

By John Mehring

**J**ORDAN BARAB'S RESPONSE TO DAN DE Noon's article on AIDS and the health-care community (*ITT*, Oct 14, Nov. 4) provides an insider's account of the struggle to move the federal Occupational Safety and Health Administration (OSHA) to enforce the Centers for Disease Control (CDC) infection-control guidelines for blood-borne diseases, including, primarily, AIDS and hepatitis-B.

While it is important that OSHA enforces CDC infection-control guidelines' compli-

## Health-care workers' unions should take lead in AIDS fight

ance by hospitals and other health-care institutions, health-care workers' unions should play a more prominent role in the AIDS crisis. It is not enough simply to push for, then rely on, government enforcement.

Health-care workers as a group have not

received adequate education and training regarding AIDS, or, in many cases, been supplied with the necessary equipment to protect themselves from infection. There is a continuous need for more education and training. All health-care workers, whether providing direct or indirect care, should receive this instruction, including mandatory periodic updates.

Currently such education and training is being done primarily by hospitals and other health-care institutions, mostly without input from workers or their unions. Whole classes of workers who are not direct-care providers but, nevertheless, have fears and anxiety about AIDS are often excluded. As Barab noted in his article, OSHA does not have the resources now to change this situation, and appears at this time unable to correct the situation to the benefit of health-care workers.

But unions could provide leadership in AIDS education programs. Barab mentioned workers "have been turning to their unions to provide education and training needed to do their jobs safely." For his union, American Federation of State, County and Municipal Employees (AFSCME), "AIDS has created more demand for information than any other safety issue." Unfortunately, Barab did not tell us what AFSCME is doing in its represented worksites to educate and train staff, stewards and members.

One union, Service Employees International Union (SEIU), has a reputable AIDS education record. Initially spurred to action in 1984 by a local rank-and-file AIDS education committee in San Francisco, SEIU has adopted and frequently reprinted the committee's brochure "AIDS and the Health Care Worker." The international's occupational health and safety department has subsequently published the more comprehensive *The AIDS Book: Information for Workers*.

These educational materials, funded by grants from the U.S. Department of Labor, are widely circulated throughout the country in both union and non-union settings. Health-care workers find them important reference guides, addressing their questions and concerns.

Still, as good as this material is, workers need more from their unions. As the incidence of AIDS increases and the epidemic affects more areas of life, unions should consider forming their own AIDS education committees to coordinate their responses to AIDS, or at least incorporate their response in pre-existing or newly-established health and safety committees.

**A broad response:** San Francisco's Local 250, SEIU's largest health-care workers' union, representing 30,000 workers in northern California, has had its rank-and-file AIDS education committee since 1983. The activities of the committee are varied:

1 Committee members help conduct union-sponsored AIDS education workshops for staff, stewards and interested members.

• Next year, working with the University of California Labor Occupational Health Program at Berkeley, several dozen Local

250 stewards will take part in a "train the trainer" program to help knowledgeable stewards educate 10 more co-workers about AIDS and infection-control precautions. One objective of this training is to create an environment in worksites with AIDS-trained stewards that will foster voluntary and universal adherence to infection-control procedures without the involvement of regulatory agencies.

• Many hospitals have "AIDS coordinating committees" or "multidisciplinary resource teams" that review hospital policies and procedures. The committee includes members who sit on these in-house task forces.

• Committee members also serve as advocates for AIDS patients. AIDS health-care workers increasingly agree that specialized AIDS units in hospitals provide superior care for AIDS patients because workers there have chosen to work with AIDS patients, community support groups can more easily focus their resources in a particular location, care can be closely monitored and up-to-date information most easily disseminated.

• On the political front, the committee has put the union on record favoring AIDS anti-discrimination ordinances and the committee lobbies for increased government funding for AIDS research, education and health and social services.

• To get contract protection for members with AIDS, AIDS-related complex (ARC), or HIV-antibody status, the committee has encouraged the union to propose language in its contracts banning discrimination because of sexual orientation, lifestyle or handicapped status. The union is also attempting to negotiate economic benefits for members not married to their partners, extending health insurance and bereavement leave to them.

• Unions can use the increasingly recognized need for AIDS education to force management to join health-safety committees that can monitor infection-control compliance.

**Mixed record:** Union involvement means not only educating the rank and file about AIDS, but also organizing members to bring about a safer work environment, better patient care and increased support for research, education and services.

So far, the record is mixed. Labor councils have shunned sponsoring "AIDS in the workplace" conferences. And labor, whose generosity for established charities is well-known, has avoided raising significant funds for AIDS-related agencies. But the best AIDS literature for health-care workers has been produced and distributed by unions.

If AIDS is truly "public health enemy No. 1," then unions must commit substantial financial and staff resources of their own to AIDS education, and use every opportunity to reach out and engage their members in this fight.

*Local 250's AIDS Education Committee, chaired by Peggy Ferro-Guinto, may be contacted at 240 Golden Gate Ave., San Francisco, CA 94102. The AIDS Book: Information for Workers is available for \$2.50 from SEIU, 1313 L St., NW, Washington, DC 20005. AIDS and the Health Care Worker is available free of charge from the same address.*

**John Mehring** is a hospital shop steward and an AIDS education activist in San Francisco.

### INDEPENDENT VOICES, EAST AND WEST, CALL FOR AN END TO U.S.-BACKED LOANS TO PINOCHET'S CHILE

As supporters of movements for freedom and social justice everywhere in the world, whether in South Africa, Poland, Turkey or the Soviet Union, we are deeply dismayed at the Chilean government's systematic assault on the rights of its citizens. The United States can assist those who seek democracy and respect for human rights in Chile by withdrawing any form of economic support to the regime as long as the current pattern of repression continues. We call upon the Reagan Administration to support Chilean democratic leaders' requests for an end to international financial aid to Pinochet by voting against all loans to Chile until the following conditions are fulfilled:

The reinstatement of basic political rights, including freedom of assembly, freedom of information and the right to participate in democratic elections

The restoration of the independence of the judicial system

The restoration of workers' rights to organize and to bargain collectively

An end to the cruel practice of forced exile

The abolition of torture and other forms of cruel and degrading treatment

The above statement opposing U.S.-backed loans to Chile has been signed by leading peace, labor, social justice and cultural figures from the United States, Western Europe, Canada and Japan. They are joined by a large number of activists and writers from the Eastern bloc, many of whom have been persecuted in their own countries for work in independent peace and human rights movements.

Statement circulated by The Campaign for Peace and Democracy East and West

Signatories to Campaign for Peace and Democracy/East and West Chile statement:

#### United States

Edward Asner, actor

Virginia Baron, editor, *Fellowship*

Angela Berryman

Phillip Berryman, translator/writer

George Black, *The Nation*

Virginia M. Bouvier

James Cannon

Ann Carter, Brown Free South Africa Coalition

Cesar Chavez, Pres., United Farmworkers of America, AFL-CIO

Nam Chornsky, Massachusetts Institute of Technology

David Courtright, SANE

Darlene Cucchiello, Intercommunity Center for Justice and Peace

Gail Daneker, Campaign for Peace and Democracy/East and West

Richard Deas, Fellowship of Reconciliation

Ronald V. Dellums, U.S. Congress

Adrian DeWind

E.L. Doctorow

Manuela Dobos, College of Staten Island, City University of New York

Father Robert Drinan, Georgetown University Law Center

Polly Duncan, Sojourners

Bob Edgar, International Center for Development Policy

Daniel Ellsberg

W.H. and Carol Bernstein Ferry

Melinda Fine

Catherine Fitzpatrick

Randall Forsberg, Institute for Defense and Disarmament Studies

Herbert J. Gans, Columbia University

Rev. John Gettner, M.M., Maryknoll Fathers Justice and Peace Office

Allen Ginsberg, American Institute of Arts & Letters; PEN Club Freedom to Write Committee

Tod Gittlin, University of California, Berkeley

John Glasel, Pres., Local 802, American Federation of Musicians

Victor Gotbaum, District Council 37, American Federation of State County & Municipal Employees

Milard Hamilton, Radioactive Waste Campaign

Michael Harrington, Democratic Socialists of America

Thomas Harrison, Campaign for Peace and Democracy/East and West

Judith Hempfling, Peace Activists East and West

Nancy L. Heskett, American Peace Test

Stanley W. Hill, Exec. Dir., American Federation of State County and Municipal Employees, District Council 37

Adam Hochschild, *Mother Jones* magazine

A. Winton Jackson, *Across Frontiers* magazine

Julius & Phyllis Jacobson, editors, *New Politics* magazine

Charles King

Charles Knight, The Commonwealth Institute

Erwin Knoll, *The Progressive*

Jeri Laber

Joanne Landy, Campaign for Peace and Democracy/East and West

William M. LeoGrande, American University

Charles Levenstein, University of Lowell

Penny Lernoux, Writer

Margaret Lloyd

David McReynolds, War Resisters League

Rev. Paul Mayer, The Religious Task Force

Seymour Melman, Columbia University

Samuel Meyers, Pres., UAW Local 259

Kim Moody, *Labor Notes*

Roy Morrison, Clamshell Alliance

Brian Morton, Campaign for Peace and Democracy/East and West

Arjeh Neier

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David Oakford, Campaign for Peace and Democracy/East and West

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Rosemary Radford Ruether, theologian

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Michael Uquhart, Pres., American Federation of Government Employees, Local 12

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Frank von Hippel, Princeton University

Alice Walker, writer

Paul F. Walker, Institute for Peace and International Security

Jim Walls, *Sojourners*

Arthur Waslow, Reconstructionist Rabbinical College

James Weinstein, *In These Times*

Stan Weir, Singlejack Books

Roger W. Wilkins, Senior Fellow, Institute for Policy Studies

Rev. William L. Wipfler, Human Rights Office, National Council of Churches

Max & Sylvia Wohl, Socialist Party, Cleveland

Anne B. Zill, Pres., Fund for Constitutional Government

#### Czechoslovakia

(All except Kavan are Charter 77 signatories; all but Kavan and Tomin live in Czechoslovakia. Of the signers, 15 are present or former Charter spokespersons. All are signing as individuals.)

Rudolf Batek, former member of parliament; sociologist, essayist, former political prisoner; member Committee for the Defense of the Unjustly Prosecuted (VONS)

Jiri Dienstbier, former foreign editor and TV correspondent, now stoker; former

prisoner; VONS

Jiri Hajek, former historian, diplomat and foreign minister

Vaclav Havel, playwright; VONS; former prisoner

Marie Hromadkova, former Communist Party official

Eva Kanturkova, writer, former prisoner

Jan Kavan, co-director, Palach Press

Agency; editor, *East European Reporter*, London

Marie Rut Krizkova, former literary historian, now postal clerk

Ladislav Lis, former lawyer and party official; former prisoner; VONS

Jan Lopatka, literary critic

Vaclav Malý, Catholic priest barred by state from exercising pastoral duties; VONS; former prisoner

Lenka Mareckova-Mullerova, metro employee; former prisoner; VONS

Bedrich Placak, former surgeon; worked as nightwatchman until fired when became Charter spokesperson

Vladimir Rihla, former lecturer

Marie Rihova, dentist

Jiri Ruml, former journalist and prisoner; VONS

Anna Sabatova, former prisoner; VONS

Jan Stern, former journalist

Vladimir Stern

Jana Sternova, former dancer, now a cleaning woman

Jaromir Sibik, economist

Zdena Tomin, exiled novelist

Petr Uhl, former teacher, now stoker; former prisoner; VONS

Josef Vohryzek, former journalist

#### GDR

Barbel Bohley, Women for Peace

Werner Fischer, independent peace activist

Peter Grimm, Initiative "Peace and Human Rights"

Ralf Hirsch, Initiative "Peace and Human Rights"

Gerd Poppe, independent peace activist

Ulrike Poppe, Women for Peace

Wolfgang Tempin, philosopher, former professor

#### Hungary

Gabor Demszky, sociologist, editor *AB* independent publishers

Olga Dioszegi, student, activist in democratic opposition

Istvan Forsi, writer

Gyorgy Gado, translator, activist in democratic opposition

Miklos Haraszti, writer, co-editor *Beszelo*

Janos Kenedi, philosopher

Janos Kis, philosopher, co-editor *Beszelo*

Gyorgy Konrad, writer

Perenc Koszeg, teacher, co-editor *Beszelo*

Laszlo Rajk, architect, activist in democratic opposition

Sandor Szilagyi, literary critic, co-editor *Beszelo*

Gaspar Miklos Tamas, philosopher

#### Poland

Merek Adamkiewicz, active in independent peace movement, Freedom and Peace

Jacek Czupatowicz, Freedom and Peace

Janusz Grzelak, social psychologist

Zofia Kuratowska, hematologist

Wojciech Lamentowicz, Professor of Law, Warsaw Univ.

Jan Jozef Lipski, KOR (Workers Defense Committee, disbanded 1981); former prisoner, literary historian

Barbara Malak, social psychologist

Jan Minkiewicz, Representative, Freedom and Peace in the West

Piotr Niemczyk, Freedom and Peace

Janusz Onyszkiewicz

Anieta Steinsbergowa, lawyer; KOR

Jacek Szymanderski, Freedom and Peace; former Solidarnosc leader

Henryk Wujec, Solidarity leader; KOR; former prisoner

#### USSR

Ljudmila Alexeyeva, founding member, Moscow Helsinki Watch, now living in U.S.; author of *Soviet Dissent*

Alexander Feldman, Moscow Trust Group (the independent Soviet peace movement)

Vladimir Glezer, Moscow Trust Group, now living in the West

Grigorij Jakobson, Moscow Trust Group

Andrei Krivos, Moscow Trust Group

Yuri & Olga Medvedkov, founding members, Moscow Trust Group, now living in U.S.

Yury Orlov

Vladimir Tokarev, Moscow Trust Group

#### Yugoslavia

Ingrid Bakse, peace activist

Dobrica Cosic, Serbian Academy of Sciences and Arts

Pavel Gantar, sociologist

Marko Hren, mathematician

Bogdan Lesnik, psychologist

Mihailo Markovic, Serbian Academy of Sciences and Arts

Tomaz Mestnak, sociologist

Rastko Mocnik, philosopher

Milan Nikolic, sociologist, tried for paper written while at Brandeis University

Brao Rotar, professor

#### Other

Isabel Allende, Chilean author

Ariel Dorfman, Chilean author

Isabel Morel Letelier, Institute for Policy Studies

Lage Andreasson, President, Swedish Food Workers' Union

Gert Bastian, Member of Bundestag, Green Party, West Germany

John F. Carroll, Pres., Irish Congress of Trade Unions; General Secretary, Irish Transport and General Workers' Union

Knud Christensen, President, Landsorganisasjonen i Danmark (LO), Denmark

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Dieter Esche, European Network for East-West Dialogue, West Berlin

Mient Jan Faber, Intercultural Peace Council (IKV); Netherlands

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Daniel Singer, author and journalist, Paris

Metta Spencer, editor, *Peace* magazine, Canada

Ron Todd, General Secretary, Transport and General Workers Union, United Kingdom

E.P. and Dorothy Thompson, END

Gert Weiskirchen, Member of Bundestag, Social Democratic Party, West Germany

Fumi Yamashita, Peace Office

By Zijiang Ding

**S**INCE 1949 THE PEOPLE'S REPUBLIC OF China has adopted a temporary constitution—the 1949 Common Program—and four other constitutions—in 1954, 1975, 1978 and 1982. But for the most part, these documents have not functioned as fundamental law. They were violated or ignored arbitrarily by Chinese Communist Party (CCP) leaders. But the 1982 constitution seems to build the framework for a complete and effective legal system.

In order to avoid disasters like the Cultural Revolution and to get a more stable and constructive environment for national development, the Chinese—from top leaders to ordinary people—desire an efficient and practical constitution. And, indeed, the new constitution has given people hope, although there is still widespread skepticism about its function and effect.

**Academic debate.** Before its adoption important arguments over the new constitution occurred among scholars who represented different factions in the Chinese Communist Party. Premier Deng Xiaoping saw the ills of the Chinese political system to be "bureaucracy, excessive concentration of power, the patriarchal system, the life tenure of cadres in leading posts and special privileges of all sorts."

A radical reformer, Liao Gailong, who worked at the Central Policy Research Office of the CCP, argued in his 1980 Reform-plan that Mao Tse-tung's theory of democracy—democracy as a means, not an end—was incorrect. Democracy is both a means and an end, Liao insisted. It can be considered the final goal of socialism.

Liao emphasized both democracy and efficiency as justification for separating party and state. But in 1980 Liao could not have expected his ideas to be realized in the 1982 constitution.

Party theoretician Wu Jialin, in an article in *Red Flag Journal* entitled "How Can We Make the National People's Congress Function as the State Power Organ," pointed out that in order thoroughly to separate party and government, we must alter two existing principles—"the Chairman of the Central Committee of the Communist Party of China commands the armed forces of the People's Republic of China," and "the chairman chooses the premier of the State Council (SC) upon the recommendation of the party."

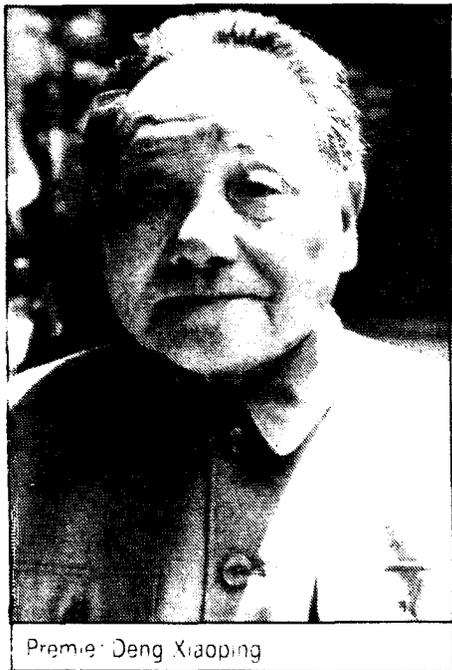
Similarly, Feng Wenbin, the vice-head of the Organizational department of the CCP, claimed that "in order to develop socialist democracy and realize state political democratization, we must put into effect the separation of the party and the government."

Owing to the limitations of the times and their political status, all reformers who emphasized separation of party and government agreed that their aim was to make the party leadership more important. Indirect party leadership that is political rather than organizational was their goal.

These reformers' plans were obviously limited, giving no hope that the party will be completely separated from administration in the foreseeable future.

**Putting reforms into practice:** The 1982 constitution seems to have defined a limited separation of party and state. But moving those provisions from paper to practice will not be simple. Such progress

## A historical look at China's constitutional framework



Premier Deng Xiaoping

is contingent on the ability of the National People's Congress (NPC) to fulfill its role as the highest organ of state power. According to the most recent document, the NPC standing committee wields more substantial power than before.

But limitations remain. Indirect elections prevent the people from electing even the members of the NPC, let alone the chairman and other members of the NPC standing committee. The chairman is still an important member of the CCP Politburo.

A significant step forward in the 1982 constitution is the adoption of direct elections at the county level for the local people's congresses. Direct election with decentralization of power should enable local participation in political, economic and cultural management. This mechanism also is supposed to complete the institutionalization of local legal systems and portray the will of the people to the central authority. It is useful to prevent local bureaucrats from deceiving their superiors and deluding their

### A significant step forward in the 1982 constitution is the adoption of direct elections for the local people's congresses.

subordinates. The pity is that this mechanism has only functioned on a very limited scale.

A real separation of the party from the government hinges on whether the State Council (SC) can really function as the highest administrative organ of the state. With the party intervening less in administrative affairs, the council will certainly increase its power. Several other factors strengthen the role of the SC. One is the development of the economy, which requires a more powerful executive branch. Another is the deletion in the new constitution of all provisions that allow the party to intervene directly in government affairs,

and the addition of explicit new functions and powers. Although the SC is under the supervision of the NPC and its standing committee, the NPC standing committee has no power to remove the premier and his cabinet members.

But whether the SC can be effective depends on the prestige of the constitution in the political system, and the personal prestige of whoever is premier.

**The judicial branch:** No real separation of the party from the government can occur until the Supreme People's Court (SPC) becomes the highest judicial authority. The 1982 constitution not only restores two principles—-independent judiciary and subjecting only to law—but also adopts a new principle, that courts are not subject to interference by administrative organs, public organizations or individuals. But the so-called independent judicial branch is ultimately responsible to the NPC. It must be subordinated to the party's leadership. It must meet the needs of the special political movements launched by the party, and also yield to some social pressures. A difference between Western judicial independence and the Chinese judicial independence is that the former emphasizes the independent judge, and the latter the so-called independent court.

For a long time, the People's Republic of China's communist theoreticians criticized the Western doctrine of separation of powers. According to them, this doctrine was nothing but "a downright bourgeois fraud," "no more than an instrument facilitating the capitalist rule," because "in reality, the administrative power was higher than anything else and was totally under the control of the monopoly of the capitalist class." But in 1980, some reformers put forward different positions. They believed that the theory of separation of powers and the principle of checks and balances were historical steps forward—and that their practice in the West, especially in the U.S., has proven effective and positive.

**Separation of power:** The 1982 constitution adopts a new "system of the separation of six powers" under the supervision of the NPC and finally under the leadership of the CCP:

- (1) Legislative power: the NPC standing committee—the standing body of the highest organ of the state power;
- (2) Administrative power: The State Council—the executive body of the highest administrative body of the state;
- (3) Symbolic power: the presidency—a nominal figurehead;
- (4) Military power: the Central Military Commission—the highest command of China's armed forces;
- (5) Judicial power: the Supreme People's Court—the highest judicial organ of the state;
- (6) Supervisory power: the Supreme People's Procuratorate—the highest supervisory organ of the state.

Comparing the separation of powers in the People's Republic of China with that of Western countries, these differences

emerge

First, all powers are checked by the CCP single-party leadership which, as the highest organization of the proletariat, is above everything else and commands everything else. Second, all powers must become tools used by the people's democratic dictatorship, a weapon that protects the socialist system. Third, all powers must emerge into a general power—the NPC, which not only serves as a legislature but also commands and supervises the executive and the judiciary under the party leadership.

**A milestone:** The new constitution itself is a milestone in the development of China's political system. The 1982 constitution eradicated all postulates and provisions born in the Cultural Revolution and in many respects is a return to the postulates of the first constitution.

So far, China has achieved significant successes in economic, political and social reform since 1976, although it always moves forward three steps, and then backward two steps. To be sure, there still is a limit to all these reforms and changes. University of Chicago Professor Tang Tsou points out that "although the trend toward the increasingly deep penetration of political power into society has been reversed, China is only beginning its transition to a post-totalitarian society. This process of transition may well be halted or even reversed." But the common aspiration of the people is to continue to make social progress. That is an irreversible trend. ■

Zijiang Ding is a visiting scholar from Beijing at Northwestern University.

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