

William H. Anderson Joseph P. Nowak
John W. Bailey Harold E. Stone
Charles B. Horton William W. Sullivan
Donald L. Mitchell Harvard J. VanBelois

John C. Marshall, U.S. Navy, retired, to be reappointed from the temporary disability retired list as Lieutenant in the Line of the Navy, subject to the qualifications therefor as provided by law.

William J. Wagner (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named chief warrant officers to be ensigns in the Navy, limited duty only, for temporary service in the classification indicated and as permanent warrants and/or permanent and temporary warrants subject to the qualifications therefor as provided by law.

PHOTOGRAPHY

Robert Nolin

AVIATION MAINTENANCE

Donald J. Northrup

ENGINEERING

James J. Carrabba

MEDICAL CORPS

The following-named (Naval Reserve Officers) to be permanent Lieutenants and temporary Lieutenant Commanders in the Medical Corps of the Navy subject to the qualifications therefor as provided by law:

Ralph D. D'Amore

Donald F. Hagen

The following-named (Naval Reserve Officers) to be permanent Lieutenants (junior grade) and temporary Lieutenants in the Medical Corps of the Navy subject to the qualifications therefor as provided by law:

Regg V. Antle James O. Houghton
Harry A. Bigley, Jr. Robert S. Knapp
John W. Carlisle, Jr. William C. Seal
Gary R. Donshik George A. Ulrich
William J. Gallagher

CONFIRMATIONS

Executive nominations confirmed by the Senate August 8, 1969:

DIRECTOR OF THE MINT

Mary Brooks, of Idaho, to be Director of the Mint for a term of 5 years.

DISTRICT COURT OF THE VIRGIN ISLANDS

Almeric L. Christian, of the Virgin Islands, to be judge of the District Court of the Virgin Islands for a term of 8 years.

U.S. DISTRICT JUDGE

Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama.

U.S. ATTORNEYS

William H. Stafford, Jr., of Florida, to be U.S. attorney for the northern district of Florida for the term of 4 years.

H. Kenneth Schroeder, Jr., of New York, to be U.S. attorney for the western district of New York for the term of 4 years.

Nathan G. Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years.

C. Nelson Day, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years.

David A. Brock, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years.

U.S. MARSHALS

Harry D. Berglund, of Minnesota, to be U.S. marshal for the district of Minnesota for the term of 4 years.

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years.

Donald M. Horn, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Philip J. Farley, of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

DIRECTOR OF THE CENSUS

George Hay Brown, of Michigan, to be Director of the Census.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador: Walworth Barbour, of Massachusetts. Winthrop G. Brown, of the District of Columbia.

C. Burke Elbrick, of Kentucky.

Edwin M. Martin, of Ohio.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

W. Tapley Bennett, Jr., of Georgia.

Clarence A. Boonstra, of Michigan.

William C. Burdett, of Georgia.

William I. Cargo, of Florida.

John Hugh Crimmins, of Maryland.

Roger P. Davies, of California.

William O. Hall, of Oregon.

Robinson McIlvaine, of Pennsylvania.

C. Robert Moore, of Washington.

David D. Newsom, of California.

David H. Popper, of New York.

Stuart W. Rockwell, of Pennsylvania.

Claude G. Ross, of California.

Miss Margaret Joy Tibbetts, of Maine.

Horace G. Torbert, Jr., of Massachusetts.

The following-named Foreign Service information officers for promotion from class 1 to the class of career minister for information:

Hewson A. Ryan, of Massachusetts.

William H. Weathersby, of California.

The nominations beginning William B. Kelly, to be a consular officer of the United States of America, and ending Walter A. Weber, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on July 10, 1969.

ATOMIC ENERGY COMMISSION

Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1974.

EXTENSIONS OF REMARKS

PROF. RAYMOND MOLEY'S SERIES OF SYNDICATED COLUMNS ON SEAPOW

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 8, 1969

Mr. THURMOND. Mr. President, I wish to bring to the attention of the Senate of the United States a warning sounded by Prof. Raymond Moley in the last of his syndicated columns, which he released July 12, 1969, after 36 years as an active journalist. Professor Moley's warning is of such seriousness for this Nation that we ignore it at our peril. For this very reason, before I pass Mr. Moley's warning on to you, I would like to pause for a moment to consider the nature and stature of the man who uttered it.

Raymond Moley surely needs no introduction in Washington, D.C. In his own lifetime, and while still a widely read columnist, he has become a legend. Nevertheless, the span of his experience is great; and a brief review is in order as a reminder:

Moley was born in Berea, Ohio, September 27, 1886. He earned a Ph. B., a Ph. D., and an LL.D., as well as a num-

ber of honorary degrees. He taught school and in 1923-28 he was professor of government at Columbia University; 1928-54, professor of public law. He is the author of some 17 books including "Lessons in American Citizenship," published in 1917—10 editions; "Lessons in Democracy," 1919; "After Seven Years," 1939; "How To Keep Our Liberty," 1952; "The Republican Opportunity," 1962, 1964; and "The First New Deal," 1966.

There is little doubt that posterity will remember Moley principally as the creator and head of President Roosevelt's famous "brain trust." Indeed, during the first 100 days, Moley's influence was so great, and he was so sought after, that the word went around: "If you want to get to Moley, see Roosevelt." In addition to his White House duties, he was appointed by Roosevelt as Assistant Secretary of State; however, he felt that the President was gathering too much power into Federal hands and resigned from the Roosevelt administration to become editor of a new weekly magazine. Today became Newsweek and Moley devoted himself to journalism—the top-spot column in Newsweek, and three syndicated newspaper columns a week—ever thereafter.

Mr. President, Professor Moley in a very real sense answered his own rhetori-

cal question when in four pieces immediately preceding his last, he stressed the Soviet Union's challenge at sea. The cost of building up our sea power—an invincible navy, and a strong modern merchant marine—would be far less than the ultimate cost of our delusions: the loss of our liberty, perhaps even our lives. I salute Raymond Moley for his many contributions to his and our country.

Mr. President, I ask unanimous consent for Mr. Moley's farewell column and his four columns on sea power to be printed in the Extensions of Remarks.

There being no objection, the columns were ordered to be printed in the RECORD, as follows:

[From the Los Angeles (Calif.) Times, July 12, 1969]

THE RAYMOND MOLEY COLUMN

(NOTE.—Following is an extract of Mr. Moley's last column after 36 years as a journalist.)

"With the filing of this piece I terminate my years as a journalist . . .

"I have been at liberty to comment on the events of a momentous period, and no publisher or editor has ever told me what to write, what not to write, nor criticized my choice of opinions . . .

"These brief chronicles of the times have concerned themselves with a change in our national life and public policies greater than in any period since colonial days. And per-

haps my reflections on that change deserve note in this final piece.

"In a similar summing up, Arthur Krock at the end of his *Memoirs* says this about what he calls 'the great change': 'From these consequences I have contracted a visceral fear. It is that the tenure of the United States as the first power in the world may be one of the shortest in history.'

"I cannot claim a parity with Arthur Krock as a writer nor in capacity for observation. But there are parallels. He and I were born in the same year in the Midwest and we spent our earlier years there. We have witnessed the same national scene, commented upon the same national trends and have known most of the same national figures who have shaped national policy. We were both brought up in the old-style Democratic Party and both have noted the transformation of that party by F. D. R. around 1936. There began 'the great change.'

"I agree with the many specifics which prompted Arthur Krock's somber conclusion. Foremost among them are the transformation of a federal union into a mass democracy; a republic which has become a paternal welfare state which, as De Tocqueville prophesied 134 years ago, 'takes upon itself alone the power to secure (for its subjects) their gratifications and to watch over their fate,' and to pay for this monstrous paternalism the acceptance of a ruinous fiscal policy.

"These I believe are but the symptoms of a deeper infection. A state of apathetic permissiveness induced by twin delusions: that great national might is ours in perpetuity and that what is called a free society is indestructible.

"Perhaps these delusions are induced by confusing freedom with liberty. Santayana has reminded us that semantically freedom is Teutonic in origin and liberty is Latin. The 'blessings of liberty' as written by the makers of our Constitution imply laws and authority which protect those who enjoy them. Freedom provides no blessings. It creates no environment but chaos.

"Thus we have permitted the 1941-1969 Supreme Court to distort our society into a tyranny of majorities, even minorities. For at all times public opinion, through Congress and the states, have had constitutional power to curb the court.

"Our conceits about indestructible national power and liberty have blinded us to our responsibilities abroad as the world's foremost power. This might have been possible in a world of like-minded nations. But the Communist challenge denies those assumptions and is bent on destroying our might and on obliterating personal liberty everywhere. In this real world there can be no isolation and no fortress America.

"My question is whether we can afford our delusions."

[From the Los Angeles (Calif.) Times, May 31, 1969]

THE RELEVANCE OF ADMIRAL MAHAN

History has a way of rectifying the fortunes of nations in terms of great commanders and statesmen who, from time to time, have dominated the forces that determined the ebb and flow of world affairs. But more often than not, there were students removed from the vicissitudes of action who saw deeply into the meaning of political and military power and who, in their findings and prophecies, provided guidance for nations and their leaders. Such a Nestor was Alfred Thayer Mahan whose great books in the 1890s on sea power have profoundly influenced strategy of Britain, Germany, Japan, United States and, more recently, Soviet Russia.

Mahan was born at West Point in 1840 and he was raised among books and amid the fine thinking and the discussion of men whose

profession concerned military strategy and world affairs. His father was professor of military engineering. When Mahan was 12, Robert E. Lee came to the academy as superintendent. George B. McClellan was a junior engineer officer and Ulysses S. Grant was a student. Despite this Army background, the boy's interest turned to the sea, apparently influenced by the stories of Marryat and of naval historians. He attended Columbia College and in 1856 was made a midshipman at Annapolis. He was rated there as a brilliant student.

After Annapolis, he served at sea as an officer on various naval vessels, but after 1870 he seemed to have considerable time for study and in 1885 was assigned to the new Naval War College.

The college was short of money, talent and books. But Mahan supplied the need for a text by writing his great seminal work, "The Influence of Sea Power Upon History, 1660-1783." Seven years later he had added two more books on the subject "The Influence of Sea Power Upon the French Revolution and Empire" and "The Life of Nelson." This trilogy constitutes his contribution to an understanding of the influence of sea power upon the rise and fall of nations.

Sea power, as Mahan defined it, is the total influence on the high seas of a nation and the ancillary means of supporting its vessels. This includes its navy, its merchant fleet, including its fishing and exploratory ships, plus its far-flung bases for repairs and refitting. The navy is its potential to keep sea lanes open in war and in peace.

In elaborating his theme, Mahan traced his subject back to the Punic Wars when Rome by its superiority on the Mediterranean frustrated Hannibal's almost successful invasion by land. And his books ended with the defeat of Napoleon by the British despite French victories on the Continent.

Thus Mahan proved that there had always been the reality of sea over land. But no one had so comprehensively explained this essential factor in world affairs.

The British were the first to recognize the immense importance of Mahan's writings and he was acclaimed without restraint over there. One of the first to grasp his meaning in the United States was Theodore Roosevelt, whose actions in the Navy Department and as President were guided through his close association with Mahan. These books, especially the first one, were translated worldwide. In Japan, Adm. Togo, whose fleet shattered the Russians in 1905, freely acknowledged his debt to Mahan and made his works required texts in Japan's military and naval colleges. In 1894 the German Kaiser told an American friend that he had "devoured" Mahan's book and placed it on all of his naval ships and from then on built the great navy which was designed to challenge British superiority on the sea.

The British government, spurred by the German threat, greatly strengthened its own fleet in the years before World War I. In the United States, as we all know, T.R. was the first President to dedicate himself to naval construction. He said, "In the vitally important task of convincing (the American people) of naval needs, Mahan stood alone. There is no one else in his class or anywhere near it."

In short, Mahan touched off a revolutionary age of naval construction. In the years that followed 1890 and until 1914, the yearly expenditures of eight foremost nations increased 440%.

Since 1950 Soviet Russia's merchant marine, plus formidable naval construction, has moved up to open competition with the United States. In the crisis that now faces the United States in the Pacific and Indian oceans, the relevance of Mahan is quite clear. Our confrontation with the Soviets seems

inevitable, not necessarily in hot war but in potential control of the great sea routes.

[From the Los Angeles (Calif.) Times, June 14, 1969]

A NORTHWEST PASSAGE—AT LONG LAST

The proposal of the Humble Oil and Refining Co. and associated companies to spend millions to create a sea route from the Alaskan and Canadian oil fields to the Atlantic Ocean should ignite the interest of every observer of foreign affairs. For this plan, if successfully carried out, will be of incalculable advantage to the Western world. An incidental result will be to teach landlocked and isolationist Americans the vital importance of trade routes by sea in the shaping of this nation's foreign policy.

As every schoolboy knows, Columbus' purpose was to find a route westward to the Orient. While his voyages opened a new continent, they did not achieve their earlier purpose. Five years after 1492 another Italian, John Cabot, who had removed to England, received authority and means from King Henry VII to seek a sea route north of the American continent to "India and Cathay." His efforts and those of his son Sebastian ended in icy frustration.

In the next century Sir Martin Frobisher renewed the quest, but he had to settle for claiming certain icy lands in the name of Queen Elizabeth and by bringing back to England certain ore which proved to be worthless.

In the years that followed there were many explorations, until in 1846 Sir John Franklin, a veteran of Trafalgar and of several land explorations, set out with two ships to find the Northwest Passage. His expedition vanished and it was 14 years later that the remains were found. All hands had perished.

In this century a great deal has been added to information about the geography of the region, and new technology has added to the means of exploration and communication. In 1906 Roald Amundsen announced that he had made a passage with a small ship and six companions. The voyage consumed three years.

Subsequently, exploration of water passages through the icy north of the Canadian mainland continued. Smaller Canadian vessels made a number of passages prior to 1956. But there still remained the task of finding a route for larger ship transportation. The American Navy was interested because of its need for supply routes for our Distant Early Warning System.

In 1956 Canadian Captain Pullen and a crew of 240 on the Canadian ship Labrador made a passage in which a key channel was the Bellot Strait, rescuing an American icebreaker in the course of the voyage.

Meanwhile, a great deal has been learned about the depth and width of channels by nuclear submarines operating under the ice.

All this knowledge will be known to the effort announced this month by the Humble president, Charles F. Jones. The first effort will be a trip from New York in July by the big tanker Manhattan, which has been reconstructed for ice-breaking. But once such a route becomes practical for tankers, his company will build six 250,000-pound ice-breaking tankers at a cost of \$300 million. And other companies, he says, with oil properties in Alaska and northern Canada will probably build 25 or 30 tankers for their purposes.

For the oil potential in that field is estimated to be equal to or more than that of the entire Middle East.

At one point in this new trade route there is a spot equidistant from New York, Tokyo and London. Thus it will affect all trade routes and calculations as far distant as the Indian Ocean and the Persian Gulf.

[From the Los Angeles (Calif.) Times,
June 21, 1969]

THE PERSIAN GULF, THE WESTERN WORLD AND
THE SOVIET

It is somewhat early to calculate the effect upon the economies of the Western nations and Japan of the immense oil discoveries in northern Alaska and Canada and the projected sea routes from those sources to the East and West. That was the subject of my piece a week ago. But meanwhile those countries, except the United States, are heavily dependent upon oil from the Persian Gulf area.

According to a recent report by the Georgetown Center for Strategic and International Studies, half of Western Europe's oil supplies and 80% of Japan's come from that gulf area. Britain and France one-half, West Germany one-third, Italy 75%. And our operations in Southeast Asia are largely dependent upon oil from the gulf.

This oil must in major part be transported by more or less clearly defined sea routes. The Georgetown report says that "any situation which would put a major power hostile to the West astride these oil supplies would be intolerable." And, there might be added, any sea routes leading from those supplies must not be threatened by Communist powers.

Those routes, as well as the stability of the gulf region, have recently been profoundly affected by two developments: One is the planned withdrawal of the British from the Indian Ocean, from its stabilizing influence among the Arab states and from the channels from the gulf to the Pacific and the Atlantic. The other is the growing sea power of Soviet Russia, its naval and commercial presence in the Indian Ocean and, because of the closing of the Suez Canal, its use of the sea route from its huge base at Vladivostok around Southeast Asia.

Traditionally, the relative importance of nations, their relations to each other and the rivalries among them are importantly affected by changing sea routes. At this time the two developments described above are of profound importance not only to the countries directly concerned but to the United States, whose naval power is still predominant. Our commitments are not only to Western Europe but to the countries on the great Asiatic perimeter from Japan and Korea, South Vietnam, Thailand to Australia and India.

The American role involves its commitment to its insistence upon freedom of the seas and the sea passages for our friends and also our potential rivals. This involves a considerable burden which, while decried by our land-locked isolationists at home, is imposed upon us by our great sea power and in the Western Pacific by our victory in World War II and the subsequent disarmament of Japan. Soviet Russia has no such commitment to freedom of the seas.

Japan's growth as an industrial nation (accentuated by the disarmament imposed by us) has rendered it heavily dependent upon oil and iron ore available only by sea. In large part these components are supplied by the Persian Gulf, the United States, Australia and India. These supplies must come by two sea routes: the Strait of Malacca and through the Indonesian Islands. These routes, unless we choose to turn Japan toward communism, we must protect.

For reasons quite unlike those of Japan, Soviet Russia uses the Strait of Malacca (now that Suez is closed) for access into the Indian Ocean and the Persian Gulf. The Soviet government has built an immense base at Vladivostok out of which there emerges all of the components of sea power: navy units, merchant ships, its fishing and oceanographic research fleet. Its route passes friendly North Vietnam where it finds facilities for refueling and refitting. And its

behavior indicates every intention to move into the gap created by British withdrawal. The Georgetown report says that "the minimum Soviet goal is to end the Western power monopoly in the Persian Gulf by its presence there while its maximum goal is to dominate the oil sources there and exclude it to the Western nations and Japan."

The Georgetown report suggests that the British withdrawal be somewhat delayed and that the United States with a limited naval presence contribute to the stabilization of the area and also to the neutralization of Soviet influence.

[From the Los Angeles (Calif.) Times,
June 29, 1969]

THE SOVIET CHALLENGE AT SEA

At the moment, our nuclear and, more specifically, our missile capability absorb the attention of the President, the Congress and the press. This is quite understandable because the prospect of attack and response through the great air spaces suggests a disaster from which neither the United States nor the Soviet Union could emerge as a major world power.

But in another and seemingly more remote area, the Soviet challenge is just as real. That is in the realm of sea power. But since so many of us, and our representatives in Congress live in what we conceive to be land-locked security, sea power is conceived to be of interest only to admirals, shipping tycoons and long-range strategic experts. Moreover, the development of our well-advertised nuclear-propelled and missile-armed submarine fleet has induced many to believe that our Navy is now invulnerable.

Adm. Hyman Rickover, who developed the nuclear submarine, and Sen. Henry Jackson, who might have been secretary of defense, have recently warned that in perhaps five years the Russians will have neutralized that weapon with their own submarine fleet. Their advantage there is 375 to 143. But more important, their nuclear submarines now number 65 compared with our 85. And their building capacity is 20 a year. And only last summer one of our carriers in the Pacific discovered that the speed of a Soviet nuclear submarine considerably exceeds that of our own.

These comparisons, like the debate over the Safeguard ABM system, concern only the possibility of armed conflict. But sea power also involves comparisons between fleets engaged in the pursuits of peace. Economic growth largely involves commerce over the seas in merchant ships. And in this area Soviet power may already be equal to ours. And its rate of growth is much greater.

The latest and most informative report on Soviet sea power is a small book issued this month by the Georgetown University Center for Strategic and International Studies. Composed by a panel of qualified experts, this book shows that the growth of the Soviet merchant fleet since Khrushchev took power has been sensational.

This fleet, relatively new and modern in construction and adaptability for all purposes, plies all the seas and sea routes of the world. It consists of dry cargo vessels, tankers, passenger ships, a fishing fleet (the largest in the world), icebreakers, oceanographic research explorers and so on.

In support of this immense enterprise is the new Russian navy. In addition to the submarine fleet, there is a large variety of surface ships excepting carriers. These were ostentatiously displayed in the Mediterranean in 1967 and since then in the Indian Ocean, where the Soviets plan to move in as the British move out. Many of these surface ships carry missiles for all purposes.

There is an unpublished article by Adm. John D. Hayes, a distinguished student of sea power, which has some most significant comments upon the U.S. Navy. He points out that much of our Navy is of World War

II vintage. We seem to have written off the construction of such modern surface ships as those of the Russians, except carriers and the usual complement of ships to support the carriers.

He says: "The U.S. Navy has paid little attention to the war-time protection of trade. It is a Navy largely dominated by aviation officers with little experience with ships other than carriers. A major portion of its naval capital is invested in nuclear deterrence." And as Adm. Rickover shows, so far as submarines are concerned, we may soon find this nuclear-deterrence advantage neutralized.

These comparisons and contrasts, so far as sea power is concerned, are largely dependent upon relative capacities for new construction. The Soviet system operates in a closed society and has two advantages. It need not concern itself with labor union power in construction and operation, especially in its merchant fleet. And the money necessary is gotten by squeezing domestic affairs funds to a minimum. Thus, the very nature of the two societies is a determining factor in this as in so many other aspects of national policy.

PLAY IT SAFE—MAINTAIN OUR
NATIONAL DEFENSE

HON. KARL E. MUNDT

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, August 8, 1969

Mr. MUNDT. Mr. President, now that the Senate has voted to continue developing our ABM system as proposed by President Nixon in his so-called Safeguard plan, we who represent the people and upon whom the responsibilities for maintaining a peace-preserving national defense system, must not rest on our oars and assume that all is well. We must anticipate—and reject—other proposals which would in effect weaken our capacity to defend America while at the same time giving encouragement and false hope to those who would destroy our way of life.

An editorial in the Los Angeles, Calif., Herald-Examiner of July 23, 1969, summarizes its position in support of a strong America in a succinct concluding sentence which reads, "It is better to be safe than sorry," when arriving at decisions related to our national defense.

Mr. President, I ask unanimous consent that this editorial entitled "Play It Safe" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

PLAY IT SAFE

While we bask in the radiance of one of man's epic achievements, we should not forget even momentarily the telling points emphasized by Sen. Karl E. Mundt (R-S.D.) in a speech to the U.S. Senate yesterday.

Mundt spoke in behalf of President Nixon's request to proceed without delay on the Safeguard ABM System. The system would protect this nation against ballistic missile attack of a massive type. Among points made by Sen. Mundt in the program's support are:

1—The United States never must allow itself to lag behind the military strength of potential enemies, if our lives are to remain secure. The Safeguard is vitally important to a "totally adequate and sufficient defense system."

2—The one and only sure way to determine that the ABM will do its job as a defensive shield is through research, development, design and deployment.

3—Denying the Administration the ability to move ahead with the ABM system would be sending our negotiators with the USSR to the conference table devoid of any "trading stock" in this area of discussion. Our position would be about as tenable as if we proposed that the Soviets tear down and demolish their ABM installations in exchange for the tearing up of U.S. blueprints.

4—An effective defense against any enemy's offensive striking power—such as the ABM is designed to provide—serves as a strong deterrent against attack as well as protection against the possibility of an all-out nuclear devastation caused by accident.

It is "better to be safe than sorry."

DESEGREGATION DEFINITION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. COLLINS. Mr. Speaker, on the subject of desegregation, the New York Times presented a sound interpretation of the latest House education bill. It is interesting that an official of the Justice Department's civil rights section recently remarked that it would take a hundred agents to effect a desegregation program in New York City.

We wonder when the New York Times will actively work out this program in New York City, as it could be a model for the Nation.

Below is an interpretive editorial written in the Dallas Morning News written on August 4:

THE SPLIT DEFINITION

According to the New York Times News Service, the House voted Thursday "to sharply curb federal efforts to desegregate public schools."

The writer's use of a split infinitive does not cause any confusion there, but his use of the split definition does. The trouble is that in this context there is a traditional definition of "desegregate" and a newer one used by progressives, some HEW officials and, apparently, the New York Times.

By the traditional definition, desegregation of public schools is the removal of racially discriminatory enrollment policies. The purpose of the process, by this definition, is to prevent tax-supported schools from either accepting or turning away youngsters on the basis of their race.

The newer definition of desegregation is different in both meaning and purpose. Under its terms, desegregation is the process of enforcing in all schools an enrollment policy that will maintain a racial balance that HEW has determined to be the proper one. The purpose of desegregation, by this use of the word, is to ensure that no school has less than 50 per cent white students.

The first process was aimed at making schools color-blind; the second requires that they become acutely color-conscious. In order to establish and maintain the racial proportions demanded on pain of deprivation of federal funds, the schools must regard their students as race units. They must, to ensure that they have so many of this color—but not too many—and so many of that—but not too few.

This is the type of HEW-style "desegregation" that the House voted to curb. And there are several good reasons for doing so.

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One is the fact that in several previous laws Congress had made it clear that its definition of desegregation does not mean setting up a national pattern for the ideal racial mix in every school.

The 1964 Civil Rights Law, which gave HEW the school desegregation job, expressly forbade it or any other federal agency or court to bus students to achieve a pattern of racial balance. A 1966 amendment to the education act repeated this, and the fiscal 1969 appropriation bill prohibited the withholding of funds to force the schools to balance their racial proportions.

These prohibitions seem to have little effect on the actions of HEW. Now the House has repeated itself once again by barring the withholding of federal funds to force busing or the closing of schools to achieve racial balance.

The Congress is still striving for desegregation, but the desegregation that will eliminate racial bars and allow public schools to get on with their most important job: Giving children the best education that they can.

Unfortunately HEW, using its own definition of what constitutes desegregation, continues to strive to use Congress' authority to make every school conform to the racial proportions that the department thinks best.

The House is not trying to bring back Jim Crow. It is merely trying to clip the wings of the HEW officials who are set on flying in the wrong direction.

REGIONAL PLANNING AND DEVELOPMENT

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, August 8, 1969

Mr. GOODELL. Mr. President, the time is long since past when full attention should be given to the growth and development problems facing communities across the country; we can no longer afford to allow the largely unplanned and uncoordinated development policies characteristic of the past to haphazardly affect the social, physical, and economic development of our communities.

The Genesee-Finger Lakes Regional Planning Board is a fine example of an organization which has recognized not only the importance of balanced and coordinated development policies, but also the opportunities provided by the physical, economic, and social environment of western New York.

I would like to call the attention of my colleagues to a recent speech delivered by Dr. Stuart Denslow, executive director of the Genesee-Finger Lakes Regional Planning Board, and ask unanimous consent that this speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WESTERN NEW YORK STATE

(An address before the Kiwanis Club, Rochester, N.Y., June 19)

INTRODUCTION

The historic pattern of American Economic Development Planning may be amply called spontaneous. Much of the success as well as failures to date is a result of millions of individual decisions by business organizations, governments and just plain people. In recent

years, it must be granted that government has participated in economic affairs through fiscal policies, grants and aids, subsidies, regulations, research or resources management. This family of endeavors are the legal and administrative manifestations of the principal issues of public policy designed to guide economic development trends in certain directions, but not necessarily thoroughly planned direction. The ambivalence resulting from these stimuli and restraints has prevented a major economic disaster (depression) but appears to have accomplished little in directing the overall patterns of physical and social development, particularly in urban regions. The omnipresent crisis of the day in most urban centers and regions of the country point irrefutably to the fact that past development policies apparently have not accomplished what everyone seems to desire, "a balanced economic social and physical environment".

(The 1964 Development Policy for New York State entitled "Change—Challenge and Response" introduced a new approach to the coordination of physical development designed to overcome the apparent deficiencies of public development policies from preceding decades.) This new approach to development coordination introduced regional planning as the key. As I approach my subject today, I do so somewhat ambivalently. It occurs to me that in addition to telling what we are doing in the area of regional planning, I should spend at least as much time, or perhaps more, telling you what we are not doing, at least not yet doing. The awesomeness of the problems we face as a society and as a region, make it extremely difficult at best to know where to begin in describing the planned and unplanned considerations of continued economic growth. From a regional perspective, we must ask ourselves—what do we want and how do we achieve it?—for in point of fact, this simple question may, in its answer, present some clue as to the future expectations for our total environment.

PLANNING AND DEVELOPMENT

Before the turn of the century Ambrose Bierce wrote a noteworthy, not to say notorious book, called "The Devil's Dictionary". In his book, Mr. Bierce defines planning as "bothering about the best method of accomplishing an accidental result". As interesting as that definition may be, it has a certain factual connotation when we examine all of the relationships which play into the matrix of continued economic growth.

I am reminded many times of the reference a real estate broker friend of mine uses on frequent occasions, "the three principles of real estate, location, location, location." * * * Location as one of the characteristics of total environment consideration with respect to continued economic development is important only when it is in appropriate balance with other factors in the equation. These other factors are natural resources, transportation systems, population, public services and technology. Let us examine briefly this array of factors as it applies to the formula for continued economic growth in Western New York State.

Location

At the outset our location here has significance in relationship to the great industrial core of North Eastern United States. This industrial core with which I have reference is the industrial belt reaching from Chicago on the west to Boston on the east and is referred to in numerous economic geography references as the "Industrial North East". (Within this area is encompassed a mere 7% of the area of the United States. However, the Region holds 43% of the population of the nation, produces 52% of the total income and contains 70% of the industry.) Any unique relationship that we may have with this core, is the result of the combina-

tion of resources, an early start, the type of original settlement, and perhaps the most important factor—the self-perpetuating momentum resulting from the pyramiding of complementary activities that produced the notable external economies of scale. Or simply stated, the spin-off concept. The spin-off concept merely acknowledges that the economic regions base of self-perpetuating industries may grow through the pyramiding effect of creating new demands or needs for new and related industries. Although the idea is simple in concept, one pitfall of this illusion is the assumption that all trends will continue in the same direction, meaning upward. When in fact, one examines the textile industry in New England not too many years ago, we can show that growth does not necessarily always continue in a positive direction at any one location.

Natural resources

Let us examine the other factors in this resource equation which relate to and with the location consideration. The Genesee/Finger Lakes Region of Western New York State contains the eight prime counties of Monroe, Orleans, Genesee, Livingston, Wayne, Ontario, Yates and Seneca. This grouping of counties with the population base of approximately 1.1 million people stands astride the industrial coreland of the entire country. Associated with its locational uniqueness, are other factors of equal, if not greater importance—natural resources. This region of 5,000 square miles is uniquely endowed with topography and climate which has historically been the basis of a successful agricultural industry. Associated with these natural physical amenities has been adequate ground and surface waters with the valuable Finger Lakes Region and the Genesee River Basin, which combine to connect a great water and recreation resource with a necessary and efficient natural drainage system. By far and away the greatest significance perhaps is the more than 100 miles of shoreline which this region enjoys on Lake Ontario. Lake Ontario has a physical connection with the St. Lawrence Seaway and is available for ships of international fleets as a source of transportation and recreation.

Transportation

An equally significant factor in economic growth to that of the natural resource base is of course a transportation system. This Region has historically been a path of transportation requirements in both east-west and north-south directions since the days of the pioneers. (The accumulation of physical installations to provide transportation services is present throughout the landscape in the form of expressway systems, the barge canal, harbors on Lake Ontario, airports and many other services.) The significance of each of these transportation modes has its bearing in the industries which that system was originally designed to serve. The Region at this moment has a well developed east-west roadway network. Although a north-south network is in the making it will be greatly improved with the completion of the Genesee Expressway which will become a major north-south corridor connecting the Rochester urban region with counties and states to our south. Rail services have historically crossed this area as part of the industrial core network, but the deterioration in service and equipment in most recent years has rubbed the lustre from what had once been the diamond of the transportation industry.

From the standpoint of air service, the Genesee Region has in fact been fortunate to have the services of the Rochester-Monroe County Airport as well as the other general aviation airports that have been developed within the Region. Although the system does in fact exist, there is no question that if we are to meet the competitive needs of the present and immediate future, great

improvements in the air transportation mode must be accomplished.

(All things considered, transportation will continue to be one of the more significant elements of economic growth.) It seems realistic to assume that substantial sums of both public and private funds will have to be invested in the several elements of the transportation system, if we are to continue to maintain a competitive position in the transfer of both material and people.

Population

The human resources of the Region provide one of the keys to the success of the continuing economic growth pattern, for it is indeed the quality of the population, not the quantity which holds the key to regional productivity in industry, commerce and agriculture. The 1.1 million people which now reside in the eight county Region will expand to 1.6 million by 1985 to 1990. One factor of great significance is the uneven distribution of the population now resident here. Fully 83% are urban oriented, 70% of whom reside within the County of Monroe, with the remaining 30% unevenly distributed in various towns and villages throughout the Region. One of the follies of the 20th Century has been the assumption that continued population growth was an essential ingredient for economic growth. One needs only examine the difficulties of China, India, for that matter all of Latin America, to have more than sufficient evidence to show that when population growth exceeds economic growth, the overall well being of society will in fact decrease rather than increase, for it is the individual productivity of the people and their economic system which determines the standard of living.

Public Services

People demand services, and services for the most part are those things that become the day to day operational requirement for living, for building, and for general economic productivity. Public services include the provision of public utilities such as sewer, water, electricity, gas, telephone, education, and certainly general government—for the maintenance of roads, the provision of parks, hospitals, and the many other needed public services that are so a part of our living environment. We are indeed fortunate to have educational facilities and systems which enjoy an excellent reputation. (We must however, constantly improve the quality and quantity of these facilities if we are to maintain the training capabilities of the population to be served.) Of the entire public utility and services sector, those demanding the greatest amount of treatment are of course the water and sewer systems. Although we are fortunate in having the administrative vehicles for the provision of such services, to date, as a society we have not elected to invest the kinds of sums that are required to bring the sewer and water services to all the residents of the Regional Community. This will have to become one of our top priority considerations in future years if we are to stem the tide of increasing environmental pollution that seems to be the pattern of the day. (The structure of general government in the many services which it renders reflect for the most part the desires of the population, for after all, government is by and for the people and is designed to serve their needs and whims.) One question that always seems to perplex is, why must public services always follow a need?—would it not be appropriate to develop our governmental enterprises to anticipate needs? Perhaps this scheme is an appropriate objective for the future.

Technology

In this day of nuclear power and trips to the moon, one does not need to go far in explaining the importance of technology to a continuing economic growth pattern. Most new techniques are an out-growth of alert

introspect of the existing operations network in business, industry, science and government. (Techniques must be combined with the acceptability of new ideas so that the two, in tandem, can be applied to the everyday requirements of our production system.) Our Region is fortunate indeed to have a quality population and one which is receptive to new ideas and changes in the technological sphere. The combination of the two can and will provide us with the kind of productive forces so essential as ingredients to the economic growth formula.

Summary

What does this Region have that makes up the elements so essential to continued economic growth? Let us review them for a moment.

(a) It has an excellent natural resource base in soils, topography, climate and water.

(b) It has a limited but dependable transportation system basic to the needs of the day, but needing substantial inputs of public and private capital to improve its capability to expand service for the growing future.

(c) It has a growing population which can mean expanding markets, or conversely, growing needs for a public services base that can be further developed in the best interests of the citizens of the Region.

(d) And most certainly technology. It has a receptive climate for new ideas as a seed bed for economic growth.

We have examined the important elements as essential inputs to an economic growth pattern. As was mentioned in the introductory remarks, the historic pattern of economic development in this country may be amply called spontaneous. Spontaneity may have been appropriate during the first 300 years of our national existence. However, with the speed with which changes occur in modern society it would appear that the greatest need of the day is a development strategy for tomorrow. A development strategy can insure that people are properly located, that transportation, resources and public services are adequate for their needs, and that the people, resources and other functional elements of our environment are combined in proper balance to insure a framework for continued economic growth. (The Genesee/Finger Lakes Regional Planning Board has taken upon itself the responsibility to provide that development strategy.)

ROBERT "BOB" POPE

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. MARSH. Mr. Speaker, the Department of Virginia American Legion elected a very distinguished Legionnaire and outstanding citizen to the post of department commander. Robert "Bob" Pope, a citizen of Front Royal, Va., in the Seventh Congressional District, had a distinguished record in World War II, having served overseas for 26 months and participated in six major campaigns, including the invasion of Southern France. It should be noted that of his four brothers, all have served in the Armed Forces of their country. One brother was captured at Corregidor, and was able to survive both the death march and the Japanese prison camp. His brother, Joe, was killed in action while serving with Patton's 3d Army.

Bob Pope knows from his own family experience the anguish of a family whose

son is a prisoner of war and the heartache of a Gold Star Mother. A former State trooper, he is now an adjuster for the State Farm Insurance Co. He has been active in a broad field of civic affairs.

The fact that he was unopposed for office of department commander indicates how other Legionnaires feel about him. It was my pleasure to place his name in nomination for this important post, and I insert in the RECORD his acceptance speech, which points out the challenges we face in our world and Nation today:

SPEECH BY MR. POPE

Mr. Commander, distinguished guests, my fellow legionnaires, in all sincerity and with a great deal of pride, I thank you for the honor you have bestowed me. I accept the challenge you have presented me by electing me to the high office of Your Department Commander. I know full well the responsibilities of this office and I assure you it will not be taken lightly, and I will work untiringly to do my very best to merit the vote of confidence given me here today.

These are changing times and we must change with them. The theme selected by our National organization for the next year is, "Decision now". The decisions you and your Post make this year are going to determine the future of your Post and our Department.

We must take positive and decisive action to insure that the America we all know, love and serve, will remain a bulwark against those treacherous forces both within and without these United States, who try to undermine the integrity of our Country, which include those principles of justice, freedom and democracy.

I am aware that fifty years ago, in this hotel, at our first Department Convention the first Commander of Virginia was elected . . . to be followed by a long line of outstanding and dedicated Legionnaires, each of whose vision and foresight made their contributions toward making this the largest Veterans organization ever known to man.

To meet the challenges of this next year, I will need the help of each and every one of you, as you all know we can name Chairmen of Committees, but if they do not function, and follow through, the particular program "Falls flat on its face." Put your shoulder to the wheel and add that extra push to make the next Legion year go down in history as one never to be forgotten.

It is my earnest desire that there will never be any individual Legionnaire, Post or District of the Department of Va., who will hesitate to call on me at any time, that I can be of service to you.

The time is now when we must drive home to Americans in every community of our great Commonwealth the message of the dangers confronting our National existence. We must awaken in all good citizens the need for them to fully participate in the affairs of their community, state and nation. We must also work harder to get the younger Veterans into the American Legion to carry on, as we are growing older and they are and will be the lifeblood of this organization.

It shall be my purpose during the year ahead not to permit others to forget that many men have died and many die today to uphold the causes in which we believe. We owe this to them.

I personally pledge myself to exert all the time and energy I can in order to fulfill my obligations as your Commander and as a Legionnaire—Won't you join with me to make the "Decision Now" a reality for God and Country and all of the programs of the American Legion!

Thank you very much.

THE BIG QUESTION: TO GO OR NOT TO GO TO MARS IN MANNED FLIGHTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. EVINS of Tennessee. Mr. Speaker, with the success of the lunar landing having been achieved, there is much discussion over the ultimate goals and objectives of the space program—and how these goals and objectives are to be achieved.

In this connection, the Nashville Banner has concluded editorially that the needs on earth must take precedent and that the exploration of Mars should be by instrumentation rather than the more expensive manned route.

Because of the interest of my colleagues and the American people in this important subject, I place in the RECORD herewith the editorial from the Nashville Banner of August 5, 1969.

The editorial follows:

MARS DOES NOT JUSTIFY A MANNED EXCURSION

Within bounds of practical usefulness, it can be reasoned that space exploration is worth what it costs. The fact occasions little rebuttal—and, certainly, the opinion prevails with regard to the epochal achievement of America's moon landing. The knowledge therewith gained is the dividend for which this investment was made. National pride attends it.

Serious questions are raised, however, and by scientists themselves, about the necessity—or even the advisability—of embarking on a similar manned expedition to Mars. Judgment admonishes for caution toward such an undertaking; and did, even before in the feverish jubilation of the lunar achievement, excited voices declared that "Mars is next."

Deeper in space than the moon, by millions of miles, Mars does not exactly INVITE. Set up to recommend space mission priorities for the 1968-1975 period, a task force of the National Academy of Scientists last year referred to a 700-day mission of instruments (not men) to that distant planet, and concluded "We were unable to identify a need in planetary exploration, in the foreseeable future, for the unique abilities of man."

If that was a shade ambiguous, logical conclusion is not. There is no necessity of either practical worth or national scientific prestige—warranting attempted excursion to Mars; a journey years long if it succeeded, and which at the going climbing rates could cost a half trillion dollars.

Again it should be noted that the analysis in no sense discounts tremendous accomplishments of record of which the U.S. Flag on the moon is a gratifying symbol. In more than theory it can be argued that in the intangibles satisfying ambition—or in terms of information acquired—achievements to date have been worth the billions spent. None would dispute the honors won. But a halt must be called somewhere, and it would seem to relate to that point where the expenditure of resources—actually non-existent in terms of reality—run beyond all possibility of returns.

There are, indeed, essentials on Planet Earth—and, by validly narrower definition, AT HOME—that have priority. There are problems to solve and programs to execute, within the domain of U.S. responsibility; and these demand the resources in question before assigning them disproportionately to

projects merely of spatial wanderlust. For another thing, there are budgetary considerations, such as balance to guard against multi-billion-dollar gambles on non-essentials.

Instrumented orbiting is one thing—already going on, with Mariners 6 and 7 on photographic assignment. And these can continue, as practical determination verifies their worth. An attempted manned-landing on that planet, years distant from the Earth, is something else. There are no resources either of men, materials, or money, to spend on that. Judgment says "no."

EX-POSTMASTER GENERAL DAY DISCUSSES MAILING LISTS AND PORNOGRAPHY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. DULSKI. Mr. Speaker, the Postal Operations Subcommittee of our committee began hearings this past week on several new proposals aimed at legislatively dealing with the increasing flow of smut mail.

My own bill is aimed at what I consider the most important area to be attacked as soon as possible:

Halting the flow of smut mail into homes where a minor resides.

In drafting my bill, I have put into legal language a very specific explanation of what is considered to be obscene so the courts will have no doubt what we mean in our legislation.

The 2 days of hearings this past week were very productive and Subcommittee Chairman Nix is planning to resume the hearings after the recess with the intent of coming up with meaningful legislation this year.

On this matter of obscene material being sent through the mails, a former Postmaster General, J. Edward Day, wrote a very comprehensive article for the December 1966, issue of the American Bar Association Journal. I have his permission to reprint the text for the benefit of all Members.

Mr. Day, who recently gave the full Post Office Committee very helpful testimony on postal reform, is a member of the Illinois and District of Columbia bars. His article follows:

MAILING LIST AND PORNOGRAPHY

(By J. Edward Day, Ex-Postmaster General)

The telephone rings in your home. Your fourteen-year-old daughter answers.

A stranger's voice says: "Would you like to become a subscriber to a new magazine which handles the subject of love and sex with complete candor? For example, one article in this magazine discusses cases of insatiable sexual passion. Another article gives a guided tour of the quarters of sin where nude women publicly made love to men and/or beasts. A leading newspaper has described it as 'Dirty' and a magazine has called this new publication: 'a disgrace to the whole field of magazine publication'. Our company guarantees full refund of the price if the periodical fails to reach you because of United States Post Office censorship interference."

This telephone call is hypothetical. But

the language used in it is taken from an advertisement, widely mailed in 1962 at the third-class bulk rate, for *EROS*, one of the three publications involved in *Ginzburg v. United States*, 383 U.S. 463 (1966).

There may be a few who would defend such a telephone call—but very few. No doubt it would be defended by the ordained minister who testified in the *Ginzburg* trial that *The Housewife's Handbook on Selective Promiscuity* "should be in every home and available for teen-agers".¹

There is a close parallel between a campaign of indiscriminate telephone calls to residences touting sex publications and mass mailings of provocative advertisements for sex publications to hundreds of thousands of names, including those of children. In this article I shall discuss only that part of the obscenity problem involving use of the mails, and particularly the promotion of sex publications through use of mailing lists.

On April 26, 1966, the following from a lady in Bethesda, Maryland, appeared in the *Washington Post*:

"Evidently those who weep over [Ginzburg's] fate did not have a 12-year-old son bombarded by the most provocative brochures I have ever seen. And these brochures, with their suggestive pictures and texts, were sent through the mails, to my son over a period of a year. It was no reading for a 12- or 13-year old. It was on this basis that I complained to the Post Office Department."

This letter is typical of the complaints we received at the Post Office Department during the period, beginning in the spring of 1962 when Ginzburg's blizzard of mail advertising was in progress. There were over 35,000 complaints in writing. Many people telephoned me with their complaints or told me in person of their shock and anger. Some individuals said they had received as many as ten different mailings of the same material. Many reported that the offensive advertisements had come addressed to their children. There was an unprecedented volume of mail from members of Congress forwarding complaints and demanding that the department take action.

It soon became apparent that there was one person who seemed to be even more eager that the department take action than were these members of Congress and the public.

That person was Ralph Ginzburg himself.

There were repeated indications that he was conducting a studiously contrived nose-thumbing campaign in an effort to needle the Post Office Department into taking action. He attempted to obtain mailing privileges from the postmasters of Intercourse, Pennsylvania, and of Blue Ball, Pennsylvania, so that the envelopes containing his ads would carry a mailing permit imprint with the name of one or the other of those little villages. When he was denied mass mailing privileges from the two Pennsylvania locations, he mailed millions of his promotional pieces from Middlesex, New Jersey. Inserted in each advertisement for one of his items was a slip labeled "Guarantee" and reading "Documentary Books, Inc. unconditionally guarantees full refund of the price of *The Housewife's Handbook of Selective Promiscuity* if the book fails to reach you because of U.S. Post Office censorship interference". Similar slips appeared in the advertising for his other offerings, the magazine *EROS* and the "newsletter" *Liaison*. One of the advertisements for *EROS*, mailed at the third-class bulk rate, quoted a comment on the first issue of the magazine: "It's a wonder that they allow it through the mails."

"Taking action", as Ginzburg no doubt contemplated it, would be administrative action by the Post Office Department to bar his publications from moving through the mails.

Prior to 1961, this type of administrative stop order had been used many times. However, it had often proved relatively easy for the mailer to get a court to issue a temporary restraining order suspending the ban. Then the mailings would go on during an extended period of court proceedings. In the meantime, the publicity about the attempted ban provided priceless advertising for the questionable publication. If the court eventually sustained the ban it was then no trick for the offender to start business again under a new corporate name or with slightly revised merchandise. The stop-order procedure involved no penalty.

After I was designated for appointment as Postmaster General, and even before I was sworn in, I saw that Post Office responsibilities in the pornography area were something to which I would have to give prompt personal attention. Very early in my administration I decided to make three major changes.

1. LESS PRESS AGENCY

For my predecessor as Postmaster General, the war on smut had become the favorite speech-making topic. Three highly paid consultants were retained by the department for full-time duty making speeches about the smut problem all over the country—but particularly, prior to the 1960 election, in certain key Congressional districts. Incredible as it seems, my predecessor set up, in a large conference room across from his office, a "museum" with samples of pornography divided among various perversions. Members of the press, of Congress and of the public, both men and women, were given guided tours through this room, which came to be known as the Chamber of Horrors. The worst items were behind a black curtain equipped with a draw string for display as the climax of the tour. When I took over, this place was cleaned out and the contents destroyed or returned to the case files where they belonged.

I also put a stop to the speechmaking and press releases about the smut problem. I ordered discontinuance of a department-distributed postmark die bearing the words "Report Obscene Mail to Your Postmaster". Many members of the public had found this highly offensive, especially when the cancellation appeared on their Christmas cards or on their children's mail.

My feeling was that there was no point in advertising and ballyhooing pornography. Some "decent literature" and "antismut" organizations became irked at me because I wouldn't supply such groups with "samples" of dirty books and pictures for them to use in their crusades to tell people how bad the problem was. I felt people didn't have to sample narcotics to know there was a dope problem, and they didn't have to sample smut to know there was a pornography problem.

In a policy statement on obscenity in the mails, issued May 3, 1961, I said:

"Following sound law enforcement practice, we are going to enforce the antiobscenity laws without press agency. We do not want to jeopardize successful prosecutions in pending cases by seeking headlines. We are not going to stimulate young minds to look for pornography by continually talking about it."

2. CRIMINAL PROSECUTION RATHER THAN ADMINISTRATIVE ACTION

I concluded that grand juries and petit juries—representing community standards—are more appropriate bodies for deciding whether or not mail is obscene than are administrative officials at the Post Office. In addition, as I have already mentioned, there are serious practical weaknesses in the administrative stop-order procedure. In early 1961 when we dropped the administrative stop-order approach, we announced a crack-down on obscenity in the mails.

3. DISCONTINUATION OF CRITICISM OF COURTS

The Post Office Department's previous press agency and speechmaking on the obscenity problem had included criticism of the courts for supposedly over-lenient interpretations of the obscenity law. Shortly after I took office a federal judge complained to me about this past carping at courts and insisted that it was unjustifiable. In any event, I did not consider it appropriate for a Cabinet-level department to be conducting a cold war with the courts. All criticism of the courts was discontinued by the Post Office.

POST OFFICE INVOLVEMENT BASED ON STATUTE

It should be recognized that those who do not think the Post Office should have any responsibilities in the obscenity area should take their views to Congress. Congress put the "Comstock Act" (18 U.S.C.A. § 1461) on the books and I have never heard of a bill being introduced to repeal or even tone down that law. It is settled that the federal obscenity statute punishing the use of the mails for obscene material is a proper exercise of the postal power delegated to Congress by the Constitution. In *Public Clearing House v. Coyne*, 194 U.S. 497, 506-508, the Supreme Court said:

"The constitutional principles underlying the administration of the Post Office Department were discussed in the opinion of the court in *Ex parte Jackson*, 96 U.S. 727, in which we held that the power vested in Congress to establish post offices and post roads embraced the regulation of the entire postal system of the country; that Congress might designate what might be carried in the mails and what excluded. . . . It may . . . refuse to include in its mails such printed matter or merchandise as may seem objectionable to it upon the ground of public policy. . . . For more than thirty years not only has the transmission of obscene matter been prohibited, but it has been made a crime, punishable by fine or imprisonment, for a person to deposit such matter in the mails."

Bills are introduced at every Congress to attempt to tighten up and toughen the law on postal obscenity. In 1955 Congress amended the statute "to enlarge section 1461 of Title 18, United States Code, so as to include within the prohibition of said section all matter of obscene nature, whether or not said matter had fallen within the more restricted definition contained in the statute".²

In 1958 Congress amended the statute to permit prosecution at the place of address or delivery as well as the place of mailing.³ The strength of Congressional feeling on the postal obscenity problem is indicated by the willingness of Congress thus to override the important policy considerations behind Rule 21(b) of the Federal Rules of Criminal Procedure, which was enacted to alleviate the undue hardships defendants sometimes suffer when forced to defend themselves in places far distant from their homes.⁴

Twenty obscenity laws have been enacted by Congress, starting in 1842; fifty nations have joined in the international "Agreement for the Suppression of the Circulation of Obscene Publications"; and every one of the states has an obscenity law.⁵

I see no chance whatever that in the foreseeable future Congress will repeal or substantially liberalize the postal obscenity statute. An argument can be made that the law should not attempt to penalize those who sell even sickening and depraved obscene material to adults who come seeking it out, just as an argument can be and is being made by some that homosexual acts between consenting adults should not be illegal. But even if such an argument were to be accepted it does not dispose of an important aspect—in my opinion, the most important aspect—of the postal obscenity laws. That is the "right of privacy" of postal patrons—the right to be protected from receiving, unsolicited, through the mails, offers of material

Footnotes at end of article.

that is described or promoted as obscene. That right and that protection, long recognized in the federal statute, is to me so basic that it should continue to be enforced with severe measures.

A person who sells a sex publication to one who comes looking for it is one thing. But the indiscriminate mailing to addresses taken from mailing lists of advertisements touting sensationalized sex publications is quite another. The wrong, serious enough in itself, is compounded when there is deliberate use of mailing lists containing names of children, women and others who have never shown the slightest interest in purchasing sex publications, spicy items or anything close thereto.

The *Washington Post* in a Sunday feature article entitled "Warren Finally Puts Arm on the Dirty Little Men," April 10, 1966, says "an American taking the middle road . . . is worried that profit-minded pitchmen are willing to assault the sensibilities of nice people to expand their markets. . . . Millions of Americans who are easy-going about sex nevertheless resent a pornographer's promotion. They can be shocked and they can become fearful of the morals of others, including the very young, who supposedly have still weaker defenses. Legitimate or not, the fears are real, and obscenity laws exist not so much to protect people who enjoy pornography's 'prurient appeal' as those who are offended by it."

LEGISLATION TO STOP REPEATED MAILINGS

In recent years members of Congress have shown intense concern with the problem of use of mailing lists to promote morally offensive material. In their attempts to grapple with the problem they have proposed legislation which has been opposed as "unnecessary" by the Post Office Department and as unconstitutional by the Department of Justice.

In 1963 five days of hearings were held by the House Committee on Post Office and Civil Service on bills designed to stop repeated mailings of materials which was, in the opinion of the recipient, "morally offensive." The recipient in such a case would request the Postmaster General to notify the sender not to send him any further unsolicited mail. If the sender then violated the notice he could, under some of the bills, have all his mailing permits cancelled. An amended version of this legislation provided for a court order commanding compliance with the notice and for punishment for contempt of court for failure to obey the order. A bill (H.R. 319) in the amended form passed the House in 1964 by 325 to 19.

In 1965 H.R. 980, similar to H.R. 319, was passed by the House. The changes from the first bill are described in the 1965 House report as follows:

"The differences are that H.R. 980 characterizes the mail matter as 'obscene, lewd, lascivious, indecent, filthy, or vile' rather than 'morally offensive.' Second, H.R. 980 makes provision for barring subsequent mailings of 'additional such mail' to the objecting recipient rather than barring all mail. Third, H.R. 980 affords an opportunity to a sender to have an 'appropriate hearing' before request is made of the Attorney General to apply for a court order directing compliance with the Postmaster General's notice directing the sender to refrain from sending mail to the complainant."

The House report gave the following explanation of the policy behind the bill:

"The policy embodied in H.R. 980 is preventive, rather than remedial. The bill is designed to stop repeated mailings of obscene matter before they start, not to punish such mailings after they have occurred. It rests upon the principle that 'nothing is law that is not reason.' Any proposition that the U.S. mails ever were intended for use to subject a postal patron to forced receipt

of indecencies mailed by another certainly is beyond reason, and is an unconscionable distortion of legislative and constitutional purpose.

"More specifically, this bill reaffirms the fundamental right of the individual to privacy and refuge in his home. Over 400 years ago an eminent English jurist wrote: 'The house of everyone is to him as his castle and fortress, as well for his defense against injury and violence as for his repose' and that is still sound law today. Our Constitution bars search and seizure without a warrant and guarantees each citizen the right to restrain and deny unauthorized persons from entering his home. The exercise of this basic human right to prevent the entry of harmful materials as well as persons is certainly implicit, if not explicit, in the Constitution.

"Nevertheless, the committee is convinced after an objective evaluation of all pertinent factors that but one conclusion is possible: The right of an individual to protect his home and his children from damaging moral influences must prevail, both in reason and in law, over the right of another to send morally offensive mail into that home or to those children."

The opponents of the bill argued that the sanctity and right of privacy of the home is not "invaded by the delivery of mail which can be rejected and discarded, even left unopened." To me that is similar to saying that obscene or threatening telephone calls should not be unlawful because it is not necessary to pay attention to the call or even to answer the telephone.

H.R. 980 and similar proposals are unacceptable as solutions to the problem of abuse of mailing lists because they leave the decision as to whether the material is "morally offensive" or "obscene" in the hands of the individual recipient. Private persons under these bills would be empowered to set in motion a series of governmental actions that could seriously impede the dissemination of material to the general public despite the fact the material itself was not objectionable by objective standards.

The *Ginzburg* decision gets to the heart of the problem at which H.R. 980 and similar bills are directed. For it is not the isolated, limited case of distributing or promoting questionable material by mail that is the proper subject of public concern. The real problem is wholesale, deliberate, indiscriminate exploitation of the mailing list device, such as by *Ginzburg's* mailing of over five million advertising pieces to promote items the advertisements themselves boasted a leading newspaper had called "dirty."

IT'S A CRIME TO ADVERTISE OBSCENE MATERIAL BY MAIL

For decades the postal obscenity statute has made it a crime to mail advertisements for obscene material. In the same district and circuit in which *Ginzburg* was tried and convicted, it was held in 1956 that it was a crime to mail advertisements for obscene material even though the material actually sent in response to orders resulting from the advertisement was not obscene. In *United States v. Hornick*, 229 F. 2d 120 (1956), affirming 131 F. Supp. 603 (E.D. Pa.), the Court of Appeals for the Third Circuit said:

"It is to be noted that the counts on which the trial judge found the defendants guilty are not those charging the mailing of obscene matter but for mailing advertisements and a notice giving information where and how obscene matter could be obtained. This is one of the matters included in section 1461 above cited.

"That section declares certain matter non-mailable and provides punishment for one who knowingly deposits for mailing matter declared by the section to be non-mailable. The fourth paragraph of the section declares non-mailable '[e]very written or printed card . . . advertisement, or notice of any kind

giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained"

"It will be seen that advertising or giving information about any of these non-mailable things, if done by mail, is made a crime in the same fashion as the use of the mails to send any of the prohibited articles.

Did the defendants use the mails for such advertising? The court has made findings of fact which are not disputed. They show the nature of the advertisements which the defendants made.

"We have no doubt that the whole tone of both of these advertisements gives the leer that promises the customer some obscene pictures. Indeed, it has been held that under this section the announcement itself is not required on its face to promise obscene material if that is its purpose. But here the represented nature of what the customer is to receive is, we think, too clear for argument.

"When the case was presented to the court a great deal of the discussion by counsel on each side had to do with whether the specimens of nude or nearly nude 'art' fell within the description of obscenity. We do not think that matters. As the Seventh Circuit said in *De Gignac v. United States*, 1902, 113 F. 197, 201, certiorari denied 1902, 186 U.S. 482, 22 S. Ct. 941, 46 L. Ed. 1266: 'The offense here denounced is the giving of information by mail where obscene matter may be obtained. Any communication by mail which does this is actionable. The gist of the offense is the giving of the information by mail. It is not necessary to aver ownership or possession of the obscene matter.'

"As we have already said, information as to where such obscene matter can be obtained shouts loudly from the words used by the advertising of the defendants. We do not think it is necessary that representations made in these advertisements be true. The statute says 'advertisement . . . giving information.' The statute does not say that the advertisement must be true or that the information must be accurate. What is forbidden is advertising this kind of stuff by means of the United States mails. We think that the offense of using the mails to give information for obtaining obscene matter is committed even though what is sent in response to the advertisement to the gullible purchasers is as innocent as a *Currier and Ives* print or a *Turner* landscape. [Emphasis is added.]

"It is not, therefore, necessary for us to determine whether these pictures were obscene. The defendants did purport to give information as to where obscene matter could be obtained. That is enough to make them guilty under the statute."

In *United States v. Perkins*, 236 F. 2d 150 (1961), the Sixth Circuit followed this same rule, saying:

"Upon the trial, and over defendant's objection, the 'catalogues' obtained from the defendant at the time of his arrest were admitted in evidence. The defendant claims that the admission of this material into evidence was reversible error in that the material was not proof of the fact that obscene material would, in fact, have been sent to a person ordering it from one of the concerns on defendant's list. He contends that the admission of this evidence allowed hearsay evidence to be used to prove that the materials which would have been sent would have been obscene. However, it was not necessary that the Government establish that material which would have been supplied in response to orders solicited by the defendant's advertising circulars would, in fact, have been obscene. *United States v. Hornick*, 3 Cir., 1956, 229 F. 2d 120, 122."

There has been favorable comment on the *Hornick* holding.⁸ Others have been critical of the *Hornick* decision.⁹ The Post Office Department has given public notice of its support of the *Hornick* rule.¹⁰

Footnotes at end of article.

Serious enterprises in the direct mail business have long been on the alert to try to police abuses of mailing list advertising by smut peddlers. When Ginzburg got under way with his advertising campaign, the Direct Mail Advertising Association of America, of which Ginzburg was a member, complained to the Post Office Department, the District Attorney of New York County and the Attorney General of New York. The D.M.A.A. requested the assistant publisher of Ginzburg's magazine, *Eros*, to appear before its board of governors. Thereupon Ginzburg resigned his D.M.A.A. membership. This was all before the criminal prosecution against him had begun.¹¹

HORNICK RULE PROVIDED AMPLE WARNING

I strongly favor the *Hornick* rule as providing the protection I feel the statute attempts to give and the public is entitled to have against receipt in the mail of advertisements for material held out as being obscene. But regardless of whether one agrees with the holding in *Hornick*, it was still very much on the books in the Third Circuit in 1962. Anyone who in that year made a brazen decision to go to the limit of the law in making mass mailings of dubious advertisements should certainly have had *Hornick* and *Perkins* very much in mind. Since these cases were in the reports, giving their warning in the clearest language, it will hardly do to say that one who ignored these decisions—blatantly, brazenly, on a wholesale scale—had no way of knowing that when he did so, in a postal obscenity case, the circumstances of promotion and advertising of the material would be considered a pertinent item.

This is particularly true when the exact pattern of signaling in the advertisement that smut was forthcoming was followed as that in *Hornick*. In that case the advertisements said: "These cards cannot be sent through the mail—so this should give you an idea of their nature and of what we are talking about." In other words, the material is such that the Post Office would consider it unmailable. In the *Ginzburg* case the advertising promised a refund if the material failed to arrive "because of United States Post Office censorship interference."

The Supreme Court in *Ginzburg* actually took a milder view than the *Hornick* rule. Under *Hornick* a conviction could be upheld without either the advertisement or the material advertised being in fact obscene—provided the advertising indicated the material being advertised was obscene. In *Ginzburg* the Court's majority held that the convictions on the counts for mailing the advertising could be sustained only if the material advertised was obscene—but that the circumstances of advertising and promotion was a pertinent factor in determining whether the material advertised was obscene.

Thus, in *Ginzburg* the Court, by putting emphasis on the pandering of the material, adopted the commendable result of *Hornick* and came around to the view expressed by Chief Justice Warren in 1957 in his concurring opinion in *Roth v. United States*, 354 U.S. 476, 494. There the Chief Justice said:

"It is not the book that is on trial; it is a person. The conduct of the defendant is the central issue, not the obscenity of a book or picture. The nature of the materials is, of course, relevant as an attribute of the defendant's conduct, but the materials are thus placed in context from which they draw color and character. A wholly different result might be reached in a different setting."

"The defendants in both these cases were engaged in the business of purveying textual or graphic matter openly advertised to appeal to the erotic interest of their customers."

Prior to *Ginzburg*, other decisions had provided ample warning that the question

of pandering was relevant to the obscenity issue.¹²

In *United States v. Rebhuhn*, 109 F.2d 512, 514-515 (2d Cir. 1940), Judge Learned Hand said:

"[T]he works themselves had a place, though a limited one, in anthropology and in psychotherapy. They might also have been lawfully sold to laymen who wished seriously to study the sexual practices of savage or barbarous peoples, or sexual aberrations; in other words most of them were not obscene per se. In several decisions we have held that the statute does not in all circumstances forbid the dissemination of such publications. . . . However, in the case at bar, the prosecution succeeded . . . when it showed that the defendants had indiscriminately flooded the mails with advertisements, plainly designed merely to catch the prurient, though under the guise of distributing works of scientific or literary merit. We do not mean that the distributor of such works is charged with a duty to insure that they shall reach only proper hands, nor need we say what care he must use, for these defendants exceeded any possible limits; the circulars were not more than appeals to the salaciously disposed, and no [fact finder] could have failed to pierce the fragile screen, set up to cover that purpose."

In *Kahn v. United States*, 300 F.2d 78 (5th Cir. 1962), an extract from *Peyton Place*, merchandized with comparable extracts from other books, was held obscene, although "[h]ad the appellant undertaken to send through the mail the book *Peyton Place* a different problem would be presented. . . ." In the same opinion the court said at pages 86-87: "The circumstances surrounding the establishment and the conduct of appellant's mail order business was [sic] sufficient to show not only that he knew the contents of the mailed material but he knew that he was engaged in the business of pandering to a taste for obscenity."

OTHER CASES

Grove Press v. Christenberry, 175 F. Supp. 488 (S.D. N.Y. 1959), affirmed, 276 F.2d 433 (2d Cir. 1960), involved an action to restrain enforcement of a decision of the Post Office Department that the unexpurgated edition of *Lady Chatterley's Lover* and circulars announcing its availability were non-mailable under the statute barring obscene matter from the mails.

In an advertisement for *EROS* widely mailed in January, 1962, the following appeared:

"*EROS* has been born as a result of the recent series of court decisions that have realistically interpreted America's obscenity laws. . . . We refer to the decisions which have enabled the publication of such heretofore suppressed literary masterworks as *Lady Chatterley's Lover*."

The *Grove Press* case, however, far from providing license for indiscriminate mailing list promotion of sex publications, made clear that the methods of promotion and distribution were a key factor in determining the obscenity issue in a post office case. The opinion by Judge Frederick van Pelt Bryan in the district court included the following at 175 F. Supp. 496-497:

"No one is naive enough to think that *Grove Press* did not expect to profit from the book. Nevertheless the format and composition of the volume, the advertising and promotional material and the whole approach to publication, treat the book as a serious work of literature. The book is distributed through leading bookstores throughout the country. There has been no attempt by the publisher to appeal to prurience or the prurient minded."

"The *Grove* edition has a preface by Archibald MacLeish, former Librarian of Congress, Pulitzer Prize winner, and one of this country's most distinguished poets and literary

figures, giving his appraisal of the novel. There follows an introduction by Mark Schorer, Professor of English Literature at the University of California, a leading scholar of D. H. Lawrence and his work. The introduction is a critique of the novel against the background of Lawrence's life, work and philosophy. At the end of the novel there is a bibliographical note as to the circumstances under which it was written and first published. Thus, the novel is placed in a setting which emphasizes its literary qualities and its place as a significant work of a major English novelist."

"Readers' Subscription has handled the book in the same vein. The relatively small number of Readers' Subscription subscribers is composed largely of people in academic, literary and scholarly fields. Its list of books includes works of high literary merit, including books by and about D. H. Lawrence."

"There is nothing of 'the leer of the sensualist' in the promotion or methods of distribution of this book. There is no suggestion of any attempt to pander to the lewd and lascivious minded for profit. The facts are all to the contrary." [Emphasis added.]

The Court of Appeals for the Third Circuit in *Ginzburg*, 338 F.2d at 14-15, highlighted the distinction between that case and *Grove Press* as follows:

"We are not dealing with a novel by a well known novelist, written as and for a work of fiction with a firm base of opposition to well defined then existing social conditions, which was held mailable because its . . . predominant appeal . . . [was] demonstrably not to 'prurient interest'." *Grove Press v. Christenberry*, 276 F.2d 433, 437 (2d Cir. 1960).

"What confronts us is a sui generis operation on the part of experts in the shoddy business of pandering to and exploiting for money one of the great weaknesses of human being. Appellants' fundamental objective obviously was and is to, more or less openly, force their invitations to obscenity upon the American public through the United States mails. They did this in reliance on their own ill conceived theory that all barriers to obscenity have in effect been removed. They were not concerned with trying to circulate authentic artistic efforts that may incidentally have four letter words or nudity or sex as an integral part of a work, whatever art form it may be. *Eros* was declared as avowedly concerned with one thing, what in the prospectus is described as 'erotica' and which, it is stated, has been enabled to be published 'by recent court decisions.' [Emphasis supplied.]

It is worthy of note that in *Grove Press* the district court pointed out (175 F. Supp. at 502) that there had been unanimous acceptance of *Lady Chatterley's Lover* by the press. The court said:

"The record . . . indicates general acceptance of the book throughout the country and nothing was shown to the contrary. The critics were unanimous. Editorial comment by leading journals of opinion welcomed the publication and decried any attempts to ban it."

"It is true that the editorial comment was excluded by the Judicial Officer at the hearing. But it seems to me that this was error. These expressions were relevant and material on the question of whether the book exceeded the limits of freedom of expression in matters involving sex and sex relations tolerated by the community at large in these times."

"The contemporary standards of the community and the limits of its tolerance cannot be measured or ascertained accurately. There is no poll available to determine such questions. Surely expressions by leading newspapers with circulations of millions, are some evidence at least as to what the limits of tolerance by present day community

Footnotes at end of article.

standards are, if we must embark upon a journey of exploration into such uncharted territory."

However, in *Ginzburg* there was not only much violently critical press comment, but the mailed advertising for the book pointedly quoted this press comment, thereby exploiting these third-party testimonials that the publications were highly questionable. These quotations, in addition to those already given, included the following (along with some quotations from favorable press comments):

"Lurid—blatant—brazen. It's real motive is to titillate sex curiosity."

"We feel sick over *EROS*—It is noxious—[It] deserves strong public protest.—[It is] a disgrace to the whole field of magazine publication."

"Another flood is upon us, a flood of pornography from *EROS*.—We do not need hydrogen bombs to destroy us. [*EROS*] will do the job."

It has long been settled that it is not necessary for a conviction under the postal obscenity statute that the defendant must have had a specific intent to mail what he knew and believed to be obscene material.¹⁴

POST OFFICE CAN LIVE WITH PANDERING TEST

The pandering test is a practical substitute for the *Hornick* rule in enabling the Post Office, in fulfilling its thankless responsibilities under Section 1461, to concentrate on cases where the access of the mails into the privacy of the household is being abused for indiscriminate promotion of what is or is held out to be smut. Such a continued and wholesale assault on the general public through use of mailing lists to advertise smut is an offense the public is entitled to be protected against. It is an offense that can only be effectively dealt with by criminal prosecution and not by the discarded "advance censorship" method of Post Office administrative action or by the "private person determination" method contemplated by H.R. 980 and similar bills.

FOOTNOTES

- ¹ 224 F. Supp. 129 at 136.
- ² S. Rep. No. 113 to accompany S. 600, 84th Cong. 1st Sess. (1955); 1955 U.S. Code Cong. & Ad. News 221C.
- ³ S. Rep. No. 1839, 85th Cong., 2d Sess. (1958) and Conf. Rep. No. 2624, 85th Cong., 2d Sess. to accompany H.R. 6239 (1958).
- ⁴ See *United States v. Lueros*, 243 F. Supp. 160, 176 (N.D. Iowa, 1965).
- ⁵ See *Roth v. United States*, 354 U.S. 476 at 485 (1957).
- ⁶ H. Rep. No. 1506, 88th Cong., 2d Sess. to accompany H.R. 319 (1964); H. Rep. 219, 89th Cong., 1st Sess. to accompany H.R. 980 (1965).
- ⁷ H. Rep. No. 219, 89th Cong. 1st Sess. 26 (1965).
- ⁸ *United States v. Frew*, 187 F. Supp. 500 (E.D. Mich. 1960).
- ⁹ *Poss v. Christenberry*, 179 F. Supp. 411 (S.D. N.Y. 1959); opinion of Justices Harlan and Stewart in *Manual Enterprises v. Day*, 370 U.S. 478 (1962).
- ¹⁰ Cf. 1962 ANNUAL REPORT OF THE POSTMASTER GENERAL 110.
- ¹¹ Reporter of Direct Mail Advertising, May, 1966, page 68; *Hearings Before the House Committee on Post Office and Civil Service on H.R. 142, H.R. 319 and Similar Bills*, 88th Cong., 1st Sess. 148 (1963).
- ¹² In addition to the cases discussed following in the text, see *United States v. One Book Entitled "Ulysses"*, 5 F. Supp. 182 (S.D. N.Y. 1933), *aff'd* 72 F. 2d 705 (2d Cir. 1934); *Hanson v. United States*, 157 Fed. 749 (7th Cir. 1907).
- ¹³ Cf. *Halsey v. New York Society for Suppression of Vice*, 234 N.Y. 1, 136 N.E. 219 (1922).

Footnotes at end of article.

¹⁴ *Rosen v. United States*, 161 U.S. 29 (1896); *Kahm v. United States*, 300 F. 2d 78 (1962).

BROOKLYN-BORN LASER REFLECTOR

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. ROONEY of New York. Mr. Speaker, one of the experiments carried out by our astronauts while on the moon entailed the planting of a reflector off which laser beams transmitted from earth were to be bounced. The objective of this experiment was to correctly measure the distance between earth and the moon and to discover variations in the earth's axis and continent shifting, if any. Mr. Joseph H. Schmalacker of the Brooklyn Borough president's office called to my attention the fact that this was a beam reflector that grew in Brooklyn.

Under the permission heretofore unanimously granted, and by request, I include with these remarks two articles describing the experiment and the equipment made for it in Brooklyn:

[From the Washington Star, Aug. 2, 1969]

BULLS-EYE ON MOON: LASER BEAMS HIT REFLECTOR

SAN JOSE, Calif. (AP).—Laser light beams are being bounced off the reflector left on the moon by the Apollo 11 astronauts as scientists sharpen their fix on it for what they hope will be 10 years of experiments in lunar physics.

After 12 days of failure, scientists at Lick Observatory bounced a light beam from their 120-inch telescope to the reflector and back yesterday.

About 500 pulses of red light 100,000 times brighter than the sun's rays were subsequently fired at 30-second intervals to confirm sighting of the reflector.

The rays bounced back to the 4,000-foot mountaintop observatory in 2.5 seconds each.

Several more days are expected to be devoted to homing in precisely on the 18-inch-square reflector before the start of experiments that may last a decade.

Scientists at several observatories hope to use laser beams reflected by the device to measure the distance from the earth to the moon within six inches of accuracy, observe the slight wobble of the earth on its axis, and determining whether the earth's continents are shifting and, if so, in what direction.

The principal task for the Lick telescope, second largest in the world, was to locate the 60-pound reflector.

Continued observation will be the responsibility of McDonald Observatory in west Texas, where scientists using a 107-inch telescope also had been attempting to locate the reflector.

[From the New York Sunday News, June 29, 1969]

FIRM CORNERS MART WITH ITS MOONBEAM (By Sylvia Carter)

When Apollo Astronauts step on the moon next month, they'll be carrying a bundle from Brooklyn.

But it will be corny.

The bundle is one of three instrument packages the moon explorers will leave behind. In one of the packages—the Brooklyn

bundle—will be corner cubes—special prisms used to track the earth's wobble on its axis.

In case you're cornered by the meaning of corner cubes they're a kind of prism.

These 100 "Brooklyn-made" objects make up one of the three instrument packages astronauts will deposit on the moon.

The corner cubes—special prisms made by the Bostox-Beel Co., 87-95 Richardson St. in the Greenpoint section—are one of three instrument packages that moon-explorers will leave behind on their visit.

Bostox-Beel has supplied 100 of the gadgets, to be used for the Laser Ranging Metro-Reflector experiment.

The test will determine the extent of the earth's wobble on its axis. In addition, the corner cubes will reflect laser beams to earth about the shape and orbit of the moon and earth, and reveal secrets about gravity.

The Laser Ranging Metro-Reflector experiment will tell earth beings about the shape and orbit of the moon and the earth, expose some secrets about gravity, determine the earth's wobble on its axis, test the principles of Einstein's theory of relativity, and may determine if the continents are drifting apart.

ACCURACY

Laser beams will be reflected by the little prism with incredible accuracy.

This is the basis for the scientific experiments.

But it all started when researchers in the Bostox-Beel plant started experimenting.

SMALL TOWN

The plant—which is beginning an expansion of physical space and from a staff of 150 to about 600—is surrounded by quiet streets, low buildings. It is a flat, red brick building. The nearby stores are small town enough to be on the streets of a Midwestern town.

But walk inside Bostox-Beel, inside the small and unpretentious workroom of Wolf Jacobi, a German-born Long Islander who is the engineer for the Apollo project.

There, in miniature, Jacobi can show you how the laser—the "straightest line that men have been able to make"—works.

The corner cube seems to be just a piece of glass with three mirrors at 90 degree angles, mounted together in a special arrangement.

STRAIGHT BACK

When it catches the laser beam of light, it throws it back with super speed and efficiency. In the experiments the beam will be picked up by radar, Jacobi explains, between calm puffs on his pipe.

Though experiment centers will be set up in other countries, the lasers will at first be reflected back to Hawaii, Washington, D.C., and California.

What comes back will be fed into computers for measurement and evaluation.

And, Jacobi points out, the laser beams will be used as "a navigational guideline for the next moon shots."

GUIDELINES

The work that Bostox-Beel is doing could turn out to be a sort of navigational guideline for Brooklyn, too, greatly increasing its importance as a scientific community.

Though only about a third of the company's present employees are from the immediate area, Brooklyn was chosen as the company site because it is an ideal "brain" community, President Robert B. Been says.

There are about 30 trainees from the community now, says Been, and more prospects are being sought. The main requirement: dexterity.

This industry, "built on brains," could create the kind of scientific community found in Waltham, Mass., and Palo Alto, Calif., another company spokesman says.

The company also makes prisms for 95% of the color television cameras in operation, and has been involved in satellite projects for about five years.

SUCCESS OR FAILURE—NEIGHBORHOOD DEVELOPMENT PROGRAMS: PART II

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. BUTTON. Mr. Speaker, last Friday I introduced H.R. 13271, which is intended to protect substantial Federal noncash credits to be used toward a pending neighborhood development program—NDP—application submitted by the city of Schenectady, N.Y. I have spent considerable time before and since the introduction of this bill in closely studying the multitude of problems related to possible loss of these noncash credits by Schenectady and at least 44 other cities across the country. These cities, Mr. Speaker, are represented by Democratic and Republican Members; they reflect all manner of economic, social, and political life, and they range geographically from Schenectady to Napa, Calif. from Minneapolis to Fort Walton Beach, Fla. However, Mr. Speaker, all these cities have many things in common; slum or deteriorating housing and lack of job opportunities, for instance, on the one hand, and on the other, citizens who seek a better way of life, better jobs, more opportunity, and a clean and decent place to live. These cities also want to do something about their problems, as evidenced by their processing of NDP applications. They also all face loss of generated noncash credits, not because their applications are necessarily amiss, as I indicated Friday, August 1, when introducing H.R. 13271, but because a freeze has been placed on all NDP final approvals since April 30, of this year by the Department of Housing and Urban Development. This would be a severe loss, not only a dollar loss, but a loss in faith, a loss in faith by millions of Americans, residents of target areas covered by these applications, in the credibility and, indeed, the willingness of the executive branch and the Congress to meet their obligations "to improve the quality of life for all Americans."

We have committed ourselves to that proposition, Mr. Speaker, yet here today, in the summer of 1969, after experiencing unrest and turmoil in our cities over the past several years, we have 45 communities in this country, and possibly more, that are not sure where they stand with HUD in the processing of their NDP applications. I am greatly disturbed by this situation, Mr. Speaker, and I believe such a situation can only counteract the numerous positive and productive facets of our total urban society. Because of this, I feel a need to comment on the roots of turmoil in our cities.

There is such evidence of ferment, such evidence of frustration, and such an overwhelming surge of unproductive energy in our cities, that those of us who can, must make the effort to understand these roots of disruption and therein find the way to rectify the city's ill.

People have piled into cities in this

transient age. Rather than easing their way into new homes, new jobs, and new lives, they have pressed onward with a sense of urgency. We saw what happened to the uprooted poor of Appalachia attempting to find new lives in Chicago. We saw what happened to the black man in Watts when the living situation to him became oppressive and consequently unbearable. How much longer must we see inadequate housing and poor living conditions subtract from the total of a man's livelihood and his desire to produce?

As I recently thought about the things that trouble man in Schenectady and residents of the other 44 NDP applicant cities across the country, I remembered a most interesting and intuitive commentary made not so long ago by the opinion research firm of John F. Kraft, Inc., As I am sure many of my colleagues are aware, John Kraft is chiefly a private and confidential poll taker and opinion analyst.

But, many of you may not know that for a number of years Mr. Kraft has simultaneously conducted public opinion surveys seeking to find out why people stick or do not stick with jobs, why people participate or do not participate in organizations or activities, and what people think about their communities and their Government—in such areas as Watts, Baltimore, and Chicago. In this realm, he conducted a particularly pertinent and innovative study on life in Harlem. Mr. Kraft's report, entitled "A Survey of Attitudes of Harlem Residents Toward Housing, Rehabilitation, and Urban Renewal," is significant not only for its findings, but for the way in which it was conducted. It worked from the inside out, using specially trained Harlem residents to interview other Harlem residents. Through utilization of this technique and others, the Kraft report discovered what Harlem people want in their own terms, not in terms of what we think they want or need or what we might want them to need in terms of our own values.

As I reread the Kraft report when confronted with the NDP situation in Schenectady, I found renewed significance in its findings. I considered the relation between the situation described in the Harlem report to other New York areas and to other cities throughout the Nation.

Citation after citation in the Kraft report indicated domestic unrest stemming from a No. 1 problem of proper—or in most cases, improper—housing. For example, more than one-fourth of the people interviewed in Harlem could not think of one reason why they liked living where they did. It is also interesting that the Harlem residents saw problems such as dope addiction, crime, alcoholism, and the rest, as byproducts of the basic overriding problems of housing.

Mr. Speaker, the Kraft report stated that while some Harlem residents seem to appreciate the convenience of their neighborhood, an appreciable number of people can not think of any asset. Most people say they would welcome the idea of the "city moving in" and improving upon their current living situation. Most

people, ideally, believe that they should be moved to a "decent place" and without undue expense. There is little desire by the residents to stay in Harlem as long as it is what it is.

I request, Mr. Speaker, that the Kraft survey of Harlem residents be inserted in the RECORD for thoughtful consideration by my colleagues for application to the continuing problems in our American cities.

The Kraft approach of going to the people in the communities and using a scientific process that does not inhibit response, seems to me to be the most genuine way to discover the roots of our problems. We so often seem to conduct studies from the outside looking in, based on our own judgments. From these we produce the answers which may work for us, but not always for the people to be affected. And, then we wonder why we have failed—since we conducted study after study.

I submit this report because it is not only applicable to the housing situation in one city, but applicable to the approaches we could and should be taking in all phases of city planning—in learning more about jobs, the Jobs Corps, the model cities program, the VISTA volunteer program, and many other related activities.

It is only through an understanding of the roots of the problems—from the persons the problems most affect—that we can begin to combat what mismanagement there may be in the cities and learn whether we are misdirecting our energies. Thus, we can pave the proper and preventative path so that cities will not add to the turmoil of our times, but enhance the composite structure of this Nation.

I also request, Mr. Speaker, that the listing of cities referred to earlier having NDP applications pending before HUD with noncash local grants-in-aid credit items, which have expired or will expire by September 15, be inserted in the RECORD for special consideration by my colleagues who serve as members of the Banking and Currency Committee so when they next meet they might develop remedial legislation designed to correct the administrative problem resulting from those cities changing over from renewal to neighborhood development programs.

The material follows:

SURVEY OF ATTITUDE OF HARLEM RESIDENTS TOWARDS HOUSING, REHABILITATION, AND URBAN RENEWAL

FOREWORD

This is the summary report of a study which was undertaken with a representative cross-section of residents of Harlem.

The purpose of the research

The over-all purpose of the research was to determine the attitudes of Negro and Puerto Rican residents of Harlem and East Harlem toward housing, housing rehabilitation, and urban renewal.

To serve this purpose, but also to answer some quite specific questions, it was decided that it would be necessary to question people in such subject areas as these:

What are the major problems they feel face themselves and their neighbors, in terms of the City, Harlem itself, and the block on which they live?

How do they feel about where they live,

as far as its being a decent place to live is concerned? Do they like the apartment, the building, and the block—and why?

If housing is inadequate or bad, whose fault is it, and who should do something, if anything, about it?

How do they feel about Harlem as a place to live. Would they wish to be elsewhere, or are roots pretty deep?

How would they react to renewal or rehabilitation, and the possible consequence of having to move?

And what are they like? In other words, what is their economic and occupation status, how large are the families, how mobile have they been in the past?

The list of question-areas is intended only to suggest some of the kinds of questions which were asked. The actual questionnaire schedule appears in the Appendix of the report.

The approach

The survey methodology is described in detail in the Appendix of the report, however it is important to establish at the outset that the interviewing procedure was of special significance. Normal survey procedure of research firms automatically involve reliance on professional interviewers—people who work at their occupation full-time and year round.

A different procedure was followed in the conducting of this survey. First, of course, it would have been a problem to locate enough trained professional interviewers who were either Negro or Puerto Rican.

On subjects of a more bland nature ("what cigarette do you smoke?") it is entirely sensible to have whites interview Negroes, or Puerto Ricans interview whites, or whatever. But the subject matter of this survey was certainly more delicate and more complex. An interviewer with something less than exactly the "right" appearance could be from "the Welfare", from some other City Department, from some other doubtful source.

For reasons like these, it was decided to locate, hire, and train residents of the area to do the interviewing in the belief that a respondent living at 119th Street and Lenox Avenue, for example, would "unload" more freely to an interviewer from 121st and Madison; and, in turn, the interviewer might more readily understand and communicate with a respondent from his or her own neighborhood, or near-neighborhood.

It should be pointed out that this was not by any means an untested approach. In the broadest sense, it is what any research firm accomplishes when it hires an Elmira interviewer to conduct interviews in that city. But more specifically, the peer-group approach was thoroughly tested in a survey which was conducted shortly after the Watts riots of a year ago, and found to work and most effectively.

INTRODUCTION TO THE ANALYSIS

The analysis which follows will fall into these several sections:

A picture or "profile" of the residents of Harlem who were interviewed.

A presentation of some of the actual language used by the people who were interviewed as they expressed themselves on the several topics which were discussed.

A discussion of respondents' attitudes regarding the problems they see facing New York, Harlem, and their own block.

A more focused analysis of attitudes toward rehabilitation, renewal, and moving.

A summing up.

And the Appendix of tabulations and methodology.

However, in anticipation of this analysis, these summing-up statements should be borne in mind:

Harlem residents are new to the city—less than one out of six were born in the city; and they are very transient—only half have

lived where they are now living for as long as five years.

They came, probably, with high expectations, and they've got a lot of frustrations. One of them is on unemployment.

But the two biggest problems are "housing" and such crimes or near-crimes as dope addiction and juvenile delinquency.

The residents like their block, to a degree, and their neighborhood to a greater degree for reasons of convenience, shopping, and education opportunities.

But they'd be willing to move, and they welcome the idea of the City (or someone) doing something about housing, and other pressing problems, like, for example, getting more protection from the police.

But there is some fear that the "government" will move suddenly and unkindly. That is, order people out precipitously, not taking into consideration the costs of moving, not making provision for moving back, or failing to help a person relocate comfortably.

All in all, if a lot of fears can be put to rest, a lot of understanding and even enthusiasm can be built up for rehabilitation and renewal.

A PROFILE OF HARLEM

It has been said that about one out of five people move, for one reason or another, every couple of years. This is probably true, and there are certainly great variations from one section of the country to another, or from one group of people to another. Certainly Harlem residents help raise the over-all percentages, for nearly half of the people living in Harlem right now haven't been in their present homes for as long as five years. Puerto Ricans appear to be a little more of a "transient" group, but then the influx was not really underway until five or ten years ago.

This suggestion is borne out by the discovery that only 19% of the Negroes and 10% of the Puerto Ricans said they were born in New York.

In any case, there is an impressive degree of "impermanence," and this would lead one to infer that for many people roots might not be very deep.

There are other considerations. On the surface it might appear that Harlem residents have some degree of comfort, at least in terms of numbers of rooms.

Forty-three percent of the respondents live in five or more rooms and seventy-three percent are in four rooms or more. However, this may suggest an overly rosy picture, since almost one-third of the housing in question was classified as "dilapidated."

On the other hand, one-quarter of all the residents of Harlem reported paying \$80 a month or more for housing, and twenty-two percent of those in dilapidated buildings pay \$80 or more. Such rentals, and apartment sizes, can present particular problems to people with larger families and forty-two percent of the families had four members or more.

But the whole problem can become more complicated when the ages of the residents are considered—whether there are children, or "Senior Citizens" present.

Residents of both "new" housing (8 percent) and "dilapidated" housing (32 percent) have larger households than those who live in buildings that fall somewhere in between. But those who live in "dilapidated" housing are significantly less well-off than those in newer housing. Thirty percent of those living in "dilapidated" housing are unemployed, as against 23 percent of those who live in newer housing. In addition fifty percent of those living in "dilapidated" housing have a household income of less than \$75 per week.

And, unless one is conditioned to such figures, it is appalling to learn that one-fifth of the people now living in "dilapidated" housing never got beyond the third grade.

The emphasis of this report is on housing, but housing should not be considered in a vacuum. As has been pointed out above, the problems of housing do not exist alone but alongside such other problems as low education levels, low income levels, and high unemployment rates. And each problem contributes to and complicates the other.

Again, however, the purpose of this section of the report is to provide a rough picture of the Harlem which is being discussed. To this point, it seems to add up to this kind of definition:

A transient people
People new to the area
Who while they seem to have a lot of space (rooms)
Also pay pretty good rents
Which is a problem complicated by the number of children and older folks in the homes
But most complicated by the high level of unemployment, and the low weekly income.

It's been assumed that many residents of Harlem don't like their present situation, and that they might be prepared to consider a change. But before getting to specific measures of their attitude regarding housing, and other problems, it's useful to get something of a flavor of the language and the way they talk.

VOICES OF HARLEM

The preceding section of this report served to present a rough profile of the kinds of people who were the subjects of this survey. Before turning to the hard statistics which the research has produced, it will be useful to adopt a kind of "Vox Populi" approach, in which an attempt is made to show how people put their thoughts together, whether they are talking about "City" problems or "block" problems, or problems of education, or anything else.

To be specific, these interviews with Harlem residents, by their peers, for the most part resulted in dialogues in which respondents not only offered a simple "yes" or a "no", but also went into the business of developing reasons for judgments and opinions.

For example, here are some comments of a 66-year-old Negro woman who works in a laundry. She objected to:

"Hoodlums in the Street and the people breaking into your apartment. I just bought a new radio in November, and they stole that. I am not a young lady, to go out and buy more. But the biggest problem is to go out for a walk. You don't know when your apartment is going to be robbed."

"And the dope addicts. And the wine heads. They sit down all over the stoop. If you want to go out, you have to squeeze out. If you want to come in, you have to squeeze in."

"And the wine bottles all over the street! It's noisy, too. On the roof, they jump up and down. The ceiling is coming down."

"And that old current. They need to put in a new current because it just doesn't work."

"But just give me a room somewhere. Anywhere but here."

The lady has a long list of complaints, and mostly she seems concerned with safety. She doesn't like winos or "wine heads", but it seems to be because she doesn't like the inconvenience they present, or the threat to her safety, rather than to her sensibilities.

In terms of years, and perhaps perspective, the attitudes of a young, new resident of Harlem might be expected to provide a contrast:

"The problem? Housing and too many slums. I just moved here from Monroe, Louisiana. You can't talk or say much here. Like the police are going to be with the people who pay them graft, right?"

"The dope addicts. The wines. People sleeping in hallways and on roofs. And people

getting robbed in hallways and on roofs. And people being nosy, minding everyone else's business but their own.

"Talk about population. Talk about overcrowding. Too damn many people.

"I like the roof because you can see all over the City. You don't get too much steam. You just touch those walls and think about maybe they'll fall down.

"But when it rains? You have to put buckets to catch water, and it's just too many roaches and rats. You know, sometimes we have to put cardboard up in the window."

And then he summed it all up, in his own terms, this way:

"I'm tired of seeing the same faces. I want to see new people. In Louisiana, I used to."

This young man also has a long list of complaints. To him, expectations don't seem to have lived up to reality, perhaps. But his biggest complaint seems to have to do with poor housing. Talking in some of the same terms, and using some of the same language was a 46-year-old Negro woman with:

"Rent, and too much rent. This kind of rent hurts the poor people who can't afford it. And there's that crime. Scared to walk the street. Dope addicts. Scared to walk through the apartment at night.

"I'd like any city project. More decent, and the doors locked, at night. It's more safer. Drinkers!

"They influence the kids for the bad. They do a lot of cursing, and the small kids pick up these curse words. But lower the rent, and see how fast the problems are fixed. Give me a nice place to stay."

To her, rents are high, they hurt young people, and the whole idea of drinking seems to be associated, in her mind, with poor housing. A thirty-year-old woman talked this way:

"Problem? Poor housing. People live in rat holes. These houses aren't safe, and they need guards. We're not protected. We can't find the Police Department when we need them. Need more protection.

"Never can find the police in a crisis. Drug addicts! Winos! The terrific concentration influences the kids. They lay on the stoops and stairs. Them, and rats and roaches. Just corroded with them. Landlord don't fix things, ceilings fall in.

"No sir, no mice, but real big rats. Can't put in decent furniture.

"Do what? Tear this down. I live here, and I say tear it down. All these old buildings—destroy them. They're all so dilapidated they're not fit to live in."

To this woman there seems to be at least two major problems. One is the fact that there is inadequate police protection. The other is that her rat's nest could be improved upon by moving to another residence.

A loquacious, and perhaps somewhat long-winded 65-year-old woman had these things to say:

"These damn niggers getting too much for their needs. They just ain't ready. Too many of our black children going to Vietnam. They ought to let them Chinese come on over here and ravish this country. They worry about getting rid of all of these half-wit niggers, off welfare, these people are tough. Everything is wrong up here. These niggers is crazy. Them damn dope addicts and muggers snatching your pocketbook. I see the teenagers selling dope on the street.

"I would like to move to 163rd Street and Amsterdam Avenue. Cause I'm an out-patient at Medical Center. And my Aunt takes the 8th Avenue "A" train and it's very convenient for both of us. Hell no! I don't like the project. I put in for the project and they told me I have to get rid of my big dog and two cats. So, the hell with them. Crawling over dope addicts trying to get in and out of your house! Them dope addicts has just took over. The wino is just as bad. Teen-age

pushers in the block. Investigate them police! They are never in this block. We need one here. When you call them, they tell you they can't come across the street. The worst things in this block is these addicts and teen-age pushers and winos. Them welfare people lay around and look pitiful for the next two weeks. The people down under me here in that apartment that raises hell all night. The man upstairs coming down to your window and peeping in my window. The landlord won't paint or fix anything. The landlord, but he's money-hungry. He's cut up two apartments in here already and put people on the welfare in them little two rooms and charge \$90 a month. Them mothers need to do something. They ought to cut out the welfare altogether. They ought to make him pay back some of that money. What the hell. We need help!"

In the tabulations which follow it will be shown that there is much concern about crime, dope addiction and so on. But the usefulness of verbatim quotations like the above, and those which follow, lies in presenting a rounded picture of attitudes in the sense that complaints about dope addicts are often a by-product of poor housing, as are complaints about burglary often a by-product of the same basic problem.

This 22-year-old Puerto Rican woman, who lives in a project, touched on many of these aspects of the same problem:

"Housing is the biggest problem in Harlem because there are plenty of people living in slum areas and they don't have the room for their capacity. If something happened to this project, I wouldn't want to live in the city. Because the Taft Houses are new, they're kept clean, the surrounding area is nice. There's no problems as far as play areas go because the whole block is projects, and it supplies the playgrounds. There are no problems as far as I can see concerning this block. If anything happens to the plumbing, we just call the emergency system and they come up right away. The housing is fire-proof. The tenements are not. They're old. Usually in project housing, around the housing projects, stores are placed so that the tenants in the projects can use them. If you lived in a tenement you would have to walk to get to the store."

And a 25-year-old Negro woman echoed the same feelings, but in the context of living in a dilapidated building:

"Problem? The conditions of the building and this apartment. It's not safe, in general. Certain areas it's dark, and there's strange people in hallways, loitering. You have to carry something in your pocket when you go out into the street to protect yourself. I've been trying to get into projects for a long time. You don't have to be bothered with roaches and rats. The environment is safe, the kids have more places to play and they're close to home. Here it's dirty in the backyard. People throw garbage out there. You can't raise your windows when it's hot because the flies come in. I've had a lot of trouble with water leaks in the bathroom. The pipes are rotten. In the winter we don't have enough heat."

Another woman, a 52-year-old Puerto Rican, expressed the same desire to get out of her present apartment and into a project:

"Everytime they open up the pump, no water doesn't come. And when they close it up dirty water comes. No one wants to make an effort to correct the addicts. They give hold-ups and break into stores, like the bakery down stairs. I'd want to move into a project because decent people live in the projects. Office police live there so they can have order. There is hot water and steam. The house is kept clean. The walls are clean. Give good service. More private buildings. Find a place for me."

She said, to repeat, "Find a place for me." The "place" would be one without rats, with protection against burglary and molesting.

Another person who wants to "find a place for me" is a 54-year-old Negro man who says:

"I'd like to live down around 103rd Street because it's quiet down there—and they've built some projects down there. I've got some friends who live in the projects, and they never complain. It's also convenient for the bus and subway. In my own place, I don't like the way the apartments are situated. You don't get no air in the summer. The buildings are built too close. Dope addicts hang around here. It's not safe to go out and come in here at night. You can't go out on your roof at night to cool off because dope addicts go on the roof."

And what this man thinks might well be some of the benefits of living in a project are borne out by the comments of a 55-year-old Puerto Rican man who says:

"Projects are the best place to live for poor people. We have been living here about 14 years. Course people who drink around here are looking for something to steal. This is a very good place to live. Transportation, school, hospital and the house—very good. Friends living here. We have no problem about this building. The housing department should tear down some of the buildings and apartments in Harlem because they will help the people to change their way of life. There is a lot of trouble in those old houses. In a lot of old houses they have too much freedom to do anything. To put them to live in a project or better place, that may teach them to live better."

He talks not only about the immediate pressing problem of housing comfort and safety, but touches on the kind of impact new and better places to live might have on "teaching people to live better."

This idea was repeated by an unemployed Negro, aged 32, who described himself as a "student". He said,

"There's not enough living space. Fires are a problem because of fire hazards and because people aren't careful. A lot of buildings don't have good wires. There is too much noise. Fire engines blowing horns going and coming from fires; trucks turning up and down the avenue (Lenox). The people contribute their share. The structure of the buildings is bad. After 30 or 40 years of no repair most of the buildings here need to be torn down. Relocating people would be good for some of the people."

He talks about several facets of living in a dilapidated building, such as the threat of fire hazards to life, rather than, perhaps, the threats of dope addicts and winos to safety and comfort. But he feels that relocation would help. So does this 27-year-old man, who is employed by a wrecking firm:

"There is nothing I like about this house. I like the projects because I would be safe from fire. Here the children do as they damn please. They scream, swear, steal, and all this without parental or police correction. The building needs to be torn down. It's rotten, and inconvenient for hot water usage. Or the city ought to take over the building and make it into a show place for the working men and not for welfare dependents."

For another, but closely related point of view, the remarks of a 49-year-old Negro woman should be added to the preceding ones:

"Industrial business is coming in this area pushing the people out, which I think is very bad. You can't even get to your own door for the trucks. We have supers that sweep their trash into the gutter. I think it would be a good idea to tear down these old houses. It would give the people a little initiative to know what it means to live nice, wholesome and fresh. It would get rid of the roaches and pests. Those that are socially below standard should be put into project houses, and those that are not should be relocated."

Verbatim comments of a dozen or so people who were interviewed in Harlem as a part

of this survey should not and cannot be assumed to represent the complete results of a survey. But they can and should be used as a background for the analysis and the tabulations which follow.

For example, a statistic will show that the "big problem" in Harlem is the worry about "winos" or "dope addicts" or "dirt". But the preceding quotations should serve to point up relationships like these:

A wino is not necessarily a "bad person" except when he clutters up a front stoop. A situation which might not occur in a project.

A dope addict is probably a "bad person", but he is a real threat to personal safety when there are no locks on doors to prevent robbery or assault.

A dilapidated building might be passable as a place in which to eat and sleep, but it becomes intolerable when it fronts on a street where there is no place for children to play.

That same dilapidated building might be passable in still other respects, but street noises and noises on the roof, far sleep and peace of mind.

And while there may be no complaints about rats or burglary, people are still complaining about the housing when they talk about "no room to breathe" or seem to plead, "Find a place for us," which is an interesting twist, to say the least, of the song from "West Side Story."

The purpose of this section of the report, once again, is to set a stage or context for proper evaluation of the analysis which follows.

PROBLEMS IN THE CITY

There is much repetition in the preceding quotations, but they serve to underscore several basic themes. The overriding idea is that people who talk about "housing aren't necessarily much different than those who may be talking about "dope addicts" or "crime".

Each person who was interviewed as part of this survey was asked this specific question—"What is the biggest problem worrying people like yourself here in New York City right now?"

These were the responses:

Problems in New York

[In percent]

HOUSING PROBLEMS

Dilapidated housing.....	36
Poor sanitation in buildings.....	11
More projects needed.....	11
Rents too high.....	9
Too crowded, noisy.....	6
Stricter housing inspection needed.....	4
Can't move into white areas.....	3

OTHER MAJOR PROBLEMS

Living conditions.....	29
Crime in streets.....	28
Dope addiction.....	20
Unemployment.....	14
Prejudice.....	14
Better schools.....	8
All other problems.....	52

Note.—Percentages add to more than 100% because most people mentioned more than one problem.

The complete tabulation, and cross-breaks, for this question appear in the Appendix.

Clearly the number one "problem" has to do with housing complaints. On top of that are the complaints about dope addiction, crime, and general living conditions, each of which is something of a re-emphasis of the complaints about housing. So that in one way or another, residents of Harlem seem convinced that the overwhelming problem facing the entire City is that of finding "a decent place to live".

An effort was made to get Harlem residents to sharpen their focus by asking them "what would you say is the biggest problem that people right here in Harlem have to worry about?"

Biggest problem facing people in Harlem

HOUSING PROBLEMS

[In percent]

Dilapidated.....	26
Rents too high.....	7
Poor sanitation.....	8
Stricter inspection.....	--
Too crowded, noisy.....	--
More projects needed.....	--
Can not move into white areas.....	--
Other housing problems.....	16

OTHER MAJOR PROBLEMS

Dope addiction.....	28
Crime.....	25
General living conditions.....	10
Unemployment.....	16
Prejudice.....	8
Better schools.....	5
All other problems.....	49

When people shift their attention from the City to Harlem, and considering the fact that they've already said much of what they could say about housing, then some more "local" problems get stronger attention; such as problems of dope addiction and other problems related to crime.

Another question was asked which was designed to narrow the focus still further, and to get people to think about their own immediate neighborhood, and their block. The question: "We have talked about New York City, and about Harlem. Tell me, what would you say is the biggest problem people in this block have to worry about?"

Hardly surprisingly, the concerns about improving housing, building new projects, and the like, diminish in importance because they are considered to be City-wide or Harlem-wide problems, but not necessarily "what I worry about on this block". Some of the major categories of complaint were as follows:

- 32 percent cited dope addiction.
- 20 percent said bad kids, J.D., crime.
- 11 percent talked about dilapidated housing.
- 10 percent said they were not safe in buildings.
- 8 percent complained of winos, drunks in streets.
- 6 percent mentioned poor sanitation in building.
- 5 percent said there was too much noise.
- 5 percent pointed to dirty streets.

This listing represents no more than the beginning of the table which appears in the Appendix. But it serves to confirm what has been suggested: as people think more and more about their immediate surroundings, they talk more and more in terms of what bothers them from hour to hour, rather than from day to day, or even month to month. To explain, they seem to be saying that it's up to the City or some responsible Harlem-wide authority to do something about housing and better living conditions. But that on a purely local level, the big worries have to do with drug addiction and winos and uncontrollable kids.

There are some things people like about the block and the neighborhood:

37 percent liked the convenience to stores, churches, or subways.

21 percent liked their neighbors.

And there were other things they mentioned. But better than one-fourth of the people couldn't think of, or drum up any reason why they liked living on "this block."

On the other hand everyone could think of something they didn't like about living on "this block":

24 percent said not enough trees and grass.

15 percent mentioned not enough policemen.

13 percent said bad services in building.

9 percent felt the need for more projects, tearing down slums.

7 percent worried about tough kids.
7 percent objected to people fighting.
6 percent said their building was unsafe.
50 percent mentioned scattered other complaints.

To repeat, about three-quarters of the people on any given block can think of things they like about living there, and they center on "convenience" and "friends." But everyone can think of a complaint to make about that same block.

The preceding tabulations, and the accompanying discussion, are not intended to represent a complete picture of what is bothering people who live in Harlem. But whatever way the problems are examined, housing keeps coming up as "number one", and by wide margins. But as a double-check on those volunteered comments, respondents were shown a list of possible problems and asked to name the worst, next-worst, and third-worst. These three were added together and this was what people said:

- 49 percent dope addiction.
- 48 percent better housing.
- 35 percent crime and juvenile delinquency.
- 22 percent high prices.
- 21 percent better family life.
- 20 percent jobs for men.
- 18 percent too many people on welfare.
- 18 percent low pay.
- 15 percent race prejudice.
- 14 percent better neighborhood schools.
- 12 percent jobs for teenagers.
- 12 percent high school drop-outs.
- 8 percent school integration.

This question followed those about the problems of the City, of Harlem, and of the block. In other words, a context was established before the specific question was asked.

And three major problems led the lists: housing, dope addiction, and crime.

However, as the previous figures have shown, and as the earlier verbatim quotations suggested, the worries about crime, winos, dope addicts, and the rest, are all, in one way or another, part of the over-all wish to get into better living quarters.

In other words, these people know what their problems are, and they seem to know what they want to do about it all. Mainly, it seems getting out of where they live now.

WHAT CAN BE DONE

Residents of Harlem were given every opportunity to talk about problems such as high prices, taxes, increased subway fares, and a lot of other city problems which are normally brought up in similar surveys.

Yet they chose to talk about inadequate housing, and the problems which are offsprings of that major problem, such as crime, dope addiction, winos, and inadequate police protection. In that connection it's important to observe that when people talked about "problems of Harlem" or even "problems in my block," the mention of integrated schools, bussing, police brutality, or some other problems which are usually considered to be of significance just don't get much attention or mention.

So it's "housing" which is the issue.

This automatically raises the question of what do these people want to do about it.

And the answer is just this blunt: "Find me a better place to live, whether it's here, or in any of the other boroughs, or outside of the City, and I'll grab it. But help me finance the move."

This is a conclusion which is based on a great many tabulations of responses to this survey.

For example, how would people feel about moving into a housing project?

Nearly half of the people interviewed would like the idea of moving to a project. Another 23 percent seem well-prepared to accept the idea, if some of these basic objections can be overcome:

Too many rules in a project; seems militaristic.

Too crowded.

Neighbors probably not nice.
Not enough protection (still).
If concerns like these could be overcome, then resistance would diminish considerably.
But one of the points which is made is that there doesn't seem to be any very great resistance to the idea of projects. As a matter of fact, nearly three out of five Harlem residents would like to see the City do something about housing problems.

A more specific question was asked: "Suppose the City decided to do something about housing in Harlem. They might tear down some of the buildings to put up new ones. Do you think this is a good idea or not such a good idea?" The endorsement of the "tear down" idea was pretty solid; for 84 percent thought it was a good idea, and only eight percent were against. The rest didn't know how they felt.

The people who are most likely to be affected by "tearing down" and "building up" are those in dilapidated housing. And they are just the ones who most strongly favor the tearing down of old housing.

That's because they want to get into buildings which provide better over-all facilities, which are free of rats, and which are safer than what they have to live with right now.

It is often assumed that people who are

up-rooted from their present homes will support improvement and renewal, but balk at moving into a new neighborhood. But this survey suggests, and very strongly, that an assumption like that would be wide of the mark. For example, when Harlem residents were asked where they'd like to live, if they had to move:

Just 17 percent said "in Harlem".

None volunteered that they'd like to see their children live in Harlem when they grew up and on top of these measures of lack of deep identification with Harlem, as a place to live, are a few other facts: half of the residents of Harlem have lived where they live now for less than five years, 21 percent of the residents of Harlem are unemployed, only 9 percent got past the tenth grade, in one-quarter of the homes there is a person over 60, in 39 percent of the homes there is a youth between 6 and 18, in 33 percent of the homes there is a child under six, and the average home consists of about four people.

In brief fashion, the preceding commentary should serve to provide a somewhat truncated picture of the Harlem resident. It seems to add up to an individual who is anxious to find some solutions to present living conditions.

SOME CONCLUSIONS

The preceding text is intended to be no more than a commentary anticipating the tabulations which are shown in the Appendix.

But these points do come through:

There is one overriding problem in Harlem, and it's housing. Most other problems, such as dope addiction, crime, winos, and the rest, seem to be by-products of the basic problem.

While there are those who appreciate the convenience of their neighborhood or building to shopping and transit, an appreciable number of people can't think of any asset.

Most people would welcome the idea of the City moving in. Or someone. As long as they would tear down and build up. 84 percent of those interviewed strongly endorse a building program.

In return, they'd like to be moved to a decent place to live, without any undue expense.

There's little desire to stay in Harlem, as long as it is what it is.

In short, a massive rebuilding program would be a welcome thing, would be met with resistance by no more than a small minority.

NDP APPLICATIONS PENDING IN HUD OR EXPECTED TO BE SUBMITTED WITH NONCASH LOCAL GRANT-IN-AID CREDIT ITEMS EXPIRING BY SEPT. 15, 1969

REGION I				REGION V—Continued			
City and State	Noncash credit			City and State	Noncash credit		
	Amount	Expiration date	Description of item		Amount	Expiration date	Description of item
Glens Falls, N.Y.	\$348,114	July 25, 1969	Elm St. parking lot.	Garden City, Kans.:			
Schenectady, N.Y.	1,014,000	Aug. 1, 1969	Martin Luther King Elementary School.	(a).....	\$127,543	June 24, 1969	Water improvements.
			McKinley School addition (Steinmetz).	(b).....	31,094	July 1, 1969	Parking lot.
			Washington Irving School playground.	Grand Prairie, Tex.:	31,378	Apr. 8, 1969	Street paving.
Syracuse, N.Y.	38,500	Aug. 31, 1969	Mumford St. playground.	(a).....	658	Sept. 6, 1969	Electrical improvement.
Troy, N.Y.	17,500	Sept. 15, 1969	Sec. 112 credits.	(b).....	628	Sept. 7, 1969	Do.
			River wall construction.	(c).....	1,462	Sept. 13, 1969	Do.
				(d).....	88	Sept. 15, 1969	Do.
REGION II				Hot Sulphur Springs, Colo.:			
Baltimore, Md.	322,800	June 23, 1969	School.	(a).....	3,592	Aug. 2, 1969	Sanitary sewer.
Montgomery County, Md.	129,306	June 20, 1969	Street, curbs, sidewalks.	(b).....	9,327	July 18, 1969	Do.
Lebanon, Pa.:				(c).....	2,188	Aug. 11, 1969	Do.
(a).....	27,000	Sept. 10, 1969	Street improvements.	Kansas City, Kans.:			
(b).....	3,386	June 10, 1969	Resurfacing of streets.	(a).....	1,497,818	do.	Sewer interceptor.
REGION III				(b).....	247,855	Aug. 15, 1969	Fire station.
Daytona Beach, Fla.	12,794	Sept. 1969 ¹	Street and sewer work	La Junta, Colo.	3,000	Sept. 21, 1969	Junior college.
Fort Walton Beach, Fla.	7,748	Aug. 25, 1969	Street lighting.	Little Rock, Ark.	1,319,279	Sept. 7, 1969	Sewer interceptor.
Tallahassee, Ga.	23,208	Aug. 19, 1969	Street paving.	Manhattan, Kans.	76,786	June 26, 1970	Street paving.
Tampa, Fla.:				Miami, Okla.	194,575	Aug. 14, 1969	Street and bridge.
(a).....	1,242	Aug. 31, 1969	Water mains.	North Little Ark.:			
(b).....	637,500	Sept. 15, 1969	Right-of-way.	(a).....	425,418	June 20, 1969	School.
REGION IV				(b).....	84,942	July 11, 1969	Do.
Bismarck, N. Dak.	244,756	May 20, 1969	Sewer treatment plant.	Pueblo, Colo.	10,000	Aug. 1, 1969	Traffic signal light.
Cedar Rapids, Iowa.	2,450,000	July 20, 1969	Do.	Sand Springs, Okla.	97,429	Aug. 25, 1969	Expressway ramps.
Evansville, Ind.	3,500,000	June 1, 1969	City/county building.	Santa Fe, N. Mex.	68,805	Sept. 12, 1969	School.
Jeffersonville, Ind.	1,978,142	Mar. 8, 1969	School.	Springfield, Mo.:			
Minneapolis, Minn.	1,504,416	(c)		(a).....	35,000	July 15, 1969	Sec 112 credits, hospital.
Mishawaka, Ind.:				(b).....	15,000	July 17, 1969	Do.
(a).....	246,829	May 12, 1969	Storm sewer.	(c).....	75,000	July 31, 1969	Do.
(b).....	388,831	June 29, 1969	Do.	(d).....	9,000	Aug. 3, 1969	Do.
Muskegon, Mich.	300,000	Sept. 1, 1969	School.	(e).....	20,000	Aug. 24, 1969	Do.
Bay City, Mich.	2,657	May 23, 1969		(f).....	29,000	Aug. 30, 1969	Do.
REGION V				(g).....	8,500	Aug. 31, 1969	Do.
Albuquerque, N. Mex.:				(h).....	25,000	Sept. 11, 1969	Do.
(a).....	2,198	June 21, 1969	Water improvements.	Tulsa, Okla.	54,747	Sept. 9, 1969	Street resurfacing.
(b).....	1,285	June 28, 1969	Do.	Wellington, Colo.	8,548	Aug. 29, 1969	School.
(c).....	42,610	June 29, 1969	Street improvements.	West Memphis, Ark.	163,838	Mar. 16, 1969	High school.
(d).....	3,618	Aug. 4, 1969	Water improvements.	Wichita, Kans.:			
(e).....	15,429	Aug. 16, 1969	Do.	(a).....	59,404	May 1, 1969	Street improvements.
(f).....	1,950	Aug. 19, 1969	Do.	(b).....	19,424	May 9, 1969	Sewer improvements.
(g).....	2,486	Aug. 31, 1969	Do.	(c).....	81,563	July 1, 1969	Street improvements.
Artesia, N. Mex.	1,262,775	July 1, 1969	School.	(d).....	36,949	July 1, 1969	Bridge improvements.
Blytheville, Ark.	94,875	Aug. 16, 1969	Off-street parking.	(e).....	153,310	Aug. 1, 1969	Street improvements.
Crossett, Ark.	9,520	June 19, 1969 ²	Elementary school.	(f).....	5,851	Aug. 3, 1969	Sewer improvements.
				(g).....	73,463	Sept. 1, 1969	Street improvements.
				(h).....	118,635	Sept. 9, 1969	Sewer improvements.
REGION VI							
Coos Bay, Oreg.	385,400	Aug. 8, 1969	Parking lot.				
Coachella, Calif.:							
(a).....	40,430	May 23, 1969	School.				
(b).....	12,024	July 1, 1969	Do.				
Napa, Calif.:							
(a).....	65,361	July 12, 1969	Sanitary sewers.				
(b).....	13,515	do.	Storm drains.				
(c).....	314,511	Aug. 15, 1969	Streets.				
Ogden, Utah	268,882	Aug. 8, 1969	Library.				
Vancouver, Wash.	9,281	Sept. 1969 ²	Street improvements.				

¹ In the NDP application, a potential loss of credit of \$3,014,000 for 2 schools is indicated. Only \$1,146,490 of this was claimed for the 1st action areas. The balance of credit is related to areas being planned in the 1st action year.

² Specific date not readily available.

³ Variety of items expiring totaling \$1,504,416 with expiration dates beginning in April 1969.

CHUNG-MING WONG BECOMES NEW DIRECTOR OF OFFICE OF SALINE WATER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. HOSMER. Mr. Speaker, a very able and well-qualified American has been appointed to the directorship of the Office of Saline Water. He is Dr. Chung-ming Wong of Los Angeles. Water Desalination Report for July 31, 1959, contained the following interesting article on Dr. Wong:

CHINESE-AMERICAN WONG INSTALLED AS NEW OSW DIRECTOR

If technical qualifications are the measure, OSW's new Director, Chung-ming Wong, 49, will do well. His string of technical-management degrees is an arm long, topped off by a Ph. D. in physics earned at Columbia University. Wong, several weeks after it was learned he would become the Nixon desalting chief, the 6th Director in OSW's short history, finally arrived last week to take his seat in official Washington. His high academic-technical qualifications, accomplishments in the astronautics-space field (he contributed valuably to the Apollo moon landing by solving fundamental space vehicle re-entry problems), first time a Chinese-American has captained a major government program, all, constitute a symphony about which the new Interior Department team, from Interior Secretary Walter J. Hickel on down, would sing.

And sing the department's news announcement does on its new Chinese bird for the OSW job. The department press release on Assistant Secretary Carl L. Klein, the man who selected Wong, was only three paragraphs. Wong's is several times longer. It touches on exploits running from his days as a 1st Lieutenant in the Nationalist Chinese Air Force to a teaching career at U.S. colleges (he taught "18 different" engineering subjects, was Best Professor according to students at the University of Bridgeport for "4

consecutive years") to "responsible" scientific and technical positions with the aerospace companies of Avco, Republic Aviation, Lockheed, United Aircraft, TRW Systems, Northrop and his last employer, McDonnell Douglas.

POLITICAL CAMPAIGNER

References to Wong's being the Chinese American getting the highest job from the Nixon Administration didn't say it, but Wong also has great political credentials. As chairman of the Professional Citizens for Nixon/Agnew, Wong can claim to have delivered 10,000 votes in the last presidential election.

But apart from the dept.'s press agency, Wong in an interview with Water Desalination Report showed he probably competently will direct OSW's engineering development and research activities. He said none of his experience includes work on desalting or distillation processes per se. But he pointed out distillation itself is "nothing but the basic item of using heat energy and heat transfer efficiently." These are subjects familiar to Wong, who has taught thermodynamics and heat transfer courses and whose experience extends to power plants and their heat transfer and power balances.

He has had a busy time of it since reporting last week. In briefings from the staff on all aspects of OSW activities, trying to learn and stress the programs, he said he hadn't left his office, hadn't even gone to Capitol Hill to see anybody, except Rep. Alphonzo Bell (R-Calif.) who represents Wong's home town of Bel-Air.

O'MEARA DEPUTY

Wong said he wasn't bringing anybody with him as an addition to the OSW staff. Rather, he said he was grateful for the capable OSW existing staff and the cooperation he was getting. He said he anticipated no personnel changes nor organizational shake-ups. Asked about the naming of J. W. "Pat" O'Meara, OSW information chief, as Deputy OSW Director, Wong shied off answering and neither confirmed nor denied. Reportedly, O'Meara's appointment to the deputy slot is now being processed by the Civil Service Commission.

In staff talks, Wong said his policy would be "open-minded" and that he would take a "fair look at things without contamination. Fairness is the key word." Also he asked

the staff for loyalty and integrity and cautioned that OSW should speak with "one voice" to all outside sources, and indicated that voice would be his.

On the harder questions like OSW's future relations with industry and Wong's personal feelings about sharing technology from OSW programs with overseas nations, Wong begged off answering, saying it too early to express himself. But on foreign involvements he said he knew enough about it to realize OSW wasn't the only one involved, that Congress and State Dept. also have their interests. "If it's a policy matter bigger than my office, then I'll take my boss's instructions . . . I know I have to report to Capitol Hill on these matters and I will seek their cooperation and also that of the State Dept." Wong will probably get the chance to express his views to Congress soon enough. Senate Interior Committee sources have indicated hearings would be held to sound out Wong on OSW's foreign commitments and a no. of other policy questions.

Wong is actually a fourth-generation American. His great grandfather came over to work on the railroads when they were building routes to the west. His grandfather lived in Calif., but his father, Tong Wong, returned to China where he rose to be vice-pres. under Sun Yat-sen's Republic of China Govt. The father had to give up his U.S. citizenship. Wong, born in Hong Kong, returned to this country and became a naturalized citizen in 1959.

He told a story pointing to error in the commonly accepted belief that Chinese love to gamble. He said Chinese men at home in China aren't gamblers, that it's the Chinese who come to the U.S. or emigrate elsewhere who gamble. He says most of the Chinese are men when they come to this country, alone, usually live where they work, without their women and their loneliness sometimes becomes unbearable. Needing emotional outlets, hence, they turn to gambling.

THE WAGER

He himself doesn't gamble, nor smoke, nor drink. He studies for his outlet. But in his take over and future direction of OSW, there is a gamble. For Wong and several others, the stakes, the future water supply of much of the world, are quite high.

HOUSE OF REPRESENTATIVES—Monday, August 11, 1969

THE JOURNAL

The Journal of the proceedings of Thursday, August 7, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 6581. An act for the relief of Bernard A. Hegemann;

H.R. 9088. An act for the relief of Clifford L. Petty; and

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

The message also announced that the Senate had passed with an amendment,

in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7206. An act to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; and

S. 1611. An act to amend Public Law 85-905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) entitled "An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes."

The message also announced that Mr.

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We take courage and say "the Lord is my helper, I will not fear what man shall do unto me."—Hebrews 13: 6

Our Heavenly Father, we thank Thee for this new day fresh from Thy hand and pray Thou wilt help us to live it well. Cleanse our hearts and clear our minds that we may walk the upward way with Thee and with our fellow men.

Grant that we may always be on the side of justice and peace and good will. In so doing may we seek to make this earth a finer planet in which men can dwell together safely and securely.

We pray for our country, gratefully for the heritage of faith and freedom which is ours, humbly that we may prove ourselves worthy of this heritage, and positively that we may be given wisdom, understanding, and a concern to lead our Nation in right paths with true faith for the good of all.

In the spirit of Christ we pray. Amen.