs to be found, he says.

In 1946 he was called to work as a janitor at the Army Hospital in Martinsburg. The 65 cents an hour he earned there was three times the 20 an hour he was making in the orchards and by now he and Ruby had four children. The Army Hospital was converted to the Newton D. Baker Veteran's Administration Hospital shortly after he began work and he put in an application to work for the federal government. Still Ruby was urging him to go back to school.

So in August of 1946 Charles registered for classes in business administration at Storer College. He selected a business administration major because his college advisor told him he would be eligible for a G.I. loan to set up his own business when he graduated. "But I had no particular business I was interested in," he says. "When I got out of school I had to get a job." So he switched to education and social studies.

The commencement speaker at his 1950 graduation was W.E.B. Du Bois, who had first come to Storer College in 1908, for a meeting of the Niagara Movement, the precursor of the N.A.A.C.P. That 1950 Storer class was the largest class ever graduated from Storer, Charles remembers.

In the second semester of 1951 Charles went back to school. Although he graduated with a Bachelor in Social Studies. Charles had not completed his professional studies. By the end of the summer session he had minors in business administration and physical education. During one summer school session he attended a class with a teacher at the black high school in Luray, Virginia, Andrew Jackson High School. The man's wife was principal of the school. Charles was offered a job as a teacher and football coach.

He had no car and no idea how he was going to get to Luray but the \$2,400 yearly salary was more than he had ever made. "I just knew I would get there," he says. At first he left his family behind and lived in a rented room but by November Charles had found a house for \$15 a month.

However, in 1952 Ruby became sick and she and the children went back to

Shepherdstown. Charles would come home on weekends by train getting in around midnight on Friday and leaving very early Monday mornings. It wasn't a very satisfactory arrangement and in 1956 he came back to Shepherdstown. He worked once again at the VA Center where he stayed until he retired in 1985 after sustaining his fourth heart attack.

Charles has never retired from public service though. He has served a total of eighteen years on the Shepherdstown Council. He first became a councilman in 1974 but took two years off between 1980 and 1982. He spearheaded the cleaning up of Back Alley after the alley became a dumping ground following the closing of the Town Dump on Rocky Street. And he was one of the founding members of the Shepherdstown Community Club which was active in the present youth center building until the mid 1980s.

The Shadyside School that Charles attended was closed in 1946. Shepherdstown blacks then went to the East Side School. That building now houses the Shepherdstown Day Care Center. Although the Brown vs. the Board of Education decision against segregation in public schools was handed down by the United States Supreme Court in 1954 Charles says schools in Shepherdstown were not integrated until the late 50s or early 60s.

Three of his six children attended segregated schools. The three older children, Rose, Barbara and Charles, attended Jefferson County's black high school, Page Jackson in Charles Town.

Only the three younger children, Leon, Rodney and Brenda, attended integrated schools in Shepherdstown. All three graduated from Shepherdstown High School.

TRIBUTE TO THE JULIA WEST HAMILTON LEAGUE, INC.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to The Julia West Hamilton League, Inc., which was formed in 1938, the outgrowth of 10 women who dared to dream. Mrs. Ellen V. Johns Britain, the organizer, believed that women joining together as a dedicated unit might accomplish some of the things that seemed impossible at that time, but could be helpful to the betterment of the community, education, youth and self.

Mr. Speaker the League was named to honor a great woman who gave unsparingly of her time, devotion and love to the causes of humanity, Mrs. Julia West Hamilton, who was a participating member of the League until her death. The League was incorporated in 1971. The first president was Mary EC Gregory. The League is currently led by Mary J. Thompson.

Mr. Speaker, The purpose of the League is (1) to promote benevolence, cultural and educational interests in the community; (2) to strive to gain new knowledge and skills of achieving better self-understanding, learning to interact more sensitively and honestly with others; (3) to encourage young people to aim early in life toward education, develop good character and find a useful place in society; and (4) to establish a monetary award known as the Julia West Hamilton Award. This award is presented to a student in each of the 14 senior high schools in Washington, DC and a four-year Julia West Hamilton Scholarship is