The ambitious five-year road construction program aims at the following objectives:

(a) To link the major urban centres of mainland Greece and of Crete by expressway.

(b) To provide road circuits in the developing tourist areas.

(c) To connect eastern with western Greece and thence directly with the countries of the common market.

Significant progress has also been made in the development of harbour facilities and airports to cope with the ever increasing passenger and tourist traffic and to keep up with rapid developments in the technology of sea and air communications.

In addition to large projects carried out in the ports of Piraeus and Thessaloniki, harbour facilities were constructed in the ports of Corfu, Alexandroupolis, Herakleion, Rhodes, Kalymnos, Kos, Raphina, Syros, Agia Galini (Crete), Halkis, Mytilene, Volos and Laurion. Large-scale facilities were also completed in the airports of Athens, Thessaloniki, Herakleion, Corfu, Kavalla and Andravida.

A program for the improvement of the State Railways has also been drawn up. In 1967–1968 the government financed railway development projects with 841 Million Drachmae ($28,000,000.) compared with 614 million Drachmae ($20,500,000), between 1965 and 1966. The purpose of this was to make this basic means of transport an economically self-sufficient and fully modernized instrument in the service of the country's communications.

MINERAL RESOURCES

Substantial progress has also been made in the systematic exploration of the Greek subsoil with the aim of determining existing mineral resources. Thus, within the scope of the five-year mining survey program, to which $17,000,000. have been allocated during the last two years, geological, hydrogeopogical, geophysical, surveys and mineral deposits explorations, studies, mapping, etc., were carried out, using every means made available by modern technology. As a result of this intensive activity, the following mineral resources were discovered:

(a) Ferronickel deposits in Central Euboea, with probable reserves amounting to tens of millions of tons.

(b) New nickel-bearing deposits at Laryna.

(c) New copper deposits in considerable quantities at Stavros, Halkidiki.

(d) Bauxite deposits in East-Central Greece.

The government has also initiated a project which aims at ascertaining the quantity and quality of uranium-bearing deposits in the country.

In another related field an agreement has been signed with Texaco, which will invest $7 million in a quest for hydrocarbons (oil and gas) in the gulf of Thessaloniki.

MERCHANT MARINE

The Greek Merchant Marine comprised in December 1969 a total of 2072 ships (approximately 11 million tons). This number represents a net increase of 297 vessels (approximately 2,731,000 tons) since April 1967. This rapid growth is a direct result of well planned measures conceived and implemented by the present Greek Government.

Various steps have also been taken aimed at protecting Greek seamen and providing incentives for the Greek merchant marine industry.

The primary goal of the Government's policy is to attract to the Greek flag vessels of Greek ownership, which, mainly because of favourable tax conditions, are presently under foreign registry. This policy has been, to a large extent, successful and by the end of 1969, 189 companies, operating previously abroad, had already established their headquarters in Piraeus.

The increase of vessels under Greek flag has brought about a substantial rise in the employment of Greek seamen.

Incentives were also provided for the expansion of the ship-building industry. Generous financing, in certain cases up to 80% of total cost, coupled with low interest rates, have provided the necessary impetus.

Presently, one of these industrial complexes, that of the Skaramagas shipyards, is capable of constructing ships (bulk carriers) up to 36,000 tons gross weight. All shipyards employ local skilled labour.

The Government has created a number of schools for vocational training which will provide the industry with skilled technicians.

The Merchant Marine has always contributed substantially to the invisible earnings which cover the chronic gap in the Greek balance of payments. As a result of the Governmental policy outlined above (incentives for the attraction of vessels to the Greek flag, the creation of new jobs for Greek seamen, the expansion of a ship building industry) the contribution of the merchant marine in the balance of payments has increased during 1967–1968 by more than 32% over the period between 1965–1967.

AGRICULTURE

Government efforts were channeled toward:

(a) The provision of the necessary infrastructure.

(b) The improvement of the marketing and processing of agricultural products.

(c) The development of livestock breeding.

(d) The protection of crops from pests and plant diseases.

(e) The development of fishing.

Thus:

1. Important projects were implemented including the establishment of plant health control centres, packaging units for fruit, vegetables, grapes and edible olives, cold stores, phytopathologic stations, research institutes, regional agricultural research experimental stations, model livestock breeding centres, etc.

2. Considerable work has been done throughout the country towards:

(a) The harnessing of torrents.

(b) The construction of forest roads.

(c) The development of woodlands at Drama, Litochoron, North Pindos and Acheloos.

These will supply timber to the wood processing industries to be established in these districts.

3. Important projects have been started for the overall development of mountainous districts aiming at the full utilization of the resources of these backward regions on a national basis.

4. Fish-receiving centres have been created in an effort to support the fishing industry. Five large fishing jetties with auxiliary facilities have been built at Patras, Piraeus, Thessaloniki, Kavalla and Halkis.

An important effort has also been undertaken in the field of land reclamation.

In 1967–1968 a series of land reclamation projects were financed by a total of 3,727 million Drachmae, compared with 2,667 million Drachmae in 1965–1966. ($125,000,000 and $80,000,000 respectively).

Completion of these basic projects will ensure irrigation for 250,000 hectares, drainage for 200,000 hectares, flood control for 120,000 hectares, and will claim 40,000 hectares of new arable farm land.

HOUSE OF REPRESENTATIVES—*Tuesday, April 28, 1970*

The House met at 12 o'clock noon.

The Reverend Joseph Long Perry, Jr., minister, Reformed Church of Linden, Linden, N.J., offered the following prayer:

O Lord, in a world of loud voices and violent spirits, give us the cool to think clearly, and the courage to act decisively. Where we are right, confirm us, and, in our deliberations, grant us the grace to be true to ourselves, honest with our neighbors, candid with Thee, and alert to truth in whatever form it may confront us. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday 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 of the House of the following titles:

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; and

H. Con. Res. 582. Concurrent resolution to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 93. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases;

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba;

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 2323. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 079626);

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Montana, to the landowners within the unit;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes;

S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs;

S. 3222. An act to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness;

S. 3279. An act to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes;

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes;

S. 3435. An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy; and

S.J. Res. 193. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution.

JUSTICE DOUGLAS' DISQUALIFICATIONS

(Mr. WYMAN asked and was given permission to address the House for 1 minute.)

Mr. WYMAN. Mr. Speaker, the fact that Justice William O. Douglas has yesterday disqualified himself from participating in no less than three cases coming before the U.S. Supreme Court is some indication of the extent to which his extrajudicial activities demonstrably impair his usefulness on that body. One of the cases involves the publisher of Evergreen magazine in which Justice Douglas has written that the Government of the United States like George III of England "may face a glorious revolution." Another involves the company's promotion of the film "I Am Curious Yellow," which has resulted in an appeal from a lower court conviction on obscenity charges.

These disqualifications indicate two things of relevance. First, that Justice Douglas should have disqualified himself in handling the Ralph Ginsberg appeal but did not. Second, that there are going to be increasing numbers of cases coming before the Court in which his prior statements or activities of the Court involve a conflict of interest if he sits in judgment on them.

This derives not only from financial and policy associations but from his penchant for publicly expressing his personal views on many issues to come before the Court.

The latest development further confirms that the Justice's usefulness on the High Court is limited because of his own extrajudicial activities in conflict with the canons of judicial ethics and the requirements that judges refrain from public partisan advocacy. The High Court, already short one member, should not be denied the participation of still another, yet this situation results from Justice Douglas' continuing extrajudicial activities and statements.

DESIGNATING MAY 1, 1970, AS A DAY FOR AN APPEAL FOR INTERNATIONAL JUSTICE FOR ALL AMERICAN PRISONERS OF WAR AND SERVICEMEN MISSING IN ACTION IN SOUTHEAST ASIA

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 582) to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments as follows:

Page 2, line 12, strike out "and".

Page 2, after line 12, insert:

"(4) That the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans; and".

Page 2, line 13, strike out "(4)" and insert: "(5)".

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MILLER of Ohio. Mr. Speaker, we, as Members of Congress, are all too familiar with the magnitude of the problems and frustrations that have accrued as a result of the war in Vietnam—the ever-increasing casualty lists, the tight budgets, the campus unrest.

We have experienced severe hardship both as a country and as individuals as we have dealt with this war.

No one, however, has been asked to endure the anxiety and frustration of our Nation's involvement as have the families and loved ones of our fighting men in Vietnam. These courageous and loyal Americans have borne the burden, with patience and dedication, at great personal sacrifice they have suffered through misery and hardship.

For many, the ordeal has become constant. The families of those fighting men who have been listed as missing in action have been subjected to the most trying and fatiguing form of frustration. They live in a limbo-like state—their thoughts and plans imprisoned by the state of not knowing—not knowing whether their loved one is alive and being held captive or whether he has given his life for his country. Time is the torture. Days run into months, months into years.

We, as Americans, sympathize with these families and pray that their load will be lightened. But this is not enough. We are dealing with a callous enemy, one devoid of understanding and respect for the codes of international ethics.

He does not listen to our pleas, he does not honor our offers of armistice, he plots and pursues this unconscionable war, indifferent to the wants and desires of his people.

To change his ways, we are going to have to change our tactics, we are going to have to bring new diplomatic and international pressures to bear. We have to enlist the efforts of friend and foe alike, in convincing the North Vietnamese Government that their truculence will not be rewarded, that only through constructive exchange and communication can the peace talks in Paris progress to a successful conclusion. We must convince the North Vietnamese that an acknowledgment on their part as to who they hold captive must be forthcoming before any meaningful settlement can be reached.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ANNOUNCEMENT OF A SPECIAL ORDER ON AN ANTITRUST SUIT

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I wanted to announce to the House that today, after the rest of the normal business of the House is concluded, I am taking the floor for half an hour on a special order to discuss the antitrust suit instituted by the Department of Justice against the Westinghouse Corp. on a restraint of trade in which a complete new action

has been started and in which they are going to prove that Westinghouse is restraining international trade because of a covenant in an agreement with the two Mitsubishi companies in Japan whereby Westinghouse granted the right to Mitsubishi to produce equipment in their heavy industries and consumer goods and other manufactures produced in the United States by Westinghouse. They have restricted the sale of Japanese-made products in the United States by not allowing any of the products to come back into the United States to be sold in the domestic market of Westinghouse. This suit, if won by the U.S. Government, may well open up the American market to every other nation under the most-favored-nation clause of the trade agreements.

I say to you, gentlemen, this is the greatest job and production threat to the American economy in our lifetime.

POSTAL REFORM

(Mr. POFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. POFF. Mr. Speaker, last month's postal employee walkouts put the spotlight on the Post Office, and the public did not like what it saw.

The public was sympathetic, as a whole, with the employees who refused to go to work. The public saw that the employees were underpaid, particularly those in metropolitan areas. The public realized that the workers were underpaid because of an archaic system of pay-setting.

The public further saw that the Post Office itself was outdated. That postal management had no way of responding directly to the needs of its employees became obvious when the first employee refused to go to work. Other faults of the system also came under public scrutiny, and it became obvious to all that a change was in order. Congress must recognize that the system is irresponsible and that reorganization has become irresistible.

PROVIDING FOR CONSIDERATION OF H.R. 16200, ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 945 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 945

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16200) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16200, it shall be in order to take from the Speaker's table the bill S. 3544 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may use, and yield 30 minutes to the gentleman from Ohio at the conclusion of that time.

Mr. Speaker, House Resolution 945 provides an open rule with 1 hour of general debate for consideration of H.R. 16200 to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors. The resolution also provides that after passage of the House bill, it shall be in order to take S. 3544 from the Speaker's table and consider the same.

The purpose of H.R. 16200 is to authorize an appropriation of $17,500,000 to finance the operation of the Arms Control and Disarmament Agency for a 2-year period. The Agency has programed $8.3 million for fiscal year 1971 and $9.2 million for fiscal year 1972. This authorization is $1 million less than the authorization for fiscal years 1969 and 1970.

The Arms Control and Disarmament Agency is an independent agency which provides recommendations and advice to the President, the Secretary of State, and other officials of the executive branch on matters relating to arms control and disarmament. Except for the authorization of funds, the bill, as reported, makes no change in the existing authority of the Agency.

Mr. Speaker, I urge the adoption of House Resolution 945 in order that H.R. 16200 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the remarks just made by our colleague the gentleman from Massachusetts (Mr. O'NEILL) concerning this rule and concerning the bill. The purpose of the bill is to authorize funds for fiscal 1971 and 1972. There are no substantive changes in the basic act except the extension of the authority to appropriate funds.

For the 2-year period—fiscal 1971 and 1972—the amount authorized is $17,500,000. This amount is not fixed or divided by year. The Agency has programed $8,300,000 for 1971 and $9,200,000 for 1972 as its budget.

Mr. Speaker, I have no requests for time but reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15693, NONMAILABLE MATTER

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 944 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 944

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15693) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 944 provides an open rule with 2 hours of general debate for consideration of H.R. 15693 to amend the United States Code to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes.

H.R. 15693 has two purposes—the protection of those under 17 from mailings harmful to minors and the protection of the privacy of those mail patrons who do not want to receive sexually oriented advertising.

The bill provides that certain pornographic literature may not be delivered or distributed by mail to a person under 17 years of age, as well as adults who do not desire to receive such mail.

A sender of any sexually oriented mail must place his name and address on the envelope as well as a mark or notice prescribed by the Postmaster General.

Any person who does not desire to receive such mail may file a statement to that effect with the Postmaster General.

The district court may enter a temporary restraining order or preliminary injunction against anyone violating the statute and a civil action may be brought.

Anyone willfully violating a regulation of the Postmaster General regarding sexually oriented advertising may be fined not more than $5,000 or imprisoned not more than 5 years, or both, for the first offense, and not more than $10,000 or 10

years imprisonment for each subsequent offense.

The provisions of the legislation shall become effective on the first day of the sixth month after enactment.

Mr. Speaker, I urge the adoption of House Resolution 944 in order that H.R. 15693 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as one of the sponsors of this legislation designed to protect the public from the receipt of pornographic matter through the mails, it is needless for me to say that I am for this rule as well as for the bill. The passage of this legislation by the House today will be good news to all citizens desirous of keeping this unwanted material from their homes, but who have been powerless to do so. Why the Committee on Post Office and Civil Service did not act on this legislation before this is still a mystery to me, but nevertheless, I commend them for finally reporting the bill to us.

Mr. Speaker, this bill is in three parts. The first part makes it a Federal offense, punishable by a fine of not more than $5,000 or imprisonment for 5 years or both for the first offense and a fine of not more than $10,000 or imprisonment for not more than 10 years or both for the second or subsequent offenses, to use the mails to sell, deliver, or distribute or to offer for sale, delivery, or distribution, pornographic material as described in the bill.

The second part provides that the sender of such pornographic material must put the individual recipient on notice of the contents of the letter or package by placing on the outside of the envelope or cover a distinguishing mark to be predetermined by the Postmaster General for such mailings.

The third part makes provision for a person not wanting pornographic material sent into his home to file a statement to such an effect with the Postmaster General. The Postmaster General would be required to keep a list of such individuals and anyone sending pornographic material to persons whose names appear on the list would be in violation of the law.

Mr. Speaker, in my opinion these new provisions will help us in coping with this growing problem and I hope the Senate will act on this bill with all due speed.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I support H.R. 15693. It will pass promptly. However, I want to sound a note of caution. We should not assume when we have finished work on this single legislative chore that we have completed our labors in this legislative field.

President Nixon, in May a year ago, messaged to Congress a tripartite package of pornography control legislation. This package is embodied in H.R. 11031, H.R. 11032, and H.R. 10877. Title II of the bill scheduled for debate contains the language of one of those measures, H.R. 10877, with only minor amendments. The bill under debate also contains in title I the initial thrust of H.R. 11031. However, title I has neither the depth nor the scope of H.R. 11031, and to the extent it falls short of the administration's bill, title I leaves work undone in the vitally important effort to control dissemination of hard-core pornography to children. Finally, the bill under debate does not include any part of the third administration bill, H.R. 11032, which is designed to prohibit the use of interstate facilities—including the mails—for the dissemination of prurient advertisements.

Subcommittee No. 3 of the House Committee on the Judiciary, of which I am a member, has held 14 days of hearings. We have accumulated approximately 1,000 pages of testimony concerning H.R. 11031 and H.R. 11032 and related bills. These hearings were concluded on April 16, but the subcommittee has not yet had an opportunity to consider the bills in executive session. I am disappointed that the House does not have available for this debate the benefit of the study and recommendations of Subcommittee No. 3. Many difficult and delicate legal questions are involved in this complicated field of law, and I am confident that the members of the subcommittee, drawing upon these extensive hearings, could have made a meaningful contribution to the dialog of this debate.

I wish it were possible to structure amendments to expand the scope of the bill under debate to include all three parts of the administration's pornography control legislative package. The difficulty of writing language on the floor and the rule of germaneness make this approach unworkable. Accordingly, I will offer no amendments and will engage in the debate only to help write legislative history to clarify the intent of language and strengthen the function of section 103 of title I.

I do so with the earnest hope that the House Committee on the Judiciary can complete action on the two pornography bills under its jurisdiction in such a way that they will supplement the legislation now under debate.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MICHEL).

RIOTS AND DISORDERS ON OUR CAMPUSES

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

Mr. MICHEL. Mr. Speaker, events that have occurred at Yale University during the past week indicate that Vice President Spiro T. Agnew made a telling point when he said that a lot of unqualified people are attending college.

The disruption of the university has come about over an issue that is extraneous to the education process. A few agitators have demanded that the school pay $500,000 for the legal defense of Black Panther Bobby Seale. He has been charged with murder in connection with the death of one of the Panthers who fell out of favor. This internecine warfare among the Panthers has nothing to do with education. Now the irrationality has been compounded by the participation and backing of a student strike by faculty members.

We who are parents paying considerable sums to expose our offspring to what has been billed as superior educational opportunity are in a state of bewilderment. As a matter of fact, we are getting mighty indignant when we see the educational process diverted into academic cul-de-sacs such as this disgraceful shutdown perpetrated by dissidents at Yale.

The idea that any group such as the Black Panthers should be immune from the Nation's laws is fallacious and dangerous. The idea that a university should dabble with our system of jurisprudence is preposterous. The idea that faculty members be allowed to throw their support behind a minority of students protesting about an off-campus occurrence is sickening. The willingness of the faculty to be diverted from education undermines the reputation of the university and demeans the quality of its curriculum. It is an insult to all alumni, a betrayal of the school's academic integrity, and an unwholesome and unworthy adventure into legal quicksand.

Mr. Speaker, I insert the editorial entitled "Murdering Justice" from the New York Times of April 24 and the editorial from the Washington Post entitled "The Rule of Unreason" dated April 26 be reprinted at this point in the RECORD:

MURDERING JUSTICE

Those students and faculty members at Yale who are trying to stop a murder trial by calling a strike against the university have plunged campus activism into new paths of irrationality.

Some are so enamoured with the Black Panthers' revolutionary rhetoric that they reject the legitimacy of any court that might try Panther Chairman Bobby Seale. Others are convinced that the murder charges against Mr. Seale are merely part of a national campaign of harassment. And some, using the Panther issue to further their own goals, are merely seizing the opportunity to bring yet another great university to a halt.

Mr. Seale has every citizen's right to be considered innocent until proven guilty. He is entitled to a fair trial. But in the face of a charge of murder, allegedly committed against a member who broke party discipline, he has no right to expect immunity from trial, nor have his supporters the slightest shred of justification in trying to hold the university hostage in their effort to prevent that trial. In an emotional sermon that stood moral principles on their head, the Rev. William Sloane Coffin Jr., chaplain of Yale, denounced the trial as "legally right but morally wrong," thus doing his best to guarantee moral confusion among his student followers.

Mr. Coffin said that even if Mr. Seale were to be found guilty as charged, the entire nation stands accused of bringing him to the state of mind in which the alleged crime might have been committed. This is a legally and morally wrong and dangerous concept, even when supposedly elevated to the level of theological doctrine. Indeed whether Mr. Seale is innocent or guilty, cancellation of the trial, in surrender to the academic community's pressure, could only be read as giving immunity from prosecution to any group or individual capable of mustering sufficiently powerful support on the campus or in the streets.

Individual students and faculty members are fully entitled to express their views and solicit funds in support of any cause. The

plan of a seven-man panel from the Yale Law School to investigate the circumstances of the trial and to observe the court's procedure is entirely proper and could, if responsibly and competently pursued, constitute a public service.

But for the university itself to be forced to become a political partisan in this or any other controversy would be the beginning of the end of its independence and academic authority. Those at Yale who are engaged in trying to shut down the university in order to coerce it to use its power to stop a trial which it has no power to stop are only jeopardizing the future of the university as they attempt to thwart the course of justice. This is the road toward legal, moral and intellectual chaos.

THE RULE OF UNREASON

Those who supposed complacently a year ago, when there was so much murkiness and confusion at Cambridge and so much seeming *lux et veritas* in New Haven, that the difference between Yale and Harvard was a difference between men and boys must now revise their judgment, Yalies, too, are capable of frenzy, especially in the springtime. They, too, can go berserk, run amok and revert to adolescence. They need no longer take a back seat to the sons of Harvard in irrationality.

You will have to pay pretty close attention if you are going to follow the intricacies of what is currently going on at Yale. In New Haven, a Connecticut community supposed to be more or less independent of the university, a trial is being conducted in order to determine whether some Black Panthers, including Bobby Seale, the national chairman of the Black Panther Party, were responsible for the murder of an allegedly apostate Panther named Alex Rackley.

As to the merits of the charge against the defendants in this trial, we are as free from opinion as any qualified juror. Among the youths of Yale, however, a very strong conviction appears to have developed that the court is corrupt, the trial political and the verdict foreordained. To demonstrate their disapproval of the whole proceeding, about 80 per cent of the Yale student body staged a strike against—the university. This is to say that they boycotted classes and lectures, picketed the entrances of buildings on the campus and generally disported themselves like young men on a holiday or at some sort of charivari.

The faculty at Yale—now follow this carefully—apparently determined to prove that there is no such thing as a generation gap and that the old can be just as immature as the young, met in solemn conclave on Thursday and resoluted an endorsement of the student strike. "Faculty members," the faculty said, "should be free to suspend their classes; they should take a tolerant position in regard to assignments and papers handed in late, and they should make as much time as possible available for the discussion of immediate and pressing issues."

Now, let's recapitulate and see if we all understand the situation. In order to prevent any improper or undue pressure upon the course of justice and to protect the court from any tinge of political bias, the student body and faculty at Yale have agreed that there shall be no education at Yale until the trial of Bobby Seale is decided the way they think it ought to be decided. Frankly, we haven't heard of anything quite the equal of this since the Ku Klux Klan quit burning crosses in front of courthouses in Alabama.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, it is strange irony that the president of Yale University, Kingman Brewster, Jr., who has been espousing the militant causes of irresponsible student elements, is now at center stage in a potentially violent drama of his own making. Even more sad is the fact that the head of this once distinguished institution has endorsed his student body's protest against the murder trial of a small band of radical Black Panthers, a trial which allegedly symbolizes the purported injustices suffered by blacks in our society rather than symbolizing the tragedies of the victimized at the hands of the lawless, black or white.

The fanatical element is asserting an argument which Mr. Brewster, instead of articulating its fallacy, has chosen to articulate its presumed "validity." With another pidgeon in its pocket, this lunatic fringe will continue to impose its irrational will on the institutions of society—"peacefully" when there is voluntary submission, but unhesitatingly violent when there is any sign of resistance. Mr. Brewster's complete submission, I daresay, notwithstanding all the demands to which he jubilantly claims credit for having implemented at Yale, will stand for nothing short of an open invitation for the persistent creation of new demands the satisfaction of which is dependent more upon the vehemence of their perpetrators than the reason of Mr. Brewster.

It might also be pertinent to add that applications for admission to Yale have dropped off, perhaps attributable to the left-wing ideas emanating from those hallowed walls. Maybe Mr. Brewster can even arrange for a transfusion from the militants at Berkeley whose days of glory and headlines have since faded.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Mrs. MAY).

ARTICLE IN PARADE MAGAZINE ON ATOMIC WASTE STORAGE TANKS AT HANFORD, WASH.

(By unanimous consent, Mrs. MAY was allowed to speak out of order.)

Mrs. MAY. Mr. Speaker, a number of my colleagues have come to me to ask about an article in Parade magazine last Sunday which leaves an impression that the atomic waste storage tanks at Hanford, Wash., are in danger of being ruptured by earthquakes.

Mr. Speaker, this is a preposterous and disproven idea. Further, I am amazed that Parade magazine would allow itself to give impetus and a cloak of respectability to previously discredited allegations.

My colleagues may recall that the NBC First Tuesday TV program made a feature out of the same nonsense last February 3, by giving national prominence to an article in Environment magagine, authored by Sheldon Novick. Mr. Novick is the nonscientific author of a book, "The Careless Atom," which has been refuted by knowledgeable scientists as opinion not based on fact. The Environment magazine article indicated that the waste storage facilities at Hanford were built right on top of an earth fault and that all sorts of terrible things will happen as soon as an earthquake comes along. All this earthquake and fault speculation is based entirely on the adverse factors from a very brief and inconclusive geological survey made several years ago. More thorough studies since that time have failed to bear out these allegations.

At least, Mr. Speaker, NBC did, technically, cover itself by admitting that other studies showed this danger was not there.

But now Parade magazine has picked up the fiction and has made no effort of any kind to show that the scientific evidence is far different from their own conclusion that, "potentially Hanford, Wash., is the most dangerous site in the world."

Mr. Speaker, this article in Parade magazine is damaging to the Hanford area of my congressional district, and to the State of Washington generally. I suggest that the Tri-City Nuclear Industrial Council, a group of businessmen interested in promoting industrial diversification in the area, might wish to consider bringing a damage action against the magazine, a Sunday newspaper supplement published in New York City. The council has abundant information attesting to the safety record and precautions taken at Hanford. The kind of irresponsible reporting we have just witnessed in the April 26 edition of Parade magazine may be difficult to overcome in terms of impressions left with the general public about the area.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GUDE).

REINSTATE THE JET CURFEW AT NATIONAL AIRPORT

(By unanimous consent, Mr. GUDE was allowed to speak out of order.)

Mr. GUDE. Mr. Speaker, my recent request of the Federal Aviation Administration to reinstate the jet curfew at National Airport and a further ban on use of stretch jets there has brought the FAA response that their action has been "in the best public interest."

I would like to ask how this overcrowding of National Airport by the larger jets and the FAA's failure to enforce the carefully negotiated nighttime curfew can be in "the best public interest." This policy can only lead to increased congestion at National and pressures for expansion of the airport and terminal facilities there. Local planning officials have repeatedly called for a halt to any further expansion of these facilities at National, and have recommended the proper use of Dulles Airport which was designed and built to serve the Washington air traffic needs.

How can this accelerated round-the-clock jet traffic up and down the airspace over the residential and cultural centers of the Potomac Valley be in the best public interest?

The FAA must face up to these conditions and questions and be responsive to the total desires for the public before making such judgment for the public interest.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana.

DOUGLAS ACTION IS ADMISSION OF A CONFLICT OF INTEREST

(By unanimous consent, Mr. WAGGONNER was allowed to speak out of order.)

Mr. WAGGONNER. Mr. Speaker, by disqualifying himself from taking part in a matter coming before the Supreme Court involving Grove Press from whom he has accepted money for printing a portion of his book in one of their pornographic publications, Justice William O. Douglas has tacitly admitted that he should have done the same thing in other similar instances.

To have participated in any decision in which Grove Press, publisher of the "Evergreen Review" would have been a gross impropriety and Douglas' action confesses it. Yet, he did not see fit to disqualify himself in January when the Court refused to hear Ralph Ginzburg's attack on a libel judgment against Avant Garde, another pornographic publication from which Douglas has accepted money.

Douglas' confession to this conflict of interest makes it more difficult to whitewash his misbehavior. While confession is good for the soul, it does not entitle one to automatic absolution for past sins. Justice Douglas should be impeached for these sins he now admits.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRIBUTE TO THE LATE HONORABLE JAY LE FEVRE

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, it is my sad duty today to inform this House of the passing, at age 79, of a former Member, the Honorable Jay Le Fevre of New Paltz, N.Y., who served in Congress from January 3, 1943, to January 3, 1951. Those 8 years which the Honorable Jay Le Fevre served in this body, were crisis years: The turbulent years of World War II and the critical postwar period which set the historic and legislative pattern for our Nation for the past 20 years.

Some of you will remember our late colleague during that time when he labored faithfully and well for the people of his county of Ulster, his nation, and his district. I speak from a feeling of deep personal loss today, as the passing of Jay Le Fevre marks the removal of a friend and counselor. But the loss we have suffered, the sense of grief that I personally feel, can be nothing when compared to the bereavement of his family and many friends in New Paltz and Ulster County.

For the service to his country, his State and his community was not limited to his years in Congress: Jay Le Fevre's life was a long testimonial of service.

Born in New Paltz, Ulster County, N.Y., on September 6, 1893, and following his attendance at the Lawrenceville Preparatory School in New Jersey, and Dartmouth College, New Paltz and Ulster County were his lifelong home. During the First World War, he served as a second lieutenant in the Reserve Officers Training Corps, Field Artillery, at Camp Taylor, Ark. Following this war service he entered into the coal, lumber, feed, and fuel oil business in New Paltz. He was also a banker and following his retirement from Congress was a member of the New York Bridge Authority, and served on the board of the New York State University at New Paltz.

Besides his 8-year term in Congress, Jay Le Fever also served as a trustee of the village of New Paltz, was a delegate to the Republican State conventions of 1942 and 1946, and was a Republican committeeman in Ulster County for many years.

Mr. Speaker, in these troubled times, I believe the passing of such a man as Jay Le Fevre is a time to pay tribute to this life of dedicated service. As it is just such unselfish dedication as marked his entire life, that has been the hallmark of America of the past, and can serve as a guide for each of our actions for today and for tomorrow.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I was saddened at reading this morning that our former colleague, Jay LeFevre, had passed away. Although I was not privileged to know him extremely well, I did have the benefit of his friendship. I did recognize, as all of us did, the constructive contributions he made to the deliberations in his committee and in the House of Representatives.

Mr. Speaker, I extend to his family my deepest condolences.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I was very sorry to hear of the passing of our wonderful friend, Jay LeFevre, of New Paltz, N.Y. It was my privilege to have served with him during the years he was in Congress. I never knew of a more delightful or more interesting person than Jay LeFevre. He was a most distinguished gentleman. After he had left Congress we missed him so much. We were always pleased to have him return here whenever he was in Washington. He came to discuss with us many of the things that had occurred while he served here and the actions of this great body.

Mr. Speaker, I was proud to call Jay LeFevre a friend. He was a great American and a devoted public servant and one who meant much to his district, to his State, and to the Nation. All of us are very sorry to learn of his passing at this time. I extend to his wonderful family who I was privileged to know, my deepest sympathy in this their hour of bereavement.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I had the privilege of knowing Jay LeFevre when we served together on a committee that studied statehood for Hawaii in 1945. We were thrown very closely together on that occasion and later on in our service here in Congress. Jay LeFevre was a great Congressman and a great friend and a wonderful personality.

Mr. FISH. Mr. Speaker, I thank the distinguished gentlemen.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL of Massachusetts. Mr. Speaker, on behalf of the Committee on Rules, I ask unanimous consent that the committee may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 94]

Abbitt	Hagan	Poage
Anderson, Ill.	Hanna	Pollock
Ashley	Hawkins	Powell
Baring	Hébert	Reid, N.Y.
Brooks	Johnson, Calif.	Rhodes
Brown, Calif.	Jonas	Roberts
Burke, Fla.	Kirwan	Rooney, Pa.
Bush	Landrum	Rosenthal
Cabell	Langen	Roybal
Celler	Lennon	Schadeberg
Chisholm	Lukens	Scheuer
Clay	McDade	Sisk
Colmer	Mann	Staggers
Cramer	Minshall	Stephens
Daddario	Mollohan	Stratton
Dawson	Moorhead	Stubblefield
Diggs	Morse	Sullivan
Feighan	Morton	Taft
Fisher	Nelsen	Teague, Calif.
Frey	Obey	Tunney
Fuqua	O'Konski	White
Giaimo	O'Neal, Ga.	Zwach
Goldwater	Ottinger	
Gray	Patman	

The SPEAKER. On this rollcall, 359 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MORTGAGE INTEREST RATES RISE AGAIN

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, for the 12th month in a row the interest rates which the American homeowner must pay for a new mortgage have risen to a record high of 8.51 percent for a conventional mortgage. The continued rise of mortgage rates provides further evidence that the Nixon administration cares very little about the hundreds of thousands of moderate-income families

in this country who want to own their own home. The housing policy of this administration seems to me to be one of pricing this "large silent majority" group of Americans out of the housing market. Only a year ago last March, the effective interest rate on a conventional mortgage was 7.47 percent and in March of this year the interest rate has risen by 1.04 percent to the current 8.51 percent. What this means to a moderate-income family who obtained a $20,000 mortgage at 7½ percent over a 25-year period, and who now must pay 8½ percent for the same $20,000 mortgage, is that he will be forced to pay an additional $4,000 over the life of the mortgage in order to own a home.

How long does the Nixon administration intend to burden the American homeowning public with this intolerable situation? A policy of effectively removing a large segment of our citizens from the ability of owning their own home is an unfortunate and insensitive policy.

SPEED ENACTMENT OF POSTAL REORGANIZATION BILL

(Mr. WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, at the present time the postal service is like a ticking bomb. I fear it is really going to explode if we do not grant someone the authority to deal with the very real problems in this Department.

A month ago we saw the postal service crippled in much of the northeastern part of the United States and in some of the principal cities of the Middle West. After these illegal walkouts were ended, the postal unions negotiated an agreement with the administration which would provide their members with substantially higher wage increases than those granted to other Government employes.

The justification for increases which could amount to some 17 percent is that we would reorganize the postal service and give the Postmaster General the authority to improve working conditions and productivity.

Let us speed the enactment, Mr. Speaker of the postal reorganization bill so management can meet the legitimate needs of our postal workers in exchange for improved standards in this service.

ARMS CONTROL DISARMAMENT ACT AMENDMENTS, 1970

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16200) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16200, with Mr. FULTON of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. ADAIR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we have before us this afternoon H.R. 16200 which authorizes $17,500,000 to finance the operation of the Arms Control and Disarmament Agency for a 2-year period. This is $1 million less than the amount authorized and appropriated for the 2 years ending in June 1970.

The Executive intends to ask for an appropriation of $8.3 million for fiscal year 1971 and $9.2 million for fiscal year 1972.

The bill makes no change in the existing law governing the Arms Control and Disarmament Agency. It provides an authorization only.

In terms of money, this is not a big bill. We are not talking about billions. The Arms Control and Disarmament Agency operates for less than $10 million a year.

The Agency has only 233 employees—10 less than a year ago.

The Agency was established in 1961 because the United States has been almost continuously in arms control and disarmament negotiations for the last 10 years.

There are some who say that all such negotiations are a waste of time because the Russians are not sincere and cannot be trusted. I do not think there are many of us who believe that Russians can be trusted, but most of us do believe that it is better to negotiate than refuse to do so.

Most of us also recognize that if we are going to participate in such negotiations, we ought to know what we are doing.

Our negotiators have to have the services of a staff of experts to analyze every proposal made by others to determine whether or not such a proposal endangers our security.

Our negotiators also have to be sure that every proposal we make has been thoroughly checked out so that we are aware of its consequences to us and that any loopholes have been plugged up.

The Arms Control and Disarmament Agency has available to it all of the information available from the Defense Department, the Central Intelligence Agency, and the Atomic Energy Commission, but none of these organizations is focusing on disarmament. All are interested primarily in other things.

In addition, there are some arms control problems that are not very important to the Defense Department or any other agency, particularly those relating to verification techniques.

The Defense Department and the intelligence community give a high priority to finding what weapons and military forces our potential enemies have available. They are concerned with discovering information which the foreign government is trying to hide.

The Arms Control Agency has to do research and field testing to devise procedures for determining what armaments another country might have after an agreement has been reached that such information will be made available. The problem of determining what is key information and what techniques might be used to hide violations of an arms control agreement are highly technical and are difficult.

The United States has no intention of entering into arms limitation agreements where compliance cannot be verified either by onsight inspection or by other means.

Much of the work of the Arms Control and Disarmament Agency is devoted to developing and evaluating techniques for doing this important job.

The most important responsibility of the Arms Control and Disarmament Agency in the months immediately ahead are the strategic arms limitation talks, commonly referred to as SALT, which are being carried on with the Russians in Vienna.

In the preliminary talks at Helsinki which ended last December, the Russians appeared to mean business and our people were rather encouraged.

It is essential that the United States have the staff and the information necessary to carry on on a businesslike basis.

In addition to the SALT talks, the United States is taking the lead in trying to work out agreements relating to chemical and biological warfare and the emplacement of weapons of mass destruction on the seabed.

Mr. Chairman, the work of the Arms Control and Disarmament Agency is more important today than at any time in its 9-year history. It proposes to do its job with fewer people and less money than in previous years.

If some sort of verifiable and enforceable agreement can be arrived at during the SALT talks, it might well be the most important development during the decade of the 1970's.

This is not the time to curtail the operations of this important agency. I urge the approval of the authorization.

Mr. ADAIR. Mr. Chairman, I yield myself such time as I may consume.

Mr. ADAIR. Mr. Chairman, I rise in support of H.R. 16200, which would provide a 2-year authorization for the Arms Control and Disarmament Agency.

The bill would authorize $17.5 million for the 2-year period, fiscal year 1971–72. This is $1 million less than the $18.5 million authorized for the Agency in the fiscal year 1969–70 period.

If the authorization request of $17.5 million is approved, the Agency expects to spend the money at the rate of $8.3 million in fiscal year 1971 and $9.2 million in fiscal year 1972.

I believe that the Arms Control and Disarmament Agency is performing a very useful function under the leadership of its Director, Mr. Gerard Smith.

The Agency must not only advise the President and the Secretary of State, but must prepare for and conduct negotiations. As Members of the House know, the Agency is now actively engaged in the second round of the extremely sensitive strategic arms limitation talks, which hopefully will halt the spread of nuclear weapons.

In his testimony before the House Committee on Foreign Affairs, Director Smith reviewed the sound and balanced program planned by the Agency for the next 2 years. The authorization bill before us today will enable the Arms Control and Disarmament Agency to carry out this work.

I wish Director Smith and his staff well in their important work and I urge your support of H.R. 16200.

(Mr. FRELINGHUYSEN (at the request of Mr. ADAIR) was granted permission to extend his remarks at this point in the RECORD.)

Mr. FRELINGHUYSEN. Mr. Chairman, at this point in history it is essential that the U.S. Arms Control and Disarmament Agency be given the unqualified support of Congress as well as adequate funds to carry out its important responsibilities.

Held against the background of the strategic arms limitation talks in Vienna and the Disarmament Conference in Geneva, the work of the Agency assumes added significance and timeliness. The outlook for arms control has brightened somewhat in the past years through direct, face-to-face discussions between the United States and the Soviet Union. These are matters of fundamental importance to both nations, and indeed to the community of nations.

Man now has at his fingertips the awesome power to obliterate in minutes what it has taken him centuries to build. For years we have lived with the knowledge that this power could be unleashed upon the world in an instant. In recent days, we have seen Red China launch an earth-orbiting satellite, confirming the fact that Red Chinese missile technology has made tremendous strides in the past few years.

This achievement of the Red Chinese is one more indication of the need for a strong arms control agency to enable us to work with other nations in developing an effective arms control agreement.

In my judgment, Mr. Chairman, we cannot now afford to lose any opportunity to achieve a breakthrough in the difficult and sensitive area of arms control and disarmament. The support of Congress is imperative for the agency through which our Government seeks to make progress in this field.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I have long been opposed to the expenditure of so much money on a so-called disarmament agency. I am not opposed to having it being a small organization for the purpose of discussing disarmament, but this disarmament agency has grown out of all proportion to its accomplishment and worth.

It was only a comparatively few years ago that Congress provided less than $1 million a year on a disarmament setup at the White House. So far as I know, just as much was accomplished by way of disarmament then as is being accomplished today. I do not know of any more results as the result of spending additional millions.

As a matter of fact, in the interim, there has been created over in the Department of Defense a super sales agency for arms. We now peddle around the world, each year, some $2 billion worth of military hardware of one kind and another. It seems to me most incongruous to be talking about disarmament in one breath and peddling arms at the rate of $2 billion a year in the other. I say again that I think it is unreasonable to have boosted the cost of this disarmament setup from less than $1 million a year to this proposed for $17.5 million for 2 years, or at the rate of more than $8 million a year. It is too much money, particularly in this time of financial crisis. If recognized by the Speaker for that purpose, I will offer a motion to recommit this bill and cut it by 25 percent or a reduction of $4,375,000.

There is one question that perhaps the chairman of the committee can answer. In addition to the $17.5 million that would be expended, how much more could be added to this bill by way of nonreimbursable personnel assigned to the agency? I am sure there are military personnel assigned. Is everyone assigned to this agency reimbursed out of funds appropriated to the agency or are they paid from other sources?

Mr. MORGAN. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MORGAN. The salary of everyone assigned to the agency is reimbursed out of the fund.

Mr. GROSS. So that the $17.5 million would include all of the personnel employed by the agency?

Mr. MORGAN. It takes care of everything. That is correct.

Mr. GROSS. Consultants, researchers, and all of the rest of them?

Mr. MORGAN. Yes. This is covered in the committee hearings in a discussion between Mr. FRELINGHUYSEN and Mr. SMITH.

Mr. GROSS. I thank the chairman of the committee.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman.

Mr. ADAIR. The gentleman was speaking a few moments ago about the fact that in some years past similar if not comparable activities, had been conducted by the White House at a very considerably lower cost. However, I would like to remind the gentleman that in recent years the history has been otherwise. For the years 1964 and 1965 we authorized $20 million. For the 3 years 1966 through 1968 we authorized $30 million, and for 1969 and 1970 we authorized, as has been said here earlier today, $18.5 million. So this year's authorization request of $17.5 million which covers 2 fiscal years does in fact represent a reduction of the authorization for this agency.

Mr. GROSS. I thank the gentleman for the information. I do not know who made the mistakes of years gone by, because evidently a huge mistake was made in kiting funds for this purpose to as much as $30 million. Yes, that was a bad mistake. I am sure that is one of the reasons why we are in the deep water we are in financially in this country today. I would like to see a time come when somebody would talk about saving at least a little money to pay something on the Federal debt; just something. Is it a lost cause around here to pay something on the staggering Federal debt? When is it proposed to do this? The interest on the Federal debt this year alone will be somewhere between $19 billion and $20 billion. How is it expected to reduce the interest cost unless there is the basic action of making orderly payments on the debt?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ADAIR. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GROSS. One additional minute is enough. Yes, I am waiting for the day when somebody——

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. ZABLOCKI. I wish the gentleman would have taken more than a minute of additional time because the gentleman is making a very persuasive argument. I feel there is no one in this House who does not desire to cut back the budget and make some savings and to lessen the burden of our national debt. However, I am sure the gentleman knows that the subcommittee which I have the privilege of chairing on, National Security and Scientific Development, held extensive hearings on the issues of the ABM, the MIRV, and on chemical and biological warfare and on some of the other issues that will be coming before the Disarmament and Arms Control Agency which meets in Geneva, and the SALT talks which meets in Vienna.

I submit to the gentleman from Iowa, and I am sure he would agree, that if we cut further than the committee has already cut this authorization, a 25-percent cut would undermine our various negotiations which are being carried on at the present time and would bring into question the matter of our sincerity, which we would not desire to do in order to lessen our budget. There are other areas with greater expenditures involved than what we in the committee are bringing forth on the question of arms control. This represents a fraction of the amount spent on armaments. I feel that the greater economy can be achieved in other areas. I hope the gentleman will agree that if we cut any further at this time insofar as our sincerity in our negotiations in Geneva and other places are concerned it would be subject to question.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ADAIR. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GROSS. I do not agree with the gentleman that we could not cut this appropriation even more than 25 percent and still accomplish whatever it is to accomplish. For the millions already spent there is no record of accomplishment.

We have not disarmed anyone. Instead, we are helping arm the world. With all respect to my good friend from Wisconsin, his is the old story all over again—do not cut this bill, wait for something else, the foreign aid bill, for instance?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. How often and how much does Congress cut the foreign handout bill?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield——

Mr. GROSS. So, put it on the basis of manana, tomorrow, some other bill, let us cut some other bill and not this one.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, I fully realize that the gentleman would want to cut further than the Foreign Affairs Committee has cut the foreign aid bill. But I would submit that there are other governmental expenditures where we could cut more deeply. You do not hear these voice concerning our national debt at times when we have legislation pending that involves the expenditure of billions of dollars for certain types of programs. But I would want to ask one further question of the gentleman——

Mr. GROSS. If we do not save the dimes and pennies, we are not likely to save the dollars.

Mr. ZABLOCKI. That is very true.

Mr. GROSS. Yes.

Mr. ZABLOCKI. If the gentleman will yield further. During my tenure in Congress I have had an opportunity to visit some of the Latin American countries, and like the gentleman from Iowa I was concerned about our military sales. I would want to share with the gentleman the thought that if there are going to be any sales of military equipment, services and technology to foreign countries, those sales should be made in countries of the Western Hemisphere. Would not the gentleman agree that it would be better that we do the selling rather than the Communist countries or other countries in competition with us for influence in this hemisphere?

Mr. GROSS. No; I do not agree. I do not know how we can be so contradictory as to support this kind of a disarmament program and at the same time peddle arms at the rate we are now peddling them. If we are going to arm the world, we will be in trouble around the world.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, the gentleman knows that some of the arms we are selling in the Western Hemisphere are for their security. They are not strategic arms.

What we are talking about here is disarmament of strategic arms. Let us see if we cannot lower the very high costs of our budgets in these very expensive and very sophisticated military armaments.

Mr. GROSS. Of course, a man is just as dead if killed by a strategic weapon as if killed by any other military weapon.

Mr. MORGAN. Mr. Chairman, if the gentleman would yield, I wonder if the gentleman has taken time to read the ninth annual report to the Congress of the U.S. Arms Control and Disarmament Agency for the year 1969? It was delivered to the Members offices last Wednesday or Thursday.

Mr. GROSS. No, I gave up reading the reports from this Agency when it set up a three-stage disarmament plan for the United States to be administered by the United Nations. That is when I quit.

Mr. MORGAN. I hope the gentleman from Iowa will go back to his office and read the report, because on page 1 there is a letter from President Nixon. I think every Member of the House ought to read it. It makes very clear the usefulness of this Agency. The gentleman has said that he wants to cut the bill 25 percent but he has not read the report. I think this is the best report that has been written by the Agency, and I hope the gentleman from Iowa will take time to read it.

Mr. GROSS. Now that the gentleman from Pennsylvania is on his feet and extolling the report, I wonder if the gentleman can tell me about the accomplishments of this Agency.

Mr. MORGAN. The gentleman from Iowa knows, and I know, that this Agency has negotiated the nuclear nonproliferation treaty which is now in effect.

Mr. GROSS. Bipartisan, did the gentleman say?

Mr. MORGAN. No. It is the work of this Agency.

Mr. GROSS. I do not know that it was a product of this Agency.

Mr. MORGAN. Where did it come from?

Mr. GROSS. I do not know. The gentleman has read the report, and he can tell me.

Mr. MORGAN. The gentleman is making a lot of allegations. I think the gentleman, as he usually does, ought to do his very careful homework.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GROSS. Mr. Chairman, will the gentleman yield me 1 more minute, and I will not ask for further time?

Mr. ADAIR. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I suspect the gentleman from Iowa does his homework about as well as anybody on the Committee on Foreign Affairs when he is not confronted in the House Committee on Post Office and Civil Service, as he has been, with a new postal reform bill about every 15 minutes.

If the gentleman from Pennsylvania can provide me any real accomplishments that have come out of the Agency I would like to hear about them.

Mr. MORGAN. Let me——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MORGAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. Chairman, let me read the second paragraph from the President's letter to the gentleman. It is in the report. It is very short.

Mr. GROSS. Why quote a letter from the President to me?

Mr. MORGAN. The gentleman has said he has not read it.

Mr. GROSS. I do not always follow everything the President does or says, and neither does the gentleman from Pennsylvania.

Mr. MORGAN. I just want to read this one paragraph, if the gentleman will yield to me.

Mr. GROSS. Certainly; go right ahead.

Mr. MORGAN. It reads as follows:

> The events of the past year have shown that through negotiation we can move toward the control of armaments in a manner that will bring a greater measure of security than we can obtain from arms alone.

Mr. GROSS. And the gentleman believes that?

Mr. MORGAN. Yes, I believe this clear and straightforward statement of the President. I hope the gentleman from Iowa, who is a member of the President's party, believes the President.

Mr. GROSS. There will be other sessions of Congress, and I am sure the gentleman from Pennsylvania will be here. If I am not, I hope other Members of the House will call the attention of the gentleman to the events that take place with respect to the statement he has just read.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise today in support of H.R. 16200, the Arms Control and Disarmament Act amendments. As most of my colleagues are aware, the Arms Control and Disarmament Agency was established by act of Congress in 1961. This action was taken at the urging of the late President John F. Kennedy who felt that the question of arms control was far too important to be relegated to a small office in the State Department.

Since the creation of this Agency, we have seen tangible progress in halting the spread of nuclear weapons and limiting the production and use of these weapons by those nations which possess them. In 1963, a treaty was signed in Moscow which banned the testing of nuclear weapons in the atmosphere. Four years later, a treaty was signed which prohibited the orbiting of weapons of mass destruction in outer space.

Most significantly, early last month the Nuclear Nonproliferation Treaty went into effect. It is intended to prevent the spread of nuclear weapons to nonnuclear powers, and it committed the United States and the Soviet Union to pursue strategic arms limitation talks. I hardly need to point out that these crucial SALT talks are underway at this time in Vienna.

While these accomplishments are significant, future goals are exceedingly important also. Included among these would have to be comprehensive test ban treaty, a treaty banning nuclear weapons from the ocean floor, and general disarmament proposals. It is not an exaggeration to say that the existence of mankind depends on how successful we are in achieving these goals.

What we are being asked to do here today is to authorize $17.5 million over the next 2 years to see that work of the Arms Control and Disarmament Agency can continue unabated. This is hardly a high price to pay when the survival of mankind is at stake.

Later this week we will be voting on a $20.2 billion proposal for military procurement, much of which will be spent on research and development for new, highly sophisticated weapons systems. I urge my colleagues to weigh the actual and ultimate cost of this program against the legislation pending before us today. For me, the priority is clear and is, therefore, a compelling reason for extending my strong support for H.R. 16200.

Mr. BROTZMAN. Mr. Chairman, I rise to speak in behalf of the Arms Control and Disarmament Act Amendments of 1970.

Since the distinguished gentleman from Massachusetts (Mr. McCORMACK) honored me by appointing me a congressional adviser to the Conference of the Committee on Disarmament, I was privileged to travel to the site of the negotiations at Geneva, Switzerland, and confer with the U.S. team—as well as sit in on some of the deliberations.

I know that some of my colleagues are fully conversant with the operations of our team—which, incidentally, is funded under the authority of the legislation which we now debate—but because many are not, I now would like to share the impressions which I garnered in my recent visit.

Frankly, my first concern was over the question of the philosophies and motivations of the men who make up our negotiating team, and so I spent a great deal of time in frank discussions not only with the chief U.S. negotiator, Ambassador James F. Leonard, but also with some of the specialists who round out the delegation.

I was very pleased to find these men dedicated to a proposition in which I deeply believe—that world peace is an achievable goal, but one which can be obtained only by hammering out the details of arms limitations, point by point and with the utmost patience.

They believe firmly that no nation's security may be compromised along the way, and I hasten to add that U.S. security is a mandate. The physical makeup of the U.S. delegation evidences this basic philosophy. It reports not to the State Department but to ACDA, which is an independent office of the Federal Government directly under the President. ACDA augments its staff with personnel from both the Department of Defense and the State Department. This arrangement is quite realistic, I feel, because it brings the defense and diplomatic communities into a single effort, thus providing safeguards against compromises to either our national security or our international relations. The Director of the Agency, Gerard Smith, holds the rank of Ambassador and normally heads the U.S. delegation. However, President Nixon has assigned Ambassador Smith as chief of our SALT negotiating team, and so for the 1970 session of the Geneva talks the Assistant Director for International Relations for ACDA, Ambassador Leonard, heads the delegation, which consists of 11 permanent representatives and advisers. Incidentally, the advisers include personnel from both the Department of Defense and the Atomic Energy Commission.

The talks have been held, off and on, for nearly a decade and concern themselves with long-term and worldwide arms limitations. Twenty-six nations are parties to the talks, but at the present time one of the 26, France, is not an active participant.

CCD meets at the Palais des Nations in Geneva, once the headquarters for the League of Nations and the site of many attempts by world leaders to bring about a lasting peace.

The record of the past, it should be admitted, has not been good, but I feel there is reason for guarded optimism for the future.

The 1970 talks concern themselves mostly with three subjects—proposed bans on seabed weapons of mass destruction and bans and controls on biological and chemical weapons. When I arrived in Geneva a good deal of progress had been made on the seabed treaty, but the Russians were on that day presenting their first proposal for B weapons and C weapons, as the biological and chemical agents are termed.

I will discuss the seabed weapon situation first, however, because I think both the hazards and opportunities of the Geneva talks are summarized by the history of the seabed proposals.

Russia made the first proposal, a document which was so sweeping that it would have required, in effect, the United States to abandon all of its underseas defenses—even the detection system which we have set up to warn of the presence of potentially unfriendly submarines. This is clearly unacceptable, because it would make possible a sneak attack by nuclear missile submarines—in effect, an underseas Pearl Harbor.

While this does not sound like the stuff from which realistic and equitable treaties are made, it was and is my personal opinion that Russia was employing the old negotiating tactic of demanding the utterly unacceptable for the first round only. The U.S. proposal is much more likely to lead to progress, because it calls for a straightforward worldwide ban on the emplacement of nuclear and other weapons of mass destruction on the bottom of the sea, with appropriate inspection procedures. This ban is much needed, because it would be frighteningly simple for an aggressor nation to place hydrogen bombs in the seabed around the United States and then either destroy us or obtain our surrender through blackmail. The ease with which this could be done makes it mandatory, in my opinion, that we retain the capability of detecting such missions.

Since my return from Geneva it looks, indeed, as if an acceptable seabed arms control treaty is in the making. On April 23 the United States and the U.S.S.R. presented to the CCD a draft treaty containing definite mechanisms for verification of compliance. It would be premature to say that this treaty ultimately will be acceptable to the various CCD parties, but the signs certainly are good.

Progress in the biological and chemical weapon negotiations has not been so marked, and yet there is reason for optimism.

The groundwork for frank discussions was laid last year when President Nixon announced that the United States, as a matter of administrative policy, is ending its research, development, and stockpiling of biological agents, and is sharply limiting its chemical warfare deterrent weapons. The President also has indicated his intention to resubmit the Geneva Protocol of 1925 to the Senate for ratification.

By way of background, it should be explained that the protocol, which banned biological weapons altogether and first use of gases and other lethal chemicals, numbered the United States among its 90 signatories, but was never ratified by the Senate.

The United States has not presented a draft treaty to CCD pertaining to biological and chemical warfare. However, this Nation associates itself with a British draft which would not only outlaw biological weapons but also would set up adequate inspection procedures to assure compliance.

As I indicated previously, the Russian proposal was being unveiled just as I arrived at the Palais des Nations. Ambassador A. A. Roshchin, the U.S.S.R. representative to CCD, delivered a speech which, in my opinion, was more propaganda than constructive bargaining. Boiled down to the essentials, the Russians demanded outright ban of all B and C weapons with virtually no conditions articulated.

On the face of it, Russia is expressing a desire which all reasonable men would find attractive. But the question is more complex than that, for as with the original Russian proposal for the seabed treaty, they go to such an extreme position that the United States would be placing itself in severe jeopardy of surrender, blackmail, or destruction. The Russians flatly rejected inspection procedures to enforce the treaty. Ambassador Roshchin said it is technically impossible to establish international verification of compliance, and so onsite inspection should not even be considered.

It is my feeling that buying this argument would be inviting a modern-day Trojan horse situation. The horse, in this case, would be surreptitious production of B and C weapons while we, acting in good faith, would disarm. This is a particularly ominous possibility because some of the poison gases—phosgene comes patricularly to mind—can be produced in commercial chemical plants with relatively minor modifications. Furthermore, there is every indication that Russia currently has a greater stockpile of poison gas and other chemical agents than we do. Personally, I want more than just their word that they are detoxifying these chemicals—and so do our negotiators.

I came away from Geneva convinced that the elusive goal of world peace is within our grasp, and that the Arms Control and Disarmament Agency deserves top-priority support in its quest for the delicate balance required to deescalate the race to build weapons of mass destruction and yet preserve, with absolute certainty, the integrity of our own national security.

Thus, I urge passage of the 1970

amendments to the Arms Control and Disarmament Act.

Mr. DONOHUE. Mr. Chairman, in 1961 I was one of the original sponsors of the legislation that created the Arms Control and Disarmament Agency in the executive department. Almost 9 years later, I am still proud of having played even a small part in setting up this most important Agency, and I urge my colleagues to overwhelmingly approve this authorization bill providing funds for the continued operation of this essential Government unit over the next 2 years.

There can be no doubt, Mr. Chairman, that the Arms Control and Disarmament Agency has proved to be, in its short history, an invaluable instrument in our search for security, and peace for the world. The Agency is playing a key role in the current discussions on strategic arms limitations.

Mr. Chairman, this measure would authorize an appropriation of $17.5 million for the next 2 fiscal years, a level of spending which is actually less than the current level. In my opinion, this bill represents the barely acceptable minimum. By contrast, Mr. Chairman, we will be asked this week to approve a defense procurement bill totaling not $17 million but 20 thousand million, or $20 billion; and this represents only a small part of the total defense budget, for which the administration has requested over $73 billion. How can we hesitate then, over approving such a small amount in the pursuit of peace; if anything, we should be more concerned about increasing this very limited funding.

Mr. Chairman, this Agency is one of the most vitally important in the Government, representing, as it does, mankind's great hope for world peace. I deeply believe it is eminently worthy of our united support and therefore, I most earnestly urge the swift and unanimous approval of this bill, without any crippling reductions or amendments.

Mr. COHELAN. Mr. Chairman, in 1961, I was one of the original sponsors of the bill to create the U.S. Arms Control and Disarmament Agency—ACDA. During the decade of the sixties, the ACDA has proven its own worth on numerous occasions. Thus I feel it is important that we renew this 2-year authorization contained in H.R. 16200.

Now as we enter the decade of the seventies, the work of the ACDA takes on added significance. The approval of the Nuclear Test Ban Treaty and the continuation of the bilateral U.S.-U.S.S.R. SALT talks in Vienna require the continued effort of ACDA in the area of vital research and evaluation of various arms limitation proposals.

I hold the highest hopes for the success of SALT talks headed by ACDA's capable Director, Gerald C. Smith. I know that research developed in ACDA will be of inestimable value in the long negotiations process in Vienna.

Those of us who have followed ACDA's development are aware of its efforts in the study of mutual limitation of strategic weapons, but it is also noteworthy that ACDA is also engaged in studying various arms limitation plans in the Middle East, Latin America, and Africa. As a member of the Foreign Operations Subcommittee of the House Appropriations Committee, I have been concerned over the level of the developing nations are playing in needless defense expenditures. I know that ACDA's studies will be useful in attempting to find solution to these vexing questions.

Mr. Chairman, I support this 2-year authorization for ACDA.

Mr. PUCINSKI. Mr. Chairman, I rise in support of H.R. 16200, which extends authorization for appropriations of the Arms Control and Disarmament Commission.

I believe this Commission has tried, most effectively, to find new ways for lasting peace in this troubled world.

I was one of the original cosponsors of this legislation, and I believe it has made a significant contribution. While we fully realize it has not found the ultimate road to peace, the quiet, deliberate work of this committee at least gives our Nation an opportunity to probe the various possibilities for finding the ultimate road to peace in this troubled world.

Mr. ADAIR. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill.

The Clerk read as follows:

H.R. 16200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of $17,500,000,".

SEC. 2. Section 24 of such Act (22 U.S.C. 2564) is amended by inserting at the end thereof the following provision: "If an Assistant Director is an officer of the Armed Forces serving on active duty, he shall receive, in addition to his military pay and allowances (including special and incentive pays) for which the Agency shall reimburse his service, an amount equal to the difference between such military pay and allowances and any higher compensation established for the position of Assistant Director."

With the following committee amendment:

On the first page, strike out line 8 and all that follows down through line 8 on page 2.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. FULTON of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16200) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors, pursuant to House Resolution 945, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill, H.R. 16200, to the House Committee on Foreign Affairs with instructions to report the bill back to the House forthwith with the following amendment:

On page 1, line 7, strike the figure "$17,500,000" and insert "$13,125,000".

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 87, nays 280, not voting 63, as follows:

[Roll No. 95]

YEAS—87

Abbitt	Edwards, Ala.	Montgomery
Abernethy	Edwards, La.	Nichols
Andrews, Ala.	Flowers	Passman
Ashbrook	Flynt	Pollock
Blackburn	Foreman	Price, Tex.
Bow	Griffin	Quillen
Brinkley	Gross	Rarick
Broyhill, N.C.	Grover	Reid, Ill.
Burleson, Tex.	Haley	Rivers
Burton, Utah	Hall	Satterfield
Caffery	Harsha	Saylor
Casey	Hébert	Scherle
Chappell	Henderson	Scott
Clancy	Hull	Sebelius
Clawson, Del	Hungate	Smith, Calif.
Collier	Hunt	Snyder
Collins	Jones, Tenn.	Steiger, Ariz.
Cowger	King	Taylor
Crane	Kuykendall	Thompson, Ga.
Daniel, Va.	Long, La.	Waggonner
Davis, Ga.	McClure	Wampler
Davis, Wis.	McCulloch	Watkins
Delaney	McMillan	Watson
Devine	Mann	Whalley
Dickinson	Marsh	Whitehurst
Dorn	Martin	Whitten
Dowdy	Michel	Wylie
Downing	Mills	Wyman
Duncan	Mizell	Zwach

NAYS—280

Adair	Andrews, N. Dak.	Belcher
Adams	Annunzio	Bell, Calif.
Addabbo	Arends	Bennett
Albert	Ashley	Berry
Alexander	Aspinall	Betts
Anderson, Calif.	Ayres	Bevill
Anderson, Tenn.	Barrett	Biaggi
	Beall, Md.	Biester
		Bingham

Blanton	Green, Oreg.	Nix
Blatnik	Green, Pa.	O'Hara
Boggs	Griffiths	Olsen
Boland	Gubser	Patten
Bolling	Gude	Pelly
Brademas	Halpern	Pepper
Brasco	Hamilton	Perkins
Bray	Hammer-schmidt	Pettis
Brock	Hanley	Philbin
Broomfield	Hansen, Idaho	Pickle
Brotzman	Hansen, Wash.	Pike
Brown, Mich.	Harrington	Pirnie
Brown, Ohio	Harvey	Podell
Broyhill, Va.	Hastings	Poff
Buchanan	Hathaway	Preyer, N.C.
Burke, Mass.	Hays	Price, Ill.
Burlison, Mo.	Hechler, W. Va.	Pryor, Ark.
Burton, Calif.	Heckler, Mass.	Purcell
Button	Helstoski	Quie
Byrne, Pa.	Hicks	Railsback
Byrnes, Wis.	Hogan	Randall
Camp	Holifield	Rees
Carey	Horton	Reid, N.Y.
Carter	Hosmer	Reifel
Cederberg	Howard	Reuss
Celler	Hutchinson	Riegle
Chamberlain	Ichord	Robison
Chisholm	Jacobs	Rodino
Clark	Jarman	Roe
Clausen, Don H.	Johnson, Pa.	Rogers, Colo.
Cleveland	Jonas	Rogers, Fla.
Cohelan	Jones, Ala.	Rosenthal
Conable	Karth	Rostenkowski
Conte	Kastenmeier	Roth
Conyers	Kazen	Roudebush
Corbett	Kee	Ruppe
Corman	Keith	Ruth
Coughlin	Kleppe	Ryan
Culver	Kluczynski	St Germain
Cunningham	Koch	St. Onge
Daddario	Kyl	Sandman
Daniels, N.J.	Kyros	Scheuer
de la Garza	Landgrebe	Schneebeli
Dellenback	Latta	Schwengel
Denney	Leggett	Shipley
Dennis	Lloyd	Shriver
Dent	Long, Md.	Sisk
Derwinski	Lowenstein	Skubitz
Donohue	Lujan	Slack
Dulski	McCarthy	Smith, Iowa
Dwyer	McClory	Smith, N.Y.
Eckhardt	McCloskey	Springer
Edmondson	McDade	Stafford
Edwards, Calif.	McEwen	Stanton
Eilberg	McFall	Steed
Erlenborn	McKneally	Stokes
Esch	Macdonald, Mass.	Symington
Eshleman	MacGregor	Talcott
Evans, Colo.	Madden	Teague, Tex.
Evins, Tenn.	Mahon	Thompson, N.J.
Fallon	Mailliard	Tiernan
Farbstein	Mathias	Udall
Fascell	Matsunaga	Ullman
Findley	May	Van Deerlin
Fish	Mayne	Vander Jagt
Flood	Melcher	Vanik
Foley	Meskill	Vigorito
Ford, Gerald R.	Mikva	Waldie
Ford, William D.	Miller, Calif.	Watts
Fountain	Miller, Ohio	Weicker
Fraser	Minish	Whalen
Frelinghuysen	Mink	Wiggins
Friedel	Minshall	Williams
Fulton, Pa.	Mize	Wilson, Bob
Fulton, Tenn.	Monagan	Wilson, Charles H.
Galifianakis	Morgan	Winn
Gallagher	Morse	Wold
Garmatz	Mosher	Wolff
Gaydos	Moss	Wright
Gibbons	Murphy, Ill.	Wyatt
Gilbert	Murphy, N.Y.	Wydler
Goldwater	Myers	Yates
Gonzalez	Natcher	Yatron
Goodling	Nedzi	Young
Gray	Nelsen	Zablocki
		Zion

NOT VOTING—63

Anderson, Ill.	Gettys	Morton
Baring	Giaimo	Obey
Brooks	Hagan	O'Konski
Brown, Calif.	Hanna	O'Neal, Ga.
Burke, Fla.	Hawkins	O'Neill, Mass.
Bush	Johnson, Calif.	Ottinger
Cabell	Jones, N.C.	Patman
Clay	Kirwan	Poage
Colmer	Landrum	Powell
Cramer	Langen	Pucinski
Dawson	Lennon	Rhodes
Diggs	Lukens	Roberts
Dingell	McDonald, Mich.	Rooney, N.Y.
Feighan	Meeds	Rooney, Pa.
Fisher	Mollohan	Roybal
Frey	Moorhead	Schadeberg
Fuqua	Morton	Sikes
Staggers	Stuckey	Tunney
Steiger, Wis.	Sullivan	White
Stephens	Taft	Widnall
Stratton	Teague, Calif.	
Stubblefield	Thomson, Wis.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Lennon for, with Mr. O'Neill of Massachusetts against.

Mr. Roberts for, with Mr. Staggers against.

Mr. O'Neal of Georgia for, with Mr. Feighan against.

Mr. Jones of North Carolina for, with Mr. White against.

Mr. Baring for, with Mr. Rooney of New York against.

Mr. Colmer for, with Mr. Ottinger against.

Mr. Gettys for, with Mr. Stratton against.

Mr. Stephens for, with Mr. Rhodes against.

Mr. Stuckey for, with Mr. Thomson of Wisconsin against.

Mr. Cramer for, with Mr. Pucinski against.

Mr. Burke of Florida for, with Mr. Johnson of California against.

Mr. Hagan for, with Mr. Roybal against.

Until further notice.

Mr. Cabell with Mr. Bush.

Mr. Brooks with Mr. Anderson of Illinois.

Mrs. Sullivan with Mr. McDonald of Michigan.

Mr. Moorhead with Mr. Morton.

Mr. Rooney of Philadelphia with Mr. Steiger of Wisconsin.

Mr. Sikes with Mr. Frey.

Mr. Stubblefield with Mr. Langen.

Mr. Patman with Mr. Lukens.

Mr. Fisher with Mr. O'Konski.

Mr. Landrum with Mr. Teague of California.

Mr. Fuqua with Mr. Schadeberg.

Mr. Meeds with Mr. Taft.

Mr. Mollohan with Mr. Widnall.

Mr. Kirwan with Mr. Clay.

Mr. Obey with Mr. Dawson.

Mr. Hanna with Mr. Powell.

Mr. Tunney with Mr. Hawkins.

Mr. Brown of California with Mr. Diggs.

Mr. Giaimo with Mr. Dingell.

Messrs. BIAGGI, CAREY, PETTIS, and RUPPE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Two hundred twenty-one Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, pursuant to the provisions of House Resolution 945, I call up for immediate consideration a similar Senate bill (S. 3544) to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 3544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of $17,500,000,".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16200) was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (S. 3544) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROTECTION OF MINORS AND OF RIGHT OF PRIVACY FROM SEXUALLY ORIENTED MAIL

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15693) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15693, with Mr. STEED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. DULSKI) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. CORBETT) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 15693 is a truly bipartisan bill to provide urgently needed protection for the American home against the flood of obscenity and pornography that is still finding its way into the U.S. mails.

This bill is sponsored by 23 of the 26 members of the Committee on Post Office and Civil Service.

Similar bills have been sponsored by

176 other House Members, 14 of whom took the time and trouble to testify in person at our hearings.

For example, the gentleman from Ohio (Mr. WYLIE) struck a key note when he exhibited examples of smut which he said "often arrive in envelopes which do not reveal the contents and unsuspecting housewives and children are subjected to this filth unwittingly."

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

I thank the gentleman from New York, the distinguished chairman of the Post Office and Civil Service Committee for his reference to me.

For a considerable period of time the public's outraged cry against the flood of pornography has gone unheeded. In spite of an obvious need, the Congress has not seen fit, until only recently, to do something about it.

In bringing H.R. 15693 to the floor the gentleman from New York (Mr. DULSKI) and his committee have performed a great public service, which the people of this Nation will surely applaud.

The distinguished chairman of the committee has, with great skill, guided this concept for the control of pornography and obscene material, which is constitutionally and legally sound, from his committee to the floor of the House.

This legislation, I respectfully suggest to the Members of this House, will protect our youth and the sanctity of our homes from materials which are obscene and perverted. It is a proper first step toward the necessary and ultimate goal of putting all pornographers out of business.

I wholeheartedly support this bill and strongly recommend its passage to the Members of this body.

I compliment the distinguished chairman for his excellent leadership, and I commend him for giving us an opportunity to vote on a bill on this subject during the 91st Congress.

Mr. DULSKI. Mr. Chairman, I commend my friend and colleague, the gentleman from Ohio (Mr. WYLIE), who has truly been a leader in the crusade against pornography.

The gentleman has discussed the obscenity problem at length on the floor of the House. Last July, he sent a letter to all Members of the House and the other body who had introduced antiobscenity legislation, urging them to request that hearings be held.

Because of his interest, he was invited to testify before the Subcommittee on Postal Operations of our Post Office and Civil Service Committee.

His testimony and responses to questions were well-reasoned and highly beneficial.

He introduced H.R. 14100, which for practical purposes, is the same as title I of the bill before us today.

Indeed, his active concern has done much to make the passage of H.R. 15693 a reality.

I commend and thank the gentleman from Ohio.

H.R. 15693 is the result of intensive study of the adverse impact of obscene matter on our American way of life, and of loopholes in existing law that can and should be closed.

H.R. 15693 has a dual purpose and effect. First, it is directed to the critical need for protection of young people—those under 17 years of age—from matter harmful to minors that is transmitted through the mails.

Secondly, it affords a much stronger measure of protection than now exists for the privacy of adult patrons who do not want to receive sexually oriented advertising.

This legislation is a special tribute to the chairman of our Subcommittee on Postal Operations—the gentleman from Pennsylvania (Mr. NIX)—and to his subcommittee members.

It is also a credit to the other members of the Committee on Post Office and Civil Service who gave the subcommittee their strong support by cosponsoring his bill, as well as the other Members of the House who have introduced companion bills.

I wish it was possible to say that enactment of H.R. 15693 will foreclose the mails entirely to purveyors of filth—and that it will give absolute protection to children and adults alike who reject such filth. Regrettably, it will not.

But it is certainly a long and very important stride in the right direction—above and beyond even the several excellent antipornography statutes which have been developed by our committee over the last decade.

Further, it is most gratifying to report to my colleagues that the Postmaster General and the Attorney General of the United States strongly support the objectives of H.R. 15693.

I hope and believe that this needed legislation will be approved by an overwhelming vote of my colleagues in the House.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in recent years we have witnessed a "jungle" growth of an insidious industry—that is, smut and pornography. It is found everyplace. But, we are specifically concerned today as to its delivery through the mails.

It is reasoned by some that it is just part of our times; a stage our society is passing through. Others claim it is part of a higher culture representing a force of intellectual freedom. Still others argue that such materials and literature should be and must be available to whomever wishes to receive them.

I am sure all of us have read our mail from the people back home on this subject. They are not happy. They object to receiving this kind of unsolicited mail and they should.

My own personal opinion is, and I believe it is shared by most adults in our country, that pornography and obscene material and generally considered unwholesome materials should be available to those adults who specifically request them, but not to those adults who do not, and certainly not to minors.

It is because of the wholesale mailing of obscenity and the people's outrage which has resulted that brings this legislation before us today.

H.R. 15693, which has the overwhelming support of our Post Office and Civil Service Committee, is a bill designed to give basic protection to mail patrons. Title I is based on the New York State statute which has been upheld by the U.S. Supreme Court in *Ginsberg* v. *New York*, 390 v. 629. Its main objective is the protection of minors from material mailed by smut peddlers. H.R. 15693 adopts from the New York statute a three-element definition of material harmful to minors; that is, material which—

A. Predominantly appeals to the prurient interest of minors; and

B. Is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and

C. Is substantially without redeeming social value for minors.

It also provides an affirmative defense for mailers. That is, those who send purchase orders must state that they are adults. Compliance with this requirement would be sufficient grounds to sustain the affirmative defense thereby entitling the mailer to a finding, that the mailing was not in violation of the new statute. This clearly means that under this title mailers could only be prosecuted if:

First. They did not receive such a statement; or

Second. They sent unsolicited obscenity through the mails.

Title II, in its broad application, protects the privacy of individuals and of minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising. It permits any individual to place his name, as well as those of his children under 19 years of age who are in his care and custody, on a list of those who do not desire to receive sexually oriented advertisements through the mails. This list shall be maintained and kept current by the Postmaster General. It shall be made available to mailers for a reasonable service charge.

It is generally believed that this legislation will withstand any constitutional tests.

Therefore, in closing, Mr. Chairman, I urge all my colleagues to support this legislation as an important step to protect any person, and minor who they are responsible for, from the unwelcome, unsolicited mailing of obscenity through the mails.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Nebraska (Mr. CUNNINGHAM) the ranking Republican on the subcommittee that produced the bill.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. NIX) the chairman of the subcommittee.

Mr. NIX. Mr. Chairman, we are here today to support the passage of H.R. 15693, a bill that does not take away rights but provides for the right of privacy of American homes in an era of automated mailings of sexually offensive advertising.

Federal interest in the regulation of smut mailings is limited to the Post Office Department and the Customs Bureau.

Today our subject is the domestic mass mailing of unsolicited, unnatural, and sexually degenerate material which is aimed for the most part at adolescents. Such mailings have the effect of undermining parents' efforts to educate their children as to the meaning and purpose of sex. Smut mailings undermine such training because by its very nature it preaches that men and women are sexual objects to be exploited.

Many smut merchants operate by means of mailing lists which contain the names of preteen children. These mailing lists are gathered by purchases of the mailing lists of those who sell to children through stamp and record clubs. These lists are then held. They are aged and sent to those about 15 years of age who are at their most curious.

There is not a Member of this House who does not have filing cabinets filled with some of the vilest material any of us have seen until recent years, mailed to us from outraged constituents. Our people back home are demanding action. Today they will get action in balanced and workman like legislation that will get the job done as far as mass mailings are concerned.

The subcommittee held 7 days of hearings on the bill before you. We have received testimony and statements from 31 Members of Congress supporting legislation similar to that before us today. We have had letters from over 20 Governors supporting our position, and those letters came from States such as New York, Pennsylvania, Rhode Island, Connecticut, as well as many Southern and Midwestern States. We received letters from 34 attorney generals from States as far removed as Michigan, Missouri, Maryland, and California. We received letters of support from mayors of 32 of our largest cities, including the mayor of New York City, the mayors of Buffalo, Boston, Chicago, El Paso, Detroit, Denver, and Cleveland. This material is included in the appendix to part II of our hearings from pages 427 to 497.

I do not believe that the legal problems connected with the field of obscenity are easy to solve.

Justice Thurgood Marshall in writing the opinion for the U.S. Supreme Court in the case of *Redrup* v. *New York*, 386 U.S. 767, 1967, pointed out that there were then four schools of thought as to what the definition of obscenity is, and others have detected five among a group of nine men. Since that time two Justices, Justice Warren and Justice Fortas, have left the Court.

But, we do know this and Justice Marshall in the 1967 Redrup case pointed the way out of this Gordion knot. He discussed in that opinion the grounds on which Government could act and these are where there is an interest in the protection of children, where there is an interest in protecting the privacy of adults and in situations where the advertising material can be considered pandering advertising.

The Redrup case was the start of a new constitutional basis for the regulation of smut mailings.

TITLE I

Title I of our bill is based on a State statute protecting juveniles, a New York State statute that was upheld by the Supreme Court of the United States in the case of *Ginsberg* v. *New York*, 390 U.S. 629, 1968. The Court held in that case that it was not unreasonable for a State legislature to find as a matter of fact that obscenity was harmful to minors even though the same material might not be harmful to adults, the New York statute had a much more difficult task to deal with than we do here today. It was seeking to regulate magazine sales to persons under 17. We are attempting to regulate mass automated direct mailing to the home aimed at children of 16 years of age and under.

There is one difference in the language of our bill H.R. 15693 from that in the New York State statute. We believe that in defining sexual or sado masochistic material which predominantly appeals to the prurient, shameful, or morbid interest of minors; and is offensive to prevailing standards in the adult community concerning what is suitable material for minors, when we add the phrase and is "substantially without redeeming social value for minors," we have met the constitutional test of the cases of the last 3 years.

We did not use the word "utterly" in the phrase without redeeming social importance. We took the word "substantially" from H.R. 11031 introduced by the gentleman from Ohio (Mr. McCULLOCH) and substituted it for "utterly" because the word "utterly" means "absolutely" and the word "absolutely" in law is impossible to apply. Two of the three judges who used the phrase "utterly without redeeming social importance" have now left the Court, and one of them, Chief Justice Warren, was the Supreme Court Justice who first applied the concept of variable obscenity, that is, what may not be obscene for adults may be obscene for children, and I submit to you persons 16 years of age and under are children. The administration supported the substitution of the word "substantially" for the word "utterly" in the obscenity test in title I.

TITLE II

Title II of this bill is word for word the subject of an administration message and bills introduced at the administration's request.

It provides for a registry system whereby adults for themselves and their children can register their names and addresses with the Postmaster General, asserting a right which this bill gives them to serve notice on all mailers that they do not wish to receive "sexually oriented advertising" which phrase is medically defined in the bill. The phrase "sexually oriented advertising" is defined as the depiction or description of sexual genitalia, natural or unnatural intercourse, sadism or masochism. It is plain enough.

Thirty days after the names and addresses of postal patrons are registered with the Postmaster General, mass mailers will be on notice that material which falls within the definition should not be forwarded to the above-named addressees. If their material is not predominantly sexual and devoted entirely to the depiction or description of sexual organs the mailer will not have to worry.

This bill answers the questions raised in the case of *Freedman* v. *Maryland*, 380 U.S. 51, 1955, and *Manual Enterprises* v. *Day*, 370 U.S. 478, 1962, where administrative action in the field of obscenity was questioned by the Court.

Under section 4013, Judicial Enforcement, the Federal courts are empowered to act civilly against mailers with a variety of court orders taking the place of administrative action under title 39 of the United States Code. Constitutional questions can be immediately raised before Federal judges without loss of time. This is an important step toward making this bill a constitutional one.

CRIMINAL PENALTIES

Criminal penalties are applied in appropriate cases by both title I and title II.

In title I, the usual criminal penalties related to the crime of mailing obscenity are applied but with this difference. A mailer can mail material harmful to minors to adults or even to children who claim on an application blank for the material that they are adults. This meets any question raised by *Butler* v. *Michigan*, 352 U.S. 380, 1956, in that no restrictions are placed on adult reading matter or even on a child who claims to be an adult and applies for material since an affirmative defense is provided the mailer in such a case since he could not have known he was dealing with a child.

But the people this legislation is aimed at are the smut merchants who want to blanket entire communities with occupant mail or mail aimed at 15 years olds, who because of the nature of their operation do now want to wait for applications.

There will be a question asked today, I suppose about occupant mail, what about the poor smut merchant who sends out smut mail addressed to occupant? How would he know he is dealing with a child when he is used to sending unsolicited, unwanted, pornographic junk mail in mailings of millions.

In answer to that concern, I say that the Supreme Court of the United States in Redrup against New York, cited the *Breard* v. *Alexandria* case, 341 U.S. 622, which case stands for the proposition that businessmen have to have some respect for the privacy and rights of others. They may sell their wares but they do not have a right to put their foot in the door and demand that all Americans act like a captive audience for their vicious advertising. The Breard case upheld a city ordinance which provided that door to door salesmen get the permission of the owner of a home before they attempted to sell their merchandise door to door. In this case I say that a balance has to be struck between the American home and the greed of mass mailers. They have other means of getting their advertising message across. Their speech has not been interferred with and the right of privacy and the right to protect your own children from filth has been protected.

The criminal penalties in title II are severe. They are $5,000 or imprisonment for 5 years or both for a first offense and $10,000 and/or 10 years for a second offense.

They may be severe but the mass mailer who regularly buys mailing lists containing the names of all automobile

license holders in our biggest States can use some of the same energy to avoid mass mailings to those who have publicly stated that they do not want smut advertising in their homes.

Incidently, the number of complaints to the Post Office Department for the past few years on this subject have run about 250,000 a year. If they went up five times in size, computer technology could make such lists easily available. The Postmaster General can under administrative regulation, review and clean lists so that the administration of the program will be a reasonable one. The cost to the Government will be paid for by those direct mailers who indulge in borderline mailings. The administration of a program will be with the mailers where it belongs.

I think we have good legislation here. It will do a job. It will not do the whole job but it is a start considering the state of the law on obscenity.

The American people have the right to be let alone. Your constituents and your families have no obligation to serve as a captive audience for these unscrupulous advertisers. There is no reason why American parents should have to compete with smut mailers in the sex education of their children.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Missouri.

Mr. ICHORD. I wish to commend the distinguished gentleman from Pennsylvania for the statement that he has just made, for the work that he has done as chairman of the subcommittee. I also commend the chairman of the full committee and all members of the Post Office and Civil Service Committee for bringing this legislation to the floor. This deals with an ill within our society of emergency proportions. It is high time that the Congress act immediately to smash a very filthy and lucrative business.

However, I want to make certain that we do have effective legislation in this field. As the gentleman has indicated in his statement, the Supreme Court is quite divided on this subject. Two members firmly believe that this is an area where we cannot legislate at all, that freedom of the press is absolute. One of them holds that you can legislate in the field of hard-core pornography, but does not attempt to define what "hard-core pornography" is. Others have set up the test which the committee is following in this case.

But I want to make certain that this legislation will be effective. As I read the bill, the language in title I, page 3, takes the approach used in the New York statute that was sustained in the case of Redrup against New York, holding that you could take special action in regard to the protection of minors. That language is contained at the bottom of page 3, as I read the bill; is that correct?

Mr. NIX. The gentleman is correct.

Mr. ICHORD. It states as follows:

(b) If deposited in the mails for delivery to a residence in which a minor resides, matter which is described in subpargarph (1) or subparagraph (2) of subsection (a) of this section, or which constitutes or contains an offer or advertisement therefor or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail for delivery to such minor, unless such matter is contained in a sealed envelope or sealed wrapper which conceals completely the contents and unless such wrapper or envelope is clearly, specifically, and personally addressed to an adult who resides at that residence.

Does that meant that if a pornographer mails pornographic material which is open and plainly visible to a household where a minor resides and it has not been solicited by the household, that an offense will have been committed?

Mr. NIX. The gentleman is correct.

Mr. ICHORD. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman in the well yielding to me. I join my colleague, the gentleman from Missouri (Mr. ICHORD), in commending the chairman and his distinguished commitee, and I associate myself with his learned remarks.

Mr. Chairman, I rise enthusiastically in support of H.R. 15693 which is designed to take two giant steps toward remedying existing Federal laws, by protecting minors from harmful mailings of sexually oriented mail, and by protecting the right of privacy of our citizens who do not desire to receive sexually oriented advertising.

Mr. Chairman, in his remarks, the gentleman from Pennsylvania mentioned he had letters from across the Nation, including our State of Missouri. I want to say to the gentleman from Pennsylvania that there is no single subject on which we have consistently received more mail. As the author of two bills similar to this legislation in months past, I again express thanks to the committee for this opportunity. To me, it is an antipollution measure—of the human mind, that is.

Mr. Chairman, I repeat that over the several years that I have had the privilege of serving in the House of Representatives, I can think of no one problem that has more consistently plagued the people of southwest Missouri, or that I have continually received more correspondence on; than the ferocious flood of filth that has inundated our already overburdened postal system, and has violated the sanctity and privacy of our homes. Not only the people of southwest Missouri, but the American people as a whole, are demanding congressional action that will dry up this overflowing rancid river of polluted perversion. The American people realize that the free flow of obscene material constitutes a pollution and environmental crisis, not unlike those confronting our rivers and air. Yes, Mr. Speaker, H.R. 15693, which is similar to the legislation I introduced earlier in the 91st Congress, is an antipollution measure. It will greatly augment our Nation's psychological and mental quality by curtailing the flow of pornography to our youth. In addition, the environmental quality of American homes will be raised by the elimination of unsolicited obscene mailings.

Finally, Mr. Chairman, I compliment the committee for bringing this bill before the House for consideration. I am also pleased that the bill commands great bipartisan support in the Congress and that the administration wholeheartedly supports its enactment. I sincerely hope that both bodies of Congress will expeditiously approve H.R. 15693 so that first giant steps in eliminating the social problem of pornography can be made. It is the least we can do in a representative body, under the public trust.

Mr. NIX. Mr. Chairman, I thank the gentleman from Missouri.

Mr. EDWARDS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. NIX I yield to the gentleman from Louisiana.

Mr. EDWARDS of Louisiana. Mr. Chairman, as author of a companion bill similar to the one before the House, I compliment the gentleman and his committee for their exhaustive study of this particular issue.

I believe the passage of this bill will provide a much needed tool so that prosecutors nationwide will have an effective weapon to punish those who engage in smut peddling in this country. I believe also it will cure a hiatus in the law caused by what I believe are unrealistic decisions of the Supreme Court, and I think it is wise for the Congress now to look into this field and to provide the prosecutors of this Nation and those enforcing the law with a meaningful statute.

Mr. NIX. Mr. Chairman, I thank the gentleman from Louisiana.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I endorse the statement of the distinguished gentleman in the well, Mr. NIX, and I thank him for bringing this bill to our consideration today. Also I commend the entire committee for their work in perfecting this bill.

Mr. Chairman, I hope each of these steps will be strides forward, so that we can eliminate the smut that has been coming into American homes. I thank the gentleman and his committee very much. I rise in strong support of this measure and hope it passes without a dissenting vote in this House.

Mr. NIX. Mr. Chairman, I thank the gentleman from Texas.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I rise in strong support of H.R. 15693 and as cosponsor of a similar bill urge my colleagues to give prompt and overwhelming approval to this measure. It may be an old cliche, but the House of Representatives can strike a blow for decency in America by voting for this piece of legislation which will help curb the flow of obscene and pornographic mail in the Nation. We have heard much talk in the past about taking steps to protect the people of America from being subjected to this unsolicited mail. We have heard talk about prohibiting this kind of mail from being sent to the youth of America. Well, today, we have the opportunity to turn this talk into action.

We have before us a bill which will make it illegal to send obscene materials to persons under 17 years of age and illegal to send similiar matter to adults who indicate they do not wish to receive it.

I want to commend the Committee on Post Office and Civil Service for their diligence in writing H.R. 15693. They have done an excellent job and are to be congratulated for including language in the legislation which conforms to the latest rulings of the Supreme Court. Of course, I do wish it was a stronger bill but I know this is the best we can do at this time.

As a cosponsor of a similar bill, I am well aware of the need for this legislation. I have numerous letters from people in my home State of Mississippi asking me when the Congress is going to do something to stop the flow of obscene mail. They also ask when the Congress is going to do something to protect the majority of Americans and stop protecting a small group of smut peddlers. I would like to be able to respond to these people tomorrow and say "the Congress has done something about obscene mail. It has passed a law spelling out in no uncertain terms that this type of pornographic material will not be tolerated in America."

Mr. NIX. Mr. Chairman, I thank the gentleman from Mississippi.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman in the well for yielding. I take this occasion as the author of a companion bill to commend the gentleman, as chairman of the subcommittee, and also the chairman of the full committee for successfully guiding this legislation to the House for determination by the Members. It is in my judgment a substantial forward step in contributing to the mental health of the young of America.

Mr. NIX. Mr. Chairman, I thank the gentleman from New York.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman for his presentation and thank him for yielding.

Mr. Chairman, I have one question, and that is whether or not, on page 3, line 25, where there is a presumption that the act is violated unless the matter is contained in a sealed envelope addressed to an adult, the term "adult" there means any person who is not a minor under the definition of the act, or whether an adult at that point means a person of 21 years of age or older. I think it would make a difference, because if an 18- or 19-year-old couple with a 1-year-old baby had matter addressed to the 19-year-old couple, the presumption would exist that the pornographic material was improperly distributed if an adult means a person of 21 years old or older. If, on the other hand, the adult is the other side of the coin from the definition of a minor, that would not be a violation.

Mr. NIX. Will the gentleman indicate again the line on page 3?

Mr. ECKHARDT. It is the last line, which says "and personally addressed to an adult who resides at the residence."

Now, the definition of "minor" is contained on page 4, where it is said:

"Minor" means any person under the age of 17 years.

If there were another definition, saying " 'adult' means any person of 17 years or over," it would be clear what it is intended by "adult" on page 3.

Considering the fact that 21 years is used to define certain bases for determination in title II, it would seem to me that this should be spelled out by definition. I merely submit this as an observation. I have no strong feeling on the matter.

Mr. NIX. I am grateful, and I know the committee is, for the gentleman's observation.

I must also advise, that question did come up during the hearings in the committee. It was thought that we would proceed in the manner in which the bill has been drawn.

Mr. ECKHARDT. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I would like to commend the gentleman for the remarks he has made and for the fine report brought in by his subcommittee and the very constructive bill which is now before the committee. This is long overdue.

I would like to report to the gentleman that, judging from my own congressional district, I do not believe there has been anything more disturbing than the outpouring of filth through the mail day after day, really unchecked to the point that many parents have been driven to distraction because they feel there is nobody in the United States trying to hold it in check.

I congratulate the committee on its wisdom for bringing this bill in and giving us the opportunity to act on it.

Good luck. I am sure you are going to receive a great vote from the House.

Mr. NIX. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NIX. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman, the chairman of the subcommitee, Mr. NIX, for the expeditious manner in which he has handled this bill and brought it to the House floor. It has been my privilege to be one of the cosponsors of this particular legislation.

I have no doubt that this measure will be assailed in the courts as quickly as some purveyor of smut can assail it. It would be my hope that the gentleman, his subcommittee, and the full committee would respond promptly, if this restriction, like others before it, is nullified by the Supreme Court. I hope the committee will come right back again and keep the Court busy until a way can be found to stop this business of sending filth and smut through the mails indiscriminately to people of all ages.

Again I commend the gentleman for his good work.

Mr. NIX. I thank the gentleman.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding and I commend him for his tireless efforts in this field. In addition, I commend the committee for its attention in this matter. Due to its wisdom, I feel that H.R. 15693 will both pass the test of constitutionality and protect our youth and our privacy from those who deal in sexually oriented mail.

I rise in support of H.R. 15693, a bill aimed at immediately stopping the flow of unsolicited, hard-core smut through the U.S. mails.

This antipornography bill has a twofold purpose. First, it is designed to protect youngsters under 17 from mailings which are of predominant appeal to prurient interest, which are offensive to prevailing standards in the community, and which are substantially without redeeming social value. Second, H.R. 15693 protects the privacy of individuals, and of minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising.

H.R. 15693 denies the use of the mails for the delivery to our youth of smut. In addition, this measure would require mailers and potential mailers to respect the expressed wishes of those who find sexually oriented advertising offensive to their taste.

The need for this legislation is clear. The people are fed up. Over the months, my office has received an ever-increasing number of samples of unwanted, unsolicited, and, to the recipient, deeply offensive sex-oriented mail.

Upon contacting the Post Office Department, I found that throughout America citizens are being bombarded with the largest volume of salacious mail in our history.

In responding to this need for action, I introduced an antipornography bill nearly 1 year ago. My bill, although technically different from H.R. 15693, had the same aim—prohibiting pornography from falling into the hands of our youth, and requiring mailers to respect the expressed wishes of those citizens who do not solicit or want sex-oriented materials sent into their homes.

Thus, Mr. Chairman, in closing, it is with enthusiasm that I speak in full support of this bill.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Ohio.

Mr. WYLIE. I also wish to commend the gentleman in the well for his outstanding work on this bill. I rise primarily for that purpose, and to thank the gentleman from New York (Mr. DULSKI) for his kind remarks concerning my efforts on this subject. But, also, I should like, for purposes of the record, to have an interpretation or a clarification of the question where a 19-year-old couple with a 1-year-old child received obscene materials in their home, as to whether this

would be in violation of the law if this bill passes.

It seems clear to me that, under the definition in the first section of the bill, a minor is a person 17 years of age or under. Those persons are defined as minors. I would assume that everyone over the age of 17 years would be considered an adult within the purview of this bill.

Mr. NIX. So far as this bill is concerned, it is directed toward the protection of youngsters under a definite age as set forth in the bill, and those over 17 would be considered adults for the purposes of title I.

As to the 19-year-old couple, I believe generally under the law they would be classed as adults. They are a 19-year-old couple. They are married. There is that feature connected with it.

That would be my opinion.

The CHAIRMAN. The gentleman from Pennsylvania has consumed 33 minutes.

Mr. NIX. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, first I would like to thank the chairman of the subcommittee (Mr. NIX) for yielding this time to me and for his leadership and very energetic work on this legislation.

Mr. Chairman, the most important resource any nation has is its children. The entire future of the United States belongs to them.

One of the matters that every parent must devote time and attention to is the education of his children, including matters of sex and the responsibilities of parenthood that they will take up themselves.

Why should the parents of America submit to receiving by mail perverted and degenerate material mailed to their children, usually as unsolicited mail?

That is our situation today, as has been pointed out by others. Every Congressman's office has been flooded with angry constitutent mail with enclosures that shock us and our staffs as well.

I do not believe that Congress is helpless to deal with this problem. We must try to deal with it and within the framework of the Constitution.

In the case of *Redrup* v. *New York*, 386 U.S. 767, the Supreme Court pointed out the way for legislation that would be upheld. The Court said that legislatures had a legitimate interest in protecting children, in protecting privacy, and in limiting pandering advertising.

In this bill today, we have followed the Court's lead and I think we have a bill that is not only constitutional but effective.

Title I of the bill provides criminal penalty for mailing to a child 16 years of age and under obscene material and which obscene material is defined according to a test suitable to minors. That is, there is a recognition in this title that there should be such a thing as variable obscenity in that what is not obscene for an adult may be obscene for children. The Supreme Court upheld this view in the case of *Ginsberg* v. *New York*, 390 U.S. 629 (1968).

In that case the Court stated that the Government had a profound interest in the raising of children and it is not unreasonable for a legislature to find that obscenity is harmful to children.

Title II of the bill establishes a registry which will give every parent an opportunity to register himself and his family with the Postmaster General and 30 days after his name and the names of members of his family appear on that list mailers are on notice that these people do not want to receive sexually oriented advertising. The term "sexually oriented advertising" is defined in medical terms. It is a very specific term as an examination of the bill will show. This title was one of President Nixon's major requests for action of the Congress and the bill has not been changed from his message in any respect.

There is a feature of title II in which I am especially interested. That is, it not only provides criminal penalties but it provides as well for judicial action through court orders, a civil remedy for the violation of the act. I think this is important because it brings the constitutional questions involved immediately to a court, rather than delaying such matters in administrative tribunals. This to me is most important.

I think that the committee has done a good job. We not only contacted Governors, attorney generals, and mayors of our larger cities, but foreign nations as well. Much has been made, for instance, of Denmark repealing national laws on obscenity in their country. What the press does not mention is that they have very strict local ordinances which limits advertising and window displays in stores. What is more, they have almost no direct mail advertising industry in their country and we have a giant direct mail advertising industry—and that is our Federal concern today, the unscrupulous smut mailer who uses the direct mail means to get his material to our children and the public at large.

I support this legislation and I hope it is swiftly reported out of the Senate and sent to the President's desk for his quick signature.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the distinguished gentleman from North Carolina, the dean of our delegation.

Mr. FOUNTAIN. I thank my distinguished colleague (Mr. HENDERSON) for yielding to me at this point.

Mr. Chairman, I have introduced a number of bills designed to prevent the sending of pornographic materials through the mail, especially to minors. I therefore wish to commend the gentleman from North Carolina (Mr. HENDERSON) as well as the chairman of the subcommittee (Mr. NIX) and other members of the committee for bringing this legislation to the floor of the House for consideration here today. The legislation does not go as far as I would like to see it go but I realize the committee took into account applicable decisions of a seemingly unconcerned Supreme Court. And so I strongly support H.R. 15693. There is no subject about which my own constituents have written to me more often and with more dedicated concern than the subject of pornography. I am satisfied that the passage of this legislation will help alleviate the problem, though much more needs to be done to even substantially solve it. It will also be a source of encouragement to the many mothers and fathers who properly and justifiably are so deeply concerned about what is taking place in our country and the extent to which pornographic materials of all kinds are corrupting the minds and morals of so many of our people, young and old alike, but especially our young people.

Again, I wish to commend my very able and dedicated colleague (Mr. HENDERSON) for his persistent efforts to get legislation on this subject passed by the Congress and especially for the major part he played in bringing this particular bill to the House for consideration and action.

I also thank the gentleman for yielding to enable me to indicate my longstanding support for legislation of this kind as well as to pay tribute to him for his own efforts.

Mr. HENDERSON. Mr. Chairman, I want to thank my colleague from North Carolina (Mr. FOUNTAIN) not only for his support today as the measure is here for a vote, but to recognize his continuing interest in and support on this subject for quite some time. I want to personally thank the gentleman for his help as we continue to work toward the resolution of a very difficult constitutional question with respect to this legislation.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I commend the gentleman in the well for his statement and the outstanding work he has done on this legislation.

I would like to ask, in order to make some legislative history, one question of the gentleman in the well, or the chairman of the subcommittee, either one.

Under title I, "minor" is defined as a person under 17 years of age. In title II, you use the term "over 19 years of age." I am referring to page 7, subsection (b) of the bill, which reads as follows:

> (b) Any person, on his own behalf, or, if such person has reached the age of twenty-one years, on the behalf of any other person who has not attained the age of nineteen years and who resides with him or is under his care, custody, or supervision, may file with the Postmaster General a statement, in such form and manner as the Postmaster General may prescribe, that he desires to receive no sexually oriented advertisements through the mails.

Let me pose this hypothetical question to the gentleman from North Carolina: Suppose you have a married couple with one child 18 years of age. The 18-year-old requests pornographic material from a smut mailer. Previously thereto, the father had turned his name in to the Postmaster General asking that no such mail be sent to his residence. Let us further assume that the smut mailer mails out in response to the request of the 18-year-old. Would there be a violation of title II?

Mr. HENDERSON. Well, it is my opinion, and I stand to be corrected by the chairman of the subcommittee if I am

wrong, that in the specific instance about which the gentleman is talking, the bill specifically provides that it shall be a violation to mail or cause to be mailed any sexually oriented advertisements to any individual whose name or address has been on the list for more than 30 days.

However, I think that any mailer who could prove that the mail was sent by him or his company to one 18 years of age who would be excluded under the title I, at the specific request of that person, would refute in court any intent to violate the criminal provisions of this bill. I think that this is adequate protection for the minor, and likewise does not cause the mailers to be subject to criminal penalties. We have to be very careful that the decisions not rest on the intent of the mailer, so we have clearly defined the age limit which we think will put a stop to the mail houses using indiscriminate mailing without request. It would be my opinion, that if the mail was specifically requested by an 18-year-old that that evidence of request would refute the criminal intent.

Mr. ICHORD. I thank the gentleman for his explanation.

Mr. Chairman, I support the concept of H.R. 15693, and as a sponsor of similar legislation to combat the evils of pornography, I look forward to the day when this blight is swept from our newsstands, theaters, and mail.

The spread of pornographic literature and the availability of lewd movies to the youth of America has become a national crisis. I have been shocked by the unbelievably lewd and obscene nature of the deluge of literature which has been sent through the mails to the minor children of my own constituents and later forwarded to me by their indignant parents. It is regrettable that we should permit such filth to come into the hands of innocent, impressionable children.

Last October I appeared before a judiciary subcommittee hearing on this subject and submitted examples of pornographic material forwarded to me by irate constituents. These items were only a small fraction of the volume of such material sent to me mostly by parents of teenage children. The samples I submitted were so shockingly repulsive, I doubt that the Government Printing Office would be permitted to print such material in the record of the hearing under existing law, although the same are allowable for delivery in the U.S. mail system. Several of the samples were sent to me by the headmaster of a boys' school who advised that mail of this nature, which he termed "adult mail," was required to be opened in the presence of a faculty member. Because mail of this nature was received in such volume, directed to young cadets, the headmaster felt certain that the pornographers, in some way, obtained a list of names of young boys to become the recipients of the smut advertising.

Such hard-core obscenity items as bawdy films, pornographic records, pictures, playing cards, and comic books produced in prolific quantities are available on the open market to buyers of any age. Many newsstands, bookstores and "novelty" shops openly flaunt obscene material representing every imaginable degree of perversity.

Obscene material in the hands of curious adolescents does untold damage and leads to disastrous consequences. Pornography, in addition to being a moral weakness that jeopardizes the very fabric of our society, is one of the breeding grounds of crime. Mr. J. Edgar Hoover, Director, Federal Bureau of Investigation, writing in the "FBI Law Enforcement Bulletin" a few years ago, noted:

> Sex crimes and obscene and vulgar literature often go hand-in-hand. The time for half-hearted oblique actions against dealers in depravity is past. Although their despicable trade reaps $500 million a year, this diabolical business is costing the Nation much more than money. It is robbing our country and particularly our younger generation of decency—it is a seedbed for delinquency among juveniles and depravity among all ages.

The U.S. mails today are flooded with obscene materials and a staggering volume of complaints has been received by the Post Office Department. In 1968, alone, postal authorities received over 165,000 complaints from recipients of obscene mails. Most of the complaints came from parents of junior high and high school students. Arthur Summerfield, former Postmaster General, warned of the enormous size of the problem confronting his Department in 1960, when he told the National Congress of Parents and Teachers:

> Mail order obscenity has become a racket of gigantic proportions. There are no more dangerous, unprincipled criminals in existence than those exploiting this racket. Their overriding goal is to extend the vast market for their filth among the children of America. Already, we can estimate that one million children a year are receiving pornographic filth in their family mailbox.

Obscenity and pornography develops when there is no longer the pride or the determination to do something about it. Americans in growing numbers are developing a dangerously indulgent attitude toward this moral wasteland. Our increasingly affluent, materialistic, and permissive society has encouraged an "anything goes" attitude in personal and collective moral standards which has resulted in an alarming breakdown of the moral fiber of American society. Many college student publications delight in the use of four-letter word obscenities. The New Left underground publications are replete with loathsome vulgarisms aimed at the morbid curious.

The real problem in my opinion is the effect on children and adolescents of the brazen presentation of vulgar and salicious material. Obscene material glamorizes and glorifies indecency, lewdness, and promiscuity. At the same time it ridicules the accepted standards of social behavior. Read by youth, such publications interfere with normal development of decent sex habits and thwart proper moral and ethical development. They teach children everything that is immoral and cruel in regard to their relationship with the opposite sex.

Parents bear a heavy responsibility in seeing that their children are not harmed by exposure to filthy literature. Thus, adequate consideration must be given to the rights of parents to protect their minor children from exposure to material which parents deem to be harmful. The maturing of children along wholesome lines is in danger when their future abilities to form sound adult relationships are jeopardized by confusion in their minds of the role of sexuality. Apart from juvenile crime and youthful immorality, a prime consideration for passing legislation to bar smut peddlers from trafficking with youth, is the importance of giving meaningful protection to parental prerogatives in raising children. Parents who desire to bring up their children in an atmosphere of decency need statutory assistance to quarantine obscenity. While adults may have a constitutional right to choose vulgarity, other factors come into play with respect to children. The freedom to raise one's children with a solid foundation of spiritual and moral values is a cherished right. It is one which Congress should be willing to take necessary legislative steps to safeguard.

The tidal wave of pornographic materials is so strong that anyone attempting to resist it is stamped as an enemy of free speech. Defenders of pornography see little or no evil in its presence. The principal argument against antipornography legislation is that it will encroach upon the constitutional prohibition against any law "abridging the freedom of speech, or of the press." This philosophy tends to dull sensitivity to the need for corrective action. Many citizens shrug their shoulders and ask, "What can be done?" My answer is that we need not stand by helplessly. The purveyors of smut are vulnerable to the processes of law which can be set in motion by carefully drawn legislation. The first amendment to the Constitution does not render them immune to prosecution. In the case of *Roth* v. *United States*, 354 U.S. 476, 485 (1957), the U.S. Supreme Court has declared:

> Implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. Obscenity is not within the area of constitutionally protected speech or press.

It is time to serve notice that the panderers of filth for profit will no longer be given a free hand in contaminating our youth. H.R. 15693 is designed to crack down on dealers in pornographic literature. Its enactment should provide a powerful weapon in the drive to ban pornography directed to children.

I therefore support the bill with the hope that it will be enforced with the diligence and firmness necessary to eradicate an ill of emergency proportions in our Nation.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I too want to pay tribute to those who have worked on this legislation. I would like to go back 10 years ago when I became the ranking minority member on the Subcommittee on Postal Operations. At that time the chairman was our beloved colleague, Congresswoman Granahan of Pennsylvania. At that time there was very little attention paid to this smut problem. Our

subcommittee held hearings all over the United States, in all sections of the country, and we built up voluminous records and we built up public opinion.

Because of that early pioneering work the Nation has become acutely aware of the danger that is involved in this problem because we do not allow drugs to go through the mail, because they poison the body, but we allow pornographic material to go through the mail that poisons the mind.

But in those early days when the country was not aroused, our Subcommittee on Postal Operations and then the full committee did enact some legislation. First we got through what is called a judicial officer in the Post Office Department. I will not go into the details, but this was a very important move.

Another bill that we had enacted into law would allow prosecution of these smut merchants, either at the place their material is mailed or at the place where it is received, or any States through which it passes.

This was very important, because in New York City where this material entered the mails, if a prosecution was brought the jury might be more liberal than it would in the Midwest or some other section of the country. So we passed that second milestone in this field, so that prosecution can be brought in any State in which this smut material passes, and particularly where it is received.

Mr. Chairman, while we are thanking the various people who have brought this legislation here today, I cannot neglect to point out that one of the greatest champions, and one of the outstanding men in this country, our beloved Speaker, gave Mrs. Granahan and me encouragement in those earlier years, when we were bringing this to the attention of the public and when we were bringing legislation against smut dealers to the floor of the House. While we are passing out these compliments—and they are well deserved by these other people, this Congressman from Nebraska cannot stand here and not recall the tremendous support that our beloved Speaker gave to all of us working in this field in those early days.

We passed another piece of legislation—and this took a lot of doing, I might say—where the Speaker of the House, the gentleman from Massachusetts (Mr. McCormack) was particularly helpful. This was passed overwhelmingly in the House in the 87th Congress, I believe it was, and again in the 88th Congress. But it went over to the other body and it was bottled up. So it did not become law then. It provided that if this pandering advertising, this smut advertising that comes into your home, addressed to you and to your minor child, is offensive to you—all you have to do is to fill out a form and send it to the Postmaster and it will come to the Post Office Department here, and you say that you do not want any more of this coming into your home, and to demand that your name be removed from the smut dealers mailing list, and that of your minor child from that mailer's mailing list or any other mailing list over which he has control. That bill is the law today because it was part of the postal rate bill of 1967. I believe I am fairly accurate in saying that between 500,000 and 600,000 people have taken advantage of that piece of legislation.

Our main problem all during these early years, and even during these later years has been: What can we do about this nasty problem; what can we do that will pass the constitutional test of the courts?

There is much more that we wanted to do. But we always had to have that problem to worry about. This particular piece of legislation which I just mentioned is now on the books and there have been so many people who have taken advantage of it and more people will as they learn about it. This particular piece of legislation was attacked by the smut dealers in California, and three Federal judges upheld this statute.

But these smut dealers are making millions—yes, even billions of dollars in this racket. They hired the smartest lawyers they could get and they appealed the California decision to the Supreme Court. The Supreme Court agreed to hear the appeal. The arguments were presented some 6 or 8 weeks ago, and this particular piece of legislation was vigorously supported by the Department of Justice. The Supreme Court has not yet handed down a ruling on it. But there is no doubt in my mind that we will lick these smut dealers and that this particular piece of legislation will be held constitutional, because there is no censorship involved in it.

The bill simply provides that if parents, who have a parental responsibility to their children, receive some of this filthy advertising material through the mail, they have the right to say, "We do not want our privacy invaded. We do not want any more of this dumped into our mailbox." Your mailbox is a part of your home.

So I have no doubt in my mind that we are going to get a favorable decision. If by some remote chance we should not, we might as well forget about doing anything at all in this field of pornography and obscenity as it goes through the mails and as it appears on the news stands.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the chairman of the committee.

Mr. DULSKI. When I came to the 86th Congress, I got very well acquainted with the gentleman from Nebraska. I wish to pay a personal tribute to him here today, because over the past 12 years he has been one of the pioneers in our committee dealing with smut mail. Many pieces of legislation that are on the books today and some of the sections we have in the bill before us are the result of the hard work of the gentleman and that of the constitutional lawyers with whom he has worked to bring this effort to reality. I think it is a great tribute to the gentleman today.

Mr. CUNNINGHAM. I certainly thank the distinguished chairman. He has been one of the great champions in the effort to do something about this. If it were not for the gentleman from New York, this legislation might not even be before us. So I return the compliment. The gentleman is a great fighter against pornography and obscenity, as is the gentleman from Pennsylvania (Mr. Nix) who is the chairman of the Subcommittee on Postal Operations, of which I am the ranking minority member, that brought this bill to the full committee.

Mr. NIX. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am delighted to yield to the chairman.

Mr. NIX. I will say I am deeply appreciative of the genlteman's dedication in this field. I can say that all of his contributions have been tremendous. Years ago he initiated the legislation in this field, and he has pursued his objective of stamping out smut in this country vigorously. I compliment the gentleman.

Mr. CUNNINGHAM. I thank the distinguished gentleman from Pennsylvania. He has been very kind, and his dedication to get rid of this problem is well known.

Mr. Chairman, on behalf of the administration, I introduced three pieces of legislation dealing with this problem. Two of them went to the Judiciary Committee and hearings have been held on them. I am certain that they are going to act on the legislation that was referred to them.

The third piece of legislation which I introduced, with many co-sponsors, I might add, is title II of the bill we have before us today.

Mr. Chairman, it is a good bill. I do not know that anyone would ever approve of the filth that the American public is being subjected to. This is another major step in ridding this country of this filthy material and this, of course, particularly has to do with the mails.

But if we can get the legislation I referred to in the past upheld and this, if it passes, upheld, we are going to put these fellows out of business, and make no mistake about it. Their backs are against the wall now, and we are going to see to it, with the help of the American people and the serious judgment of the court, that we rid America of this material that poisons the minds not only of our minors but also of our people generally.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, I would like to take a moment here to express my views on this serious problem of controlling the flow of sexually oriented mails into our homes and into the hands of our minor children.

The bill we are considering this afternoon is very similar to one that I cosponsored last September in that it places the responsibility for controlling smut mail on the peddler himself and not on the responsible American who does not want anything to do with pornographic material.

There is no question in my mind that the sexually oriented mail problem has grown to outlandish proportions and this legislation, although long overdue, is very welcome. I am well aware of the problem because my district has been

flooded with obscene mail and pornographic pictures for the past few years. It constitutes nothing less than an invasion into the sanctity of our homes, it is an unwanted invasion of privacy to most Americans.

The hard-working American is sick and tired of those who prey on the moral fibers of this Nation in an attempt to make a quick buck. The responsible citizen is sick with despair when he sees the moral convictions of his child being challenged by those who would tempt him with smut and filth. These concerned Americans are awaiting congressional action so that they might be spared from this embarrassing and sickening problem of our society.

The American citizens I am speaking of are not the ones who are responsible for this activity. It has been forced on them through the use of the U.S. Post Office.

Why should they have to assume the responsibility for putting a stop to this unwanted mail? Let us place the blame and the responsibility where it belongs, on the illicit mailer, not on the responsible receiver.

The bill we are considering today does not fully accomplish everything that I would like. It does place some of the initiative on the responsible American. He who does not wish to receive smut mail has to make the first move, in that he must submit his name to the Postmaster General. I believe it should be the responsibility of the smut peddler to determine who wishes to buy his trash, not the homeowner.

In all other respects, I favor the bill, for it places strong restrictions on the mailer in regard to minors and would stop the flow of advertising material that is at times more pornographic that the material it is promoting.

This bill is a badly needed first step toward the control of this blight which is plaguing our Nation, and I urge the Congress to take whatever action is necessary to assure quick passage of this bill so that it can become law as soon as possible. The American public has been patiently waiting for Congress to act; they are deserving of the protection that this bill offers.

Mr. Chairman, I have a couple questions I would like to have the gentleman from Nebraska clear up for me if he would.

Under the section that provides for the head of the household to go down and file that he would not wish to receive any of the smut mail, once he files and says he does not want any more of this mail coming into his home, then suppose he receives some smut mail from another company, would he again have to go down and file not to receive any mail from that company?

Mr. CUNNINGHAM. Under the bill that this House has already passed, and to which I referred a moment ago he would have to do that. But when people have asked me that question, I have said that it may take a little extra effort on their part if they receive smut from another source but we want to clear up this racket, and by just a little extra effort that we may have to put in, we can do it.

However, under one section of this present bill we take a different approach, and any adult can be put on a register saying he does not want any of this, and then he will never get any of this, so he will not have to continually send in asking that his name be taken off a particular list.

Mr. MIZELL. Mr. Chairman, I thank the gentleman from Nebraska for his remarks.

Mr. Chairman, I was a cosponsor of legislation that would put the responsibility completely on the back of the smut mailers, rather than on our responsible citizens, so they would not have to take that action of going down and going to the trouble of filing. I think it is the responsibility of the Congress to protect this man's home from the smut mail. I just trust in the future we will have an opportunity to take action on legislation that will be even stronger.

Mr. CUNNINGHAM. Mr. Chairman, I have gone into this matter thoroughly above but I would like to add a more detailed description of the bill before us now. I repeat wholeheartedly my support of H.R. 15693 and the vast majority of the members of the Committee on Post Office and Civil Service support this legislation.

Previously, I introduced title II of this bill in H.R. 10877 on behalf of the administration. This bill is to protect the American home from the invasion of unsolicited smut mail through the family mailbox.

This bill in title I will protect children 16 years of age and under and is based on a New York State statute which was upheld by the U.S. Supreme Court in *Ginsberg* v. *New York*, 390 U.S. 629 (1968). It will be enforced by criminal sanctions. A phrase is used here, "material harmful to minors," which phrase is defined in terms of what is obscene for young people. The Supreme Court in the Ginsberg case adopted the concept of variable obscenity; that is, what is not obscene for an adult may be obscene for a child. The Court also stated that a legislature could reasonably find that obscenity was harmful to young people.

Title II sets up a registry system whereby adults and those who act in the place of adults can register their names and the names of their wards with the Postmaster General. After 30 days on such a register, mailers will be on notice that "sexually oriented advertising" may not be forwarded to those homes. The phrase "sexually oriented advertising" is medically defined and refers to advertising devoted in the main to sex.

This title also provides for judicial civil remedies including court orders which will bring questions under the legislation directly to a court's attention, since the issues involved are constitutional ones.

The title also provides criminal penalties for violation, that is ignoring the registry list, which will be available in mailing list form. Regulations making the registry and its purchase reasonable in the sense of updating the list and keeping it down to a reasonable size will be left to the discretion of the Postmaster General who will administer the program. This process should not be especially cumbersome not only because of computer technology but because for years mailing list brokers have been buying lists such as every licensed driver in a State or in many States.

It is very difficult for parents to properly raise their children when their homes are flooded with smut mail aimed at youngsters about 15 years of age, because of their curiosity. Sex education is a sensitive matter and should remain in the hands of parents without competition with giant pornographic mailing operations trying to make a fast dollar.

As I stated, I have been fighting this battle for 13 years. As I stated, I helped secure passage for a bill that became law which permitted citizens to obtain action in Federal District Courts in the jurisdiction where mail was received and during the 90th Congress, I said I introduced a bill which provided a means whereby mail patrons could get their names removed from the mailing lists of pornographers and others.

This bill is, I think, one of the last steps we will have to take in order to protect the public's privacy. I hope the Congress will see fit to protect American families by passing this legislation and I am confident they will.

Mr. Chairman, I herewith include my individual views on this legislation which appears in the report which accompanies H.R. 15693.

STATEMENT BY HONORABLE GLENN C. CUNNINGHAM

INDIVIDUAL VIEWS

In this bill, the committee is approaching the end of a long road in the regulation of obscenity and the violation of the privacy of the American home. It began for me, 13 years ago when I became a member of the Subcommittee on Postal Operations. Ten years ago the subcommittee began extensive hearings on this subject in the major cities of the country. These hearings resulted later in legislation which I supported which established a judicial officer in the Post Office Department and in legislation which allowed legal action being taken against smut mailers in a U.S. judicial district where such mail was received.

In the 88th Congress, I offered legislation which was passed by the U.S. House of Representatives and bottled up in the U.S. Senate Post Office and Civil Service Committee. The same thing happened in the 89th Congress. We were successful in the 90th Congress in amending postal rates legislation and such amendment contained my essential idea, which had been passed by the House of Representatives in the 88th and 89th Congresses. This is now Public Law 90–206, title III, 39 U.S. Code 4009.

At the beginning of this Congress, I introduced H.R. 10877, which contained what is now title II of H.R. 15693. I also cosponsored H.R. 10867 introduced by Mr. Dulski which contains title II of H.R. 15693 and essentially the same provisions on mailing to minors that are now set out in title I of this legislation.

I believe that we have had adequate hearings and study during this Congress. I also believe that there is 10 years of work behind this legislation and I enthusiastically support it.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Chairman, I would like to make a comment on the remarks of the gentleman from Nebraska with re-

gard to title II. As I understand it, this section permits the individual to place his name, as well as those of his children under 19 years of age, and under his care and custody, on the list of those who do not wish to receive this undesirable advertising and material through the mail. I realize questions on the effectiveness of this approach have arisen since the passage of the previous legislation with which the gentleman from Nebraska had so much to do.

It seems to me, that with the passage of this bill, it would behoove everyone in this body to exert leadership, each in his own district, through communications media, service clubs, and among all those who can help—urging participation in a full-scale educational campaign. A campaign to make every household in the community aware of this new provision of the bill, which does go further than the previous one. Hopefully we can alert the people as quickly as possible after this bill does become law, so that nationwide action against these peddlers of smut will be as immediate and strong as possible.

I think the gentleman will agree that often a longtime gap in public awareness and understanding exists before the provisions and protection of a law become known.

Mr. Chairman, as the gentleman from Nebraska knows, I am one of his colleagues who has been very pleased to follow his leadership in this field, and I am one of the sponsors of the gentleman's bill which has become title II of the legislation before us.

Of course, I support all of the current bill H.R. 15693, and it is especially gratifying that this afternoon we are moving to solve the problem associated with mass mailings of obscene matter to minors and unsolicited sexually oriented advertisements to the public generally.

Once this legislation is on the books, it will work, however, only to the extent that people are aware of the new law and how they can use it.

I believe this is one area where our communications media—television, radio and newspapers—as well as community leaders could participate importantly.

I thank the gentleman for yielding.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Colorado.

Mr. BROTZMAN. I thank the gentleman for yielding.

I should like at this time to rise in support of this particular legislation and to congratulate the full committee and the subcommittee for bringing the bill to the floor.

Particularly I would like to say a word about my colleague from Nebraska, who I know has spent 10 years, as he stated, working in behalf of a sound piece of legislation.

As I served as U.S. attorney for the district of Colorado, I was constantly confronted by legal barriers, legal loopholes of one type or another, that prevented effective and forceful prosecution of those who would purvey smut.

I believe this measure is a quick step ahead. I believe it is an effective piece of legislation. I believe it is going to permit the prosecution of those who would violate the law.

Mr. Chairman, I am pleased to rise in support of H.R. 15693, the bill to exclude from the mails as a special category of nonmailable matter certain obscene material offered for sale to minors, and to protect the public from the offensive intrusion into their homes of sexually oriented mail.

Last June, I introduced three bills which would tremendously strengthen the smut mail laws in accordance with the proposals sent to the Congress by President Nixon. One of those bills, H.R. 11924, was referred to the Post Office and Civil Service Committee and the other two were referred to the Judiciary Committee. I am glad to note that the stiff provisions of H.R. 11924 are included in title II of the bill currently before the House.

Mr. Chairman, of all of the forces which are working today to erode the dignity and basic morality of our young people, I believe the most disgusting is the use of the U.S. mails to purvey obscenity and perversion. I am sure that all of my colleagues are familiar with the tactics used by those vicious men who would do absolutely anything to make a few dollars.

H.R. 15693 adds a new section to the law for the protection of the privacy of individuals, and of the minors for whom they are responsible, from sexually oriented matter. Sexually oriented matter is very specifically defined, and the language of the bill has been carefully considered so that it conforms with the guidelines set down by recent Supreme Court cases.

The new section of the law would provide for the maintenance by the Postmaster General of a register of the names and addresses of those persons (and minors for whom they are responsible) who object to receiving sexually oriented advertising through the mail. The burden of expunging such persons from their mailing lists will fall on the smut dealers. The dealers can be subjected to severe penalties should they mail to a person on the Postmaster General's list.

Under the law passed by the 90th Congress, persons who do not wish to receive smut mail have the burden of filling out a form for each mailing list on which they find themselves. Despite the clumsiness of this procedure over 200,000 persons availed themselves of this procedure.

However, the evidence that even stronger laws, like those found in H.R. 15693, are needed comes into my office each week. I am constantly receiving mail, primarily from parents, which asks why it is necessary to endure the indignity of the original mailing in order to be protected. Today's bill would eliminate that necessity, and I urge my colleagues to join me in casting an affirmative vote.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I thank all those who have had a part in bringing this legislation to the floor. It is a first step, and admittedly it is the most simple step. Beyond this point the job gets infinitely more difficult, because so long as there are people who will buy that which is obscene and pornographic there will be those who will produce it and distribute it and sell it; and we are not going to handle that proposition with a legislative act.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in strong support of the legislation before us to protect minors from smut mail and pornography.

As a cosponsor of legislation introduced early last session which was designed to accomplish this purpose, I would like to take this opportunity to congratulate the members of the committee for developing this legislation to accomplish our purpose.

I know that many of my colleagues have, as I, been receiving a steady flow of complaints from parents whose children have been the targets of this unsolicited filth that is finding its way into the homes of America. The Post Office Department has stated that they have received over 650,000 complaints since the antipandering law was passed in 1967.

A number of my constituents have sent me samples of the latest pornographic mailings and advertisements. In one of these letters the sender informed me that his 9-year-old granddaughter had opened the letter. It was obvious from the content that she failed to appreciate whatever artistic value the contents were supposed to have.

Quite frankly, I feel these unsolicited mailings of hard-core pornographic materials have gone far enough, especially when the recipients are young children. People everywhere are expressing their concern and they want Congress to act—and act now.

We have now before us a legislative vehicle designed to put a halt to this filth and I strongly urge each and every Member to support this legislation.

I would, in conclusion, however, like to admonish my colleagues and every concerned American that this is just the beginning. There are many people commercializing on pornography, both inside our country and in other countries. The ultimate key to success is enforcement of the law and a continuing vigilance on the part of an aroused public opinion.

Pollution of the mind that leads to a disruption of our morals has the potential of destroying this Nation from within, which is the commonly known objective of our country's adversaries.

Every descent American must be aware of this and do everything possible, as an individual to clean up the mails and, hopefully, the minds of people.

We have a long way to go and more legislation will be required to accomplish this.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. I thank the gentleman for yielding.

I plead with the Congress to support this bill unanimously.

Mr. Chairman, the American people in their high regard for decency and good taste have revolted against the growing mass of obscenity directed into their homes by means of the unsolicited use of the U.S. mails. Within the past 5 years the Post Office Department has received twice as many complaints as in previous 5-year period concerning the receipt of pornographic mail. Similarly, the number of complaints I have received in my congressional office has substantially increased. Many of these complaints are thoroughly justified, as I am certain the files of every Member here will attest.

Three years ago the Congress enacted legislation to provide that if a citizen finds mail "erotically arousing or sexually provocative" he can file an order with the Post Office against the company which directed the mail to him. Unfortunately, this approach, though a step in the right direction, was limited. It only allowed the stoppage of mail on a piecemeal basis—company by company—and it did not place any responsibility for discretion on the mailing party.

Clearly, new legislation is urgently needed. The bill we have before us today is our response to the legitimate concerns and demands expressed by so many of our citizens. Our response is a measured and effective one. It avoids the extremes of curtailing civil liberties on the one hand and of masquerading ineffective measures under the appearance of effective regulation on the other. As a cosponsor of similar legislation, I support it strongly.

H.R. 15693 has a twofold purpose: First, protection of minors from harmful mailings, and second, protection of the right of privacy for those adults who do not want to receive such advertising.

This legislation protects minors by defining what is "harmful to minors" and prohibiting the mailing of such material to persons under 17. It also protects the rights of both adults and minors by providing for the maintenance by the Postmaster General of a register of the names and addresses of those persons who object to receiving "sexually oriented advertising through the mail," and by prohibiting the mailing of such matter to those so listed.

Much mail that is now being received is unwanted, unsolicited, and offensive. Too often it has been delivered as subsidized, third class mail, and this fact arouses the ire of the unwilling citizen-taxpayer even more. There obviously is no simple solution, but the legislation we have before us appears to be the best possible means of assisting parents seeking to protect their children from undesirable materials, and will also protect the adults' right of privacy.

The real case for the legislation can be made by those who have been adversely effected by such mailings. These are the Americans who have received this unwanted, unsolicited trash, whose children have been subjected to it, and who now demand some recourse at law.

A concerned mother wrote me:

> We have tried to raise our daughters decently, and it is very discouraging to have such smut come into our home.

Another woman stated:

> I shudder to think what might happen if youngsters should get hold of this kind of mail.

A thoughtful constituent wrote:

> I feel that our forefathers did not intend this abuse of the "freedoms" to take place in our republic and feel that the upsurge of this type of available information printed . . . is degrading to us individually and as a country and can only have a future result of further erosion of our moral fiber.

We in the Congress must now respond to this problem. No company has the right to expose minors to pornographic materials or the right to invade the privacy of our citizens. Such factors necessitate enactment of H.R. 15693 immediately.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I rise in support of this legislation. I congratulate the authors and the committee for bringing this legislation to the floor.

As a coauthor of a similar bill, I wish to say I believe this is long overdue. I am sure speedy action here will enable us to clean up the mails and to clean up the type of literature going into American homes.

Mr. Chairman, I am happy to rise in support of H.R. 15693 which would control the mailing of obscene material to a home where a minor resides. I feel confident an overwhelming number of my colleagues will join with me in passing this much needed legislation.

As cosponsor of similar legislation from which this measure was drafted, I want to commend the Committee on Post Office and Civil Service for reporting this bill in the face of some criticism from those who do not share our concern about the mailing of unsolicited obscene and pornographic material. We all should be concerned about the effect this kind of material might have on our children.

Congress has struggled long to cope with the problem created by the mailing of obscene material.

Three years ago, we attempted to bring protection to families not wanting offensive advertising material through the so-called pandering advertising amendment to the Postal Revenue and Federal Salary Act of 1967.

Lacking criminal penalties, the present law provides a cumbersome and time-consuming process. Unfortunately, this law puts nearly all the burden upon the family not wanting such mail and the Post Office Department. Some 200,000 American have sought Post Office orders against obscene mailings since that law went into effect. However, there is little evidence they are receiving any protection.

Recognizing these defects, President Nixon has sent Congress three proposals which offer genuine hope of curbing this despicable activity.

The trend of most Supreme Court decisions in recent years has caused some Members of Congress to throw up their hands and take the attitude that little or nothing can be done about obscene mail.

But now we appear to have found the means of stopping the flood of obscene mailings directed to our youth and adults as well.

Court decisions have made the job of enforcement difficult. I believe this legislation may be the best way to fight the battle of pornography. It would protect our young people and at the same time rely on the mature judgment of our adult citizens to decide the issue of obscenity for themselves.

We are all conscious of the first amendment which protects the freedoms of speech. However, we are conscious also of our responsibility to protect millions of American children from the products of the Nation's smut peddlers.

The parents of America have had enough. They have no way to turn but to their Representatives in Congress to protect themselves against repeated mass mailings designed to get by their guard.

Pornography has no place in the American home or in the family mailbox. It is my hope that this measure will be cleared for the President's signature at the earliest possible time so that the overwhelming majority of our constituents can be protected.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, today must be considered a day of primary importance in the annals of the 91st Congress and the American people. Too long our citizens—especially our children—have been subjected to sexually offensive literature and pandering advertisements through the instrumentality of the U.S. mails.

The human vermin that print and distribute this material, with a view toward exploitation of the teenage market, are reprehensible beyond words. Their depravity is an affront to the public sense of decency. Their business activity is a gross distortion of the free enterprise ideal. Their assertion of first amendment "free speech" and "free press" protection is an unwarranted extension of those sacred principles that would have outraged the Founding Fathers of this Republic.

Pornographers richly deserve containment and control. Today the House of Representatives should move to limit distribution of offensive literature through the mails for the protection of all the people, particularly the young.

THE 1967 ANTIOBSCENITY LAW

Most of us who were Members of the 90th Congress supported the 1967 antiobscenity law.

Recognizing that pornographers had almost unlimited opportunity to use the mails for solicitation and distribution, and recognizing further that individuals had no way to protect their privacy from obscene intrusions via the mail-slot, the 90th Congress enacted legislation which represents a first step in this important struggle.

The law has proved helpful but inadequate to deal effectively with the total problem of pornographic mail. It provides that any person may obtain a judicially enforceable order from the Postmaster General prohibiting a sender from making further mailings of offensive material to his home. Only 170,000 persons have obtained such orders. This fact alone demonstrates that many do not know of the legislation or do not know how to seek the remedy it provides.

The 1967 act should, however, remain on the statute books to complement the legislation under consideration today. It contains unique provisions granting each individual the power to protect his home from deliveries which he—in his own judgment—considers offensive. Thus a citizen, under the 1967 act, may obtain an order from the Postmaster General prohibiting deliveries that his neighbor considers wholly inoffensive.

I recently read of an amusing effort on the part of one citizen from San Francisco to avail himself of the privileges of the 1967 act. He declared that he considered all communications from the Internal Revenue Service to be obscene, and sought an order prohibiting delivery of IRS letters and forms.

That was one requested order that was disapproved, but I rather suspect that most are approved by the Postmaster General when sought in good faith.

ELEMENTS OF H.R. 15693

Mr. Chairman, the legislation before us today goes far in protecting the publice from those invasions of privacy that obscene mail and pandering advertisements necessarily impose. At the same time, this bill has been drafted carefully to pass constitutional muster, for it is consistent with the spirit of the most important and recent Supreme Court decisions in the area.

The Court has held that legislation controlling the distribution of offensive material may properly:

Reflect a specific concern for juveniles;

Reflect a concern for an assault upon the privacy by a publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it; and

Reflect a concern with "pandering," or offensive selling practices, to anyone regardless of age.

H.R. 15693, if enacted into law, will deal effectively with each of these three areas of concern and legitimate legislative control.

PROTECTION OF MINORS

Primarily, this bill provides for a new category of nonmailable matter with respect to persons under 17 years of age. This category of nonmailable matter is defined to include material commonly termed "pornography." Federal criminal sanctions are prescribed for the punishment of persons who send pornographic material to a minor, and, subsequently, cannot demonstrate a reasonable basis for believing their addressee was an adult.

PROTECTION OF THE PUBLIC AT LARGE

The Committee on Post Office and Civil Service has found that the U.S. mails are being used to exploit sexual sensationalism for commercial gain, that much of the matter consists of unsolicited mailings, and that such mailings are profoundly shocking and offensive, and, as unwarranted intrusions, violate the right of privacy that each American has the right to enjoy.

Title II of the bill before us requires all persons who mail sexually oriented material to place an identifying symbol on the envelope or cover. It further provides that any citizen not desiring to receive sexually oriented advertising may register his name and the names of his children with the Postmaster General. No mailings of sexually oriented advertising may be made to persons so registered for more than 30 days.

Any advertiser who willfully violates these provisions will be subject to fines of up to $5,000 and/or imprisonment of up to 5 years for the first offense.

Mr. Chairman, I sincerely hope this legislation, upon enactment, will provide swift relief for persons seeking protection from offensive, unsolicited mailings. The American public has suffered indignity and intrusion patiently, while Congress and the courts have struggled to find the appropriate constitutional relief for their grievances.

As a sponsor of similar legislation in this Congress, and as one who has been seeking legislative measures for the control of lewd material since coming to this House, I urge my colleagues to support this bill.

I am convinced that control of sexually oriented mailings and affirmative protection of the young from mail-order pornography will help this Nation regain the moral stature and self-discipline that have been the foundation of our heritage. In recent years, we have come to understand that moral decay at home is more treacherous than any enemy from abroad.

Today, this House has the opportunity to take a stand for decency through enactment of constitutional legislation that will protect the young from mail-order pornography. The vast majority of the American people will applaud the initiative we take here today.

Mr. CLANCY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Ohio.

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 15693 and join with my colleagues in urging its adoption. The bill under consideration today is similar in most respects to one that I introduced some time ago. The two main purposes of this legislation is to protect those under 17 years of age from mailings harmful to minors and to protect the privacy of those citizens who do not want to receive sexually oriented material. This material is unsolicited and undesired and parents throughout the Nation are gravely concerned over these mailings falling into the hands of teenage children.

This disgusting, unwanted obscenity and pornography has been foistered upon decent citizens and their children for far too long. Whether through the mails or at the corner newsstand, it is impossible to calculate the devastating damage done by exposing impressionable young people to salacious literature.

This legislation will impose restraints on individuals and upon persons who flood the mails with offensive advertisements intended to produce a profitable market for the smut that they disseminate by stimulating the prurient interest of the recipient.

Under this legislation a first violation would be punishable with a prison term up to 5 years or a fine of $5,000 or both. Second or subsequent offenses call for a fine of $10,000 or imprisonment up to 10 years or both.

The problem of pornography and the mailing of smut has been monumental and everyone recognizes that there is no single solution. However, adoption of this legislation is certainly a step in the right direction and will go far to eliminate this offensive material that has flooded each of our districts.

The need for strong, emphatic and enforceable obscenity control legislation at both the State and the Federal level is clear. In order to stamp out the poison of pornography in our Nation we must act decisively. This compelling problem requires our immediate attention and action. It is time to stand up for decency in America. I, therefore, urge the immediate passage of the legislation before us today.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Mr. Chairman, I wholeheartedly support H.R. 15693, to prohibit the mailing of obscene material and advertising to certain individuals.

There is a real need for prohibitions such as this bill provides to protect the privacy of individuals who do not wish their homes invaded by pornographic advertisements, and to prevent such offensive and unhealthy material from falling into the hands of minors. I have received innumerable letters from my constituents expressing the need for safeguards in this area and I am pleased that this bill is now under consideration here in the House of Representatives.

This legislation would exercise Federal controls over the mails in two areas, both of which have been recognized as constitutional by the courts. It would prohibit the mailing of obscene material which is determined to be harmful to minors to those under age 17. This is in accordance with the legally recognized theory of variable obscenity—that a thing may be obscene as it affects minors, while not obscene for adults.

The bill would also protect the privacy of individuals from receiving unwanted, sexually oriented advertising in their homes through the mails. This would be accomplished by the maintenance of a list by the Postmaster General of those who object to receiving such advertisements, and mailers of this material would be required to check this register before sending such advertising through the mail. The cost of maintaining the list would be borne by the mailers, through a small service charge.

The Congress acted in this area in 1967 when it passed legislation allowing indi-

viduals who had received obscene advertisements to protect themselves from receiving further mailings from the same source. At that time, I served on the House Post Office and Civil Service Committee, and I worked for and supported this legislation. I feel that we must now go a step further and allow people to protest the receipt of such offensive material before receiving it. I also feel that it is justifiable to put the burden of action on the sender rather than the receiver of this type of advertising.

A year ago, President Nixon sent a thoughtful and detailed message to the Congress on the problem of obscenity in the mails and recommended three specific bills embodying his proposals to solve this problem. At that time, I joined with many of my colleagues here in introducing the President's bills. While H.R. 15693 differs in some respects from the legislation I have sponsored, I feel that it will be effective in alleviating this growing problem.

Again, I recommend the passage of this bill to my colleagues. It is a sound bill based on court decisions and definitions. There is no question in my mind as to its constitutionality, and I hope that it will be enacted. Certainly, this legislation will provide some of the legal tools needed to deal with the alarming trend toward mass mailings of lewd and obscene materials by smut merchants. Hopefully, this legislation will help to put them out of business.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I have a vital interest in H.R. 15693 because it is designed to accomplish the same objectives of legislation I have introduced to the House of Representatives.

Mr. Chairman, today all of us have, in some manner or other, become keenly conscious of pollution; namely, air pollution, water pollution, and pollution of our land. The legislation before us today deals with what is, in effect, another kind of pollution; that is, people pollution, with particular emphasis on our young people.

As we all know, a flood of filth is sweeping across our land in the nature of obscene periodicals in various printed forms. The irony of it all is that the U.S. mails are being used to convey this smut into family mailboxes, offending adults and posing as a threat to the emotional health of our youth.

It should be noted that efforts have been made to control the circulation of these smut materials in our society. Individual parents have, for instance, taken the initiative in policing the family mailbox and ferreting out materials that could prove harmful to their children. Various community groups have organized for the purpose of expressing their deep-rooted concern and exploring ways of dealing with this problem. The Federal Government currently has a law on the books which permits the recipient of obscene materials to have the Postmaster General guard against repeated mailings of such materials.

While this is a start, it is not enough. There are, for instance, times when individual parents cannot be on hand to perform surveillance of the mailbox. Community groups can prompt a social consciousness of this evil but they have no policing powers. The Federal Government has made a very worthwhile attempt to control this invasion on decency and privacy, and the time has come to bolster this effort.

What is really needed is an approach that is designed to kill this evil at its roots. H.R. 15693 is directed toward this end because it places a heavy strain of responsibility squarely where it belongs; that is, on the sender or peddler of these smut materials. It does this by requiring this sender to check with the Postmaster General. He will have on hand a register containing the names and addresses of individuals—and minors for whom they are responsible—who object to receiving offensive materials.

It is an American tradition to play square, and the legislation that is before us is in tune with that concept for, in effect, it serves fair warning on the sender of smut materials, affording him an opportunity to determine whether or not a given household is interested in receiving these materials and, in the process, avoid becoming involved in either the civil or crimnal suts that are part of this legislation. The important thing in this bill is that it places increased responsibility on the sender of smut materials, requiring him to make an effort to see if he is sending these materials into residences that do not want such trash.

The peddlers of offensive materials have, for long, hidden under the umbrella provided by the "freedom of the press" guarantee of the first amendment to the American Constitution. The bill before us is unique in that it gives due recognition to the right of "freedom of the press" and, at the same time, provides American families with the right of "freedom from filth." In effect, this bill says to the dispenser of smut materials:

> You have the right to print what you want, but the American citizen has the privilege of determining whether or not he wants to receive what you have printed.

We should not make the mistake of believing that this legislation is an absolute and total solution for this problem of people pollution. The Federal Government can supply building materials, but it is the people who must erect the barrier that will turn back the tide of filth that is polluting our American culture. I feel confident that the people are anxious to build a dike against the offensive materials that are flooding our land. H.R. 15693 provides the materials for such a barrier, and I heartily recommend its approval by the House of Representatives.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, I wish to commend at this time the gentleman from Nebraska. Of course, we are all very grateful to our friends on the majority side, and we appreciate the tremendous work that has been done by the gentleman from Pennsylvania and others. When I first came to the Congress some 7½ years ago and was privileged to serve on the Post Office and Civil Service Committee, the gentleman from Nebraska was indeed the lone voice crying in the wilderness. He was the one who really pursued this particular problem in an aggressive manner.

Of course, we had not been inundated with so much pornography at that time, as we have subsequent to some recent Supreme Court decisions in this particular field.

I believe we see here today, as we have seen with earlier legislation, the fruits of the persistence, patience, and determination of the gentleman from Nebraska during his able and distinguished service in this body. I commend him.

I feel that this bill will pass unanimously, and hopefully the same will occur in the other body.

Of course there is a great deal of discussion about environmental pollution these days, and I am glad that the American people have shown such great unity in meeting this crisis. But, in our efforts to eliminate environmental pollution, we should also make every effort to curb pollution of the mind by the merchants of pornography.

In the past couple of years I have written numerous letters to the Post Office Department expressing my concern about the mail system being used as a vehicle to distribute sexually offensive propaganda. However, Post Office officials have told me that, while they are anxious to clamp down on smut publishers, the various Supreme Court decisions tend to undercut their efforts.

In my opinion, the filth merchants have taken advantage of the confusion that has been created by the Supreme Court decisions in the area of obscenity by using every means available to them to peddle hard-core pornography through the mails.

I believe it is past time for Congress and the courts to get tough and break up the activities of these brazen dealers in lasciviousness. Heretofore, about the only penalties that the pornography pushers have received were a few mere fines and slaps on the wrists. However, once a dealer in pornography realizes that he is going to be subjected to a stiff prison sentence and high fines, he will think twice before making his product available to decent American citizens.

No one can convince me that anyone has the right to use the U.S. mail to exploit sexual sensationalism for commercial gain or to invade a person's privacy by filling his mailbox with filthy, pandering advertisements. I have received hundreds of complaints from justifiably irate parents whose mail contains items of sex-oriented materials, and in many instances children will open mail which only seems to be an advertisement. Tragically, most of the advertisements are not limited to a written description of the product for sale, they are also accompanied with candidly illustrated brochures which leave nothing to the imagination. I am convinced that the bill before the House today, should it become law, will be the first significant step by this Congress and the American people to crack down on the pollutants of the mind.

I hope it will be aggressively implemented by the responsible officials.

Then, adding one further word, if the gentleman will yield, the Government can only do so much, as the President has said. Perhaps we can shore up the dike a little bit, but ultimately the responsibility rests with the people. As the President said, when smutty indecent literature becomes no longer salable, when pornographic films cannot draw an audience, and when obscene plays draw empty houses, then the tide will have turned. The Government can maintain the dikes but only the people can turn back the tides.

Again, Mr. Chairman, I wish to commend the gentleman from Nebraska for his long, patient, persistent, and now apparently fruitful efforts.

Mr. DENT. Mr. Chairman, will the gentleman yield on that point?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. DENT. I understood the gentleman from Nebraska in the dialog with the gentleman from North Carolina (Mr. MIZELL) when he asked you if a person who represented to the Postmaster General that he did not want to receive this particular type of literature to say that if he later received it from another mailer, he would have to go back and sign up again or notify the Postmaster General again. Is that correct?

Mr. CUNNINGHAM. No. What I said was that in present law if you or a minor received a piece of this smut material or pandering advertising, there is a form provided which you can send to your postmaster, which eventually gets back here, which says, "I demand that my name and that of my minor children be removed from the smut mailers list." Now, you may get another similarly objectionable piece of material and you would have to go through the same step again. However, this legislation before us today goes further. This says that you will be allowed to put your name on a register and you will never have to write in again. Your name or the names of your children will automatically be taken off of every list that contains this kind of material and you will never receive it.

Mr. DENT. In other words, the language on page 8 will be withdrawn. After 30 days the name is on a permanent list and no matter if the mailer of the literature is knowledgable of the fact that you are on the list or not, he is still liable. Is that the way I understand it?

Mr. CUNNINGHAM. That is correct.

Mr. DENT. That is perfectly all right.

I want to compliment the committee for bringing this particular legislation to our attention. I am grateful for the action and hope one of these days other committees having to do with theaters and restaurants around the country will take the kind of action that is needed in that particular area where this very great violation occurs, in my opinion, to the morals of our country.

Mr. CUNNINGHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. MCCLURE).

Mr. MCCLURE. Mr. Chairman, I would like to join with my colleagues in commending the chairman of the subcommittee (Mr. NIX) the gentleman from Pennsylvania, for having conducted these hearings. He has been very diligent in holding the hearings and offering the necessary amendments to the proposed legislation to bring the matter to the floor at this time. Of course, the chairman of the full committee has been extremely helpful, also, in formulating this legislation and leading the way to the production of the legislation before the House.

Mr. Chairman, much has been said about the role played by the gentleman from Nebraska (Mr. CUNNINGHAM) in the long historical sequel of which this is this final chapter.

Now, Mr. Chairman, I would like to indicate very briefly that this is not the end of the road. This deals with only one very small segment of the total problem dealing with obscenity and pornography, but it is a realistic step forward. It is one step that we can take now. It is one that the courts have indicated is acceptable and represents another step forward, although certainly only just that, a step toward the goal which is not yet so clearly attainable.

Mr. Chairman, the legislature in my State this last year passed a new obscenity statute. They accepted the same kind of test that has been applied here because it has been tested by the courts. They used the same age limitation used under title II of this bill. Therefore, I think we are developing across the country a kind of generalized acceptance of the approach we are taking here today and actually which flows through the Nation.

Mr. Chairman, we have heard a great deal in the last few weeks about the deterioration of our environment. We are very concerned about clean water and clean air. We are concerned about the impact of human beings on the natural beauty surrounding us, but how much concern has been expressed about the deterioration of our moral environment? How many people have taken to the streets to let the rest of the people of this Nation know of their concern about what is happening to the social and moral values upon which we founded this Nation? Is this not more fundamentally important to us than the status of our water or our land, as important as they may be. It would do us no good to clean up our environment unless we also cleaned up the kind of social and moral environment in which our people live. This, again, Mr. Chairman, is a very significant step forward in that never ending and continuing battle, but it is not the end of the road but just another beginning.

Mr. Chairman, the question before the House, in discussing H.R. 15693, is whether or not the Congress can do anything to stop the smut mail traffic aimed at the 15-year-old market.

Vast quantities of material are sent each year by mass mailers. Examples of such material have been forwarded to every congressional office. I think this kind of thing has offended your staff, and it certainly has outraged the average American.

The filth merchants flood neighborhoods with either mail addressed "occupant," or with the names of young people gathered from stamp and record clubs.

The occupant mail is the easiest to send in mass quantities in the millions.

The youth mail is aimed at the curious youngster of 16 and under.

In this process of sending vast quantities of this type of trash, the mailer hopes to hook individuals on the pornography habit. If they get adults to respond, this legislation will not interfere.

It will, however, clamp down hard on the mailing of unwanted and unsolicited sexual and sadistic material to persons 16 years of age and under. I say unsolicited material because title I of the bill provides the smut merchant with a defense to criminal charges, if a youngster requests sexual or sadistic material, and claims he is an adult in an application for this kind of thing. The committee feels that in such a case, the problem is between the youngster and the parent. That leaves the mailer in the position of not deliberately sending material to children 16 years of age and under, under threat of criminal sanctions. This is not much of a burden for the mailer.

Title II of the bill makes up for whatever weaknesses are in title I of the bill in protecting juveniles. Title II is taken from a Presidential message on this subject.

It is a unique proposal. It enables the average citizen to list the name of himself and his children with the Postmaster General, and such listing within 30 days provides public notice to smut mailers that the families listed do not want to receive sexually oriented advertising which is defined in title I. This would not affect the legitimate advertising industry.

Title II provides for judicial court orders which will put a stop to the operations of smut merchants in the field and at the same time give an immediate hearing on constitutional questions, if there are any.

Mr. Speaker, my support for this legislation is primarily based on the belief that any person, and minor who he is responsible for, should have the fundamental right to protect himself and his family from the intrusion of obscene material through the mails. I strongly urge the approval of my colleagues on this immediate question.

Mr. CUNNINGHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, as a cosponsor of H.R. 15693 and as a member of the Post Office and Civil Service Committee which today brings this bill before the House, I would like to add my voice to those who are urging its passage.

It is apparent from the tens of thousands of pleas which have been sent to the Post Office Department, the White House and the Congress by irate families that Congress must take further action against smutmailers.

My main concern and the area which I believe demands immediate action is the availability of this material to our children. The legislation before us today would prohibit the use of the U.S. mails for the sale, distribution, or deliv-

ery to minors of material offensive to prevalent standards in the adult community. It is imperative that we cut down on the market for the disseminators of this smut mail. We have gone much too far already when we stand by while 2-year-old children are used as models in some of this salacious literature as was revealed in last week's indictment of a local Washington smut-dealer. Hopefully, this legislation will so cut down on the peddler's prospective market that this vicious use of innocent children will be eliminated before it is allowed to degenerate any further.

Concerned parents in my district regularly write to express their disbelief and infuriation at the type of pornography available on the newsstands, at the theaters, and particularly being thrust into the home, unsolicited, through the mail. I receive such comments as:

> The pictures of items offered for sale were shocking to me . . . and I've been married 26 years. . . . Can nothing be done to stop this? Think of the effect on young people, or borderline mental cases, or psychotic persons, or just plain decent people. Please help if you can.

Mr. Chairman, this legislation will strengthen the hand of the Post Office Department in curbing the influx of this unsolicited literature into homes where it is unwanted and most objectionable. The provision in this bill permitting persons to inform the local post office that their mailbox is off limits for smut mailings before they receive any obscene mail is a refinement of present law under which persons can request that their names be removed from smut peddlers' lists after receiving such mailings.

The limited authority of present anti-obscenity statutes will be extended by this legislation, but I wish to emphasize that this bill has been strictly constructed within the confines of constitutionality. The bill before us today reflects a concern for juveniles; for an assault upon privacy by a publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it; and a concern with pandering as defined in Ginzburg against United States.

As such, this legislation has a solid constitutional foundation as well as an overwhelming measure of citizen approval and I urge that this body respond to the public appeal and act favorably on the bill before us today.

Mr. NIX. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I appreciate the distinguished gentleman from Pennsylvania (Mr. NIX) yielding to me. I rise in support of H.R. 15693, a very important proposal to help eliminate the indiscriminate dumping of pornographic materials in the mails. It is absolutely a violation of all decency and moral principles for the American people to be subjected to this unsolicited and unwanted trash now being sent through the mails to households where in many instances some child opens the mail for their parents and finds this indecent literature. In some cases the envelope is addressed to the child having been taken from a mailing list.

Mr. Chairman, the people of the 21st Congressional District of southern Illinois are outraged as people from all over the country are, that Congress has not taken more action than we have in this field. The Supreme Court is to blame for much of the smut that is now going through the mails, by their adverse rulings.

Mr. Chairman, as we consider this legislation today I want to pay tribute to a friend and constituent, Mr. Don Michel, manager of radio station WRAJ, Anna, Ill., who launched a nationwide "stamp out smut" campaign in memory of the late minority leader in the Senate, Everett McKinley Dirksen. Senator Dirksen had sponsored legislation which I had the priviledge of cosponsoring in the House to give local courts the authority to determine once and for all what is obscene and pornographic, so the problem could be controlled locally and without interference from the Supreme Court. This legislation is pending in the House and Senate Committees on the Judiciary and I am hopeful that hearings can be scheduled on these bills.

Mr. Chairman, in closing I want to commend my friend the gentleman from Pennsylvania (Mr. NIX) and the full committee chairman, the gentleman from New York (Mr. DULSKI), the gentleman from Nebraska (Mr. CUNNINGHAM) and the other members of the committee for their hard work in bringing out the legislation before us. I am proud to be a cosponsor of this legislation and I know it will be another step in the right direction of cleaning up the moral pollution that is now prevailing in our country. Thank you.

Mr. NIX. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman. At the risk of being thought presumptuous I would like to break the monotony of this debate by coming to the floor to indicate that I have something less than "overwhelming enthusiasm" for the great and glowing success that this legislation is going to produce in curbing the distribution of harmful material to the young people of this country.

Mr. Chairman, I come to this floor with the greatest respect, as a member of the Post Office and Civil Service Committee, for both the chairman of the full committee the gentleman from New York (Mr. DULSKI), and for the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX) and for the gentleman from Nebraska (Mr. CUNNINGHAM) who so many people have referred to as the person who has worked the longest on this legislation. I have the utmost respect for their motivation in supporting this legislation and for the worthy motives that the legislation is intended to serve.

However, I do not believe it is quite fair to the American people or to the constituents of any of us to try to get them to believe that this bill is really going to have very much effect on the flow of the kind of material that everybody has been describing here, and that everybody has been viewing with horror.

For example, one of the things that bothers me about the legislation is that it directs itself only to the kind of material which the Postmaster General and his employees have access to. And, of course, this part bothers me more than anything else in that I think that we should regard the Postmaster General as the person with the prime responsibility for protecting the security of the mail. I believe that when I put a letter into the mail it is his business to see that it gets to the person I mail it to, and that it is none of his business what is in it. And I view with some concern anything that might indicate that we are going to change the head of that great transportation system known as the Post Office Department into a substitute for the Attorney General of the United States. He is not appointed because of his law-enforcement propensities or qualifications; he is appointed because he is supposed to understand how to run that big transportation system for the purpose of moving the mail. I think we confuse his purpose when we try to heap on him law-enforcement duties. We would be much more effective if we passed some of the legislation that is pending before the Committee on the Judiciary, that would absolutely prohibit the distribution of this kind of material no matter how it is distributed, whether through the U.S. mails, the Pony Express, floating down the river in a sack, or how it is done.

I see the distinguished minority leader from Michigan is on the floor. I noticed the other day on the floor that he had a copy of what he described in the RECORD of the proceedings as a "dirty" magazine that had not been mailed through the mails, but had been procured by purchasing it off a newsstand. I suspect that there are as many of my constituents who are disturbed about the material which our children have access to on the newsstands as they are the material that is coming into their homes through the mails.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I will be glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I might make this comment. It is my understanding that this particular magazine, Evergreen, primarily is procured by subscription through the mail. If these photographs which were associated with the article in the magazine are in the issue—that is the article by Justice Douglas—are indicative, it would seem to me, that this particular magazine might well fall within the purview of this legislation.

Mr. WILLIAM D. FORD. I am not at all familiar with the magazine. I have never seen a copy of it. But I understood that you got your copy from the newsstand and not through the mail.

I would like to ask the chairman of the subcommittee a couple of questions to establish some legislative history.

Mr. Chairman, is it the intention of this Committee in putting forward this legislation to confer authority on the

Postmaster General to in any way censor the content of mail under the guise of seeking out pornographic mail?

Mr. NIX. If the gentleman will yield, the answer is, "No."

Mr. WILLIAM D. FORD. Mr. Chairman, the answer is, "No, we do not intend to give the authority to censor"—or is the answer "Yes, we do"?

Mr. NIX. If the gentleman will yield, the answer is "No."

Mr. WILLIAM D. FORD. If in enforcing title I—and this deals with the nonmailability of material—is it the intention of this legislation that the Postmaster General or his employees will have authority by anything written in this act to exercise their individual discretion to determine what is or what is not pornographic material?

Mr. NIX. The answer again, if the gentleman will yield, is "No."

Mr. WILLIAM D. FORD. I thank the gentleman very much, and relying upon these assurances I will vote for the bill on its passage.

Although I find myself compelled to dissent from the committee's enthusiastic support of H.R. 15693, I also share their concern at the quantities of truly obscene material which finds its way into the hands of children or into the homes of those who find it objectionable. I am, however, equally concerned with the need to preserve and protect the individual's freedom to send and receive material protected by the first amendment without having to exercise that freedom in the shadow of heavy criminal penalties. We already have on our statute books adequate protection against the mailing of obscene material to adults. And while it may be necessary to have further legislation to govern the mailing of obscene material to minors, I have serious doubts about both the wisdom and the constitutionality of this bill.

TITLE I

The Supreme Court has ruled that obscenity falls outside the protection of the first amendment and can be barred from the mails. *Roth* v. *United States*, 354 U.S. 476, 1959. It has further ruled that a State may constitutionally prohibit the sale to minors of publications which would not be obscene if sold to adults. *Ginsberg* v. *New York*, 390 U.S. 629, 1968. The Court in Ginsberg altered the Roth standard, not by deleting or changing any of its three-part test, but only by holding that the test was to be applied with reference to the special characteristics of a minor.

In its review of this bill, the committee has revised the definitions of proscribed material which were used in H.R. 10867, so that the language now is similar to the language of the New York statute upheld in Ginsberg against New York, supra. The majority has, however, made one significant word change which makes H.R. 15693 substantially broader than the Ginsberg statute, and, in our view, renders it unconstitutional. In Ginsberg, the statute validated by the Court had as part of its standard the requirement that the publication be "utterly without socially redeeming value." Section 4011(c)(6)(C) of this bill requires only that the material be "substantially without redeeming social value." This seemingly small change drastically enlarges the scope of the prohibition, infringing upon the right to send and receive constitutionally protected materials well beyond the limits established by both Roth and Ginsberg. Moreover, the "substantially" standard is much less capable of precise definition, making it much more difficult for the publisher to ascertain the "dim and uncertain line" between obscene and nonobscene. *Bantam Books, Inc.* v. *Sullivan*, 372 U.S. 58, 66, 1963. This imprecision is precisely what the Supreme Court has rejected in dealing with the first amendment.

Even if section 4011(c)(6)(C) were revised to square with Roth and Ginsberg, the manner in which title I seeks to implement the banning of "obscene" materials to minors would still render it unconstitutional. There is a very significant difference between the present bill and the New York act validated in Ginsberg. In that case, the statute was aimed at face-to-face sales to minors. The seller could look at his customer and decide whether he was an adult or a minor, or at least whether it would be prudent to request some proof of age. Title I of this bill is aimed solely at sales through the mail. The publisher wanting to send out unsolicited mail is charged with determining whether minors live at the thousands of addresses on a mailing list.

Moreover section 4011 prohibits mailing this material not only to minors but also to any household where minors reside. Section 4011(b) establishes a presumption that all such mail is intended for a minor unless it arrives in a completely sealed envelope personally addressed to an adult residing at that address. In the first place, this presumption has no factual basis and as such will not survive Supreme Court scrutiny. See *Leary* v. *United States*, 395 U.S. 6, 1969. More importantly, because it will be totally impossible to establish with any certainty whether a particular household contains a minor, publishers already faced with the difficult task of determining whether a particular mailing falls within the prohibited categories will be forced to choose between ceasing all unsolicited mail to adults or limiting this material to that which is not obscene for minors, except where such material is specifically ordered by an adult. Adult readers will then be deprived of materials which are not obscene with reference to them and which, therefore, they have a constitutional right to receive through the mails. The Supreme Court has repeatedly held that protected material cannot be proscribed along with nonprotected material, even when the goal is protecting children from sexual material. *Butler* v. *Michigan*, 352 U.S. 380, 1957. The majority, in relying on the Supreme Court's decision in Ginsberg, supra, has ignored the Court's clear statement that the statute upheld there did not in any way impede sales to adults, 3990 U.S. at 634–35. That is not the case here, and, therefore, we do not believe that Ginsberg can be used to support the constitutionality of this bill.

The vagueness and uncertainties of coverage inherent in this bill are made more intolerable by the presence of severe criminal penalties. Violations of section 4011 will be punishable under 18 United States Code, section 1461 by $5,000 and/or 5 years imprisonment for the first offense and $10,000 and/or 10 years for subsequent offenses. The committee has attempted to overcome this problem by writing a scienter provision into the bill which gives the seller an affirmative defense if he reasonably believed the addressee to be an adult. Section 103 gives the seller a defense under a single set of circumstances—if a minor lies about his age, and orders some prohibited material. However, in light of the presumption in section 4011(b), a mailer could be prosecuted under section 4011 even though he had no idea—and no practical way to establish—whether a minor in fact resided at a particular address. See *Smith* v. *California*, 361 U.S. 147 (1959).

Furthermore, the mailer will be subject to these severe criminal penalties if he makes a mistake about whether a minor resides in a certain house or about whether a certain piece of material is prohibited. Because material "substantially" without redeeming value is proscribed, the line between obscene and nonobscene is enormously vague. Despite these ambiguities, prosecution and criminal penalties face the publisher who exercises his judgment incorrectly.

TITLE II

Section 4012 seeks to limit the mailing of sexually oriented advertising to those persons who have not objected to receiving them. Any person may inform the Postmaster General on his own behalf or on the behalf of any other person who has not yet attained the age of 19 and who resides with him or is under his care, custody, or supervision that he does not wish to receive sexually oriented advertising. Thirty days after a person's name is listed, anyone who mails such advertising to him is subject to criminal penalties of $5,000 and/or 5 years in jail for the first offense and twice that for each subsequent offense. Further, the Postmaster General has the power to go to court and obtain an injunction against anyone he "believes" to have violated section 4012, barring that person from sending and receiving such advertisements, even legally, and subjecting all of his outgoing or incoming mail to postal inspection, whether or not related to the advertisement. Unlike 39 United States Code 4009, which gives the sender a right to a hearing on the question whether he has violated the statute, this bill allows the Postmaster General to proceed on his belief alone. The court can impose these civil liabilities without any need to prove in a criminal trial that the person has violated section 4012.

In addition to the constitutional problems inherent in this procedure, we have some doubts about the wisdom of giving the Postmaster General these law enforcement functions when he is about to become the head of a business corporation. We should give further consideration to transferring these functions entirely to another Government agency.

Section 4012 proscribes the mailing of an enormous variety of nonobscene ad-

vertisements. Section 1461 of title 18 of the United States Code already bans the mailing of obscene articles, nonobscene advertisements for such articles, and obscene articles. Moreover, 39 United States Code, supplement IV, 4009 already permits persons to stop mailing of pandering advertisements offering erotically arousing or sexually provocative matter to his home by giving notice to the Postmaster General.

Section 4012 goes well beyond these existing statutes. It is not limited to obscene advertising, or nonobscene advertising for obscene matter, but includes even nonobscene advertising for nonobscene matter. Its scope is virtually unlimited. Even the publisher who makes a careful judgment about a particular piece of his advertising, and sends it to a person on the list may still find himself facing stiff criminal penalties. We must keep in mind that we are not dealing here with the purveyor of hard-core pornography, but with the legitimate publisher who must make fine judgments about admittedly nonobscene advertising for nonobscene material in the face of harsh criminal penalties. Unfortunately we do not share the confidence of the majority of this committee that the Supreme Court will accept this result because of its decisions in *Valentine* v. *Chrestensen*, 316 U.S. 52 (1947) and *Breard* v. *Alexandria*, 341 U.S. 622 (1951), generally holding that advertising is entitled to less protection than noncommercial speech.

Even the Justice Department appears to question whether criminal penalties can validly be imposed where the class of prohibited advertisements is so broad and undefined. In a brief in support of the constitutionality of the broadly worded 39 United States Code 4009, the Solicitor General relied heavily on the fact that no criminal sanctions could be applied to the mailer until a court order prohibited him from doing a particular act and he subsequently violated it. Government's Motion to Affirm in *Daniel Roman* v. *United States Post Office*, No. 309, October term, 1969, cited in "Hearings on H.R. 10867 before the Subcommittee on Postal Operations of the House Committee on the Post Office and Civil Service, 91st Congress, first session, ser. 91–92, p. 2 at 419 (1969).

There is no such requirement here and, therefore, the scienter required by the Supreme Court in *Smith* v. *California*, 361 U.S. 147 (1959), is unquestionably absent.

I am concerned as well about the enormous administrative burden which the bill would place on all publishers. Although each publisher has 30 days to obtain the name of each person who notified the Postmaster General, the statute in effect requires him to upgrade his list every day. Some publishers who would come within the scope of this bill, have mailing lists containing millions of names. The opportunities for mistakes, as well as the costs, are enormous. And noncompliance in even the smallest degree can result in criminal penalties. It would be far better to compile such a list on a monthly or quarterly basis.

The bill has other troublesome or confusing provisions. First, title II permits any person on behalf of any person under 19 who resides with him or is under his care, custody, or supervision to stop the sending of sexually oriented advertisements to his address. Unlike H.R. 10867 which was limited to a person's children under 19 who reside with him, H.R. 15693 would permit, for example, a school headmaster who supervises his students to attempt to control the mail they receive at school. This is unnecessarily broad authority for a statute which purports to be in support of a parent's desire to influence the mail his child receives.

Second, title II sets 19 as the age limit under which parents or others may assert control over the mail the minor receives. Title I, however, defines minor as a person under 17. We can find no logical reason for using different age limits in title I, and title II, and recommend, therefore, that title II be revised to exclude 18- and 19-year-olds from its coverage.

Third, section 1736 attempts to foreclose any claims that compliance with section 4012 violates the privilege against self-incrimination. The Supreme Court long ago held that immunity provisions can be substituted for the privilege against self-incrimination, long ago, but only if there is "absolute immunity against future prosecution." *Counselman* v. *Hitchcock*, 142 U.S. 547, 1892. As a practical matter, this is no protection at all against prosecution. Section 1736 is therefore inconsistent with the privilege against self-incrimination. Some have relied on *Murphy* v. *Waterfront Comm'n*, 378 U.S. 52, 1964, to justify this result. However, the Court has more recently cast doubt as to whether any protection less than absolute immunity from prosecution is adequate under the Fifth Amendment. *Stevens* v. *Marks*, 383 U.S. 236, 1966.

I believe this bill contains constitutional defects in its scope and operation. It is my view and I would prefer that congressional passage of antiobscenity legislation ought to wait until we receive the report of the Commission on Obscenity and Pornography sometime this summer. The problems caused by obscenity are not limited to use of the mails for its transmittal. When the commission publishes its report, I suspect we might find it desirable for the Post Office and Civil Service Committee to join with members of the Interstate Commerce and Judiciary Committees to act together on the recommendations of the commission.

Mr. MIKVA. Mr. Chairman, will the distinguished gentleman from Pennsylvania yield for a question?

Mr. NIX. I yield to the gentleman.

Mr. MIKVA. If the distinguished chairman or anyone else on the committee knows the answer, I would call your attention to page 7, lines 18 and 19. The section reads as follows:

(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postmaster General may prescribe.

That has to do with the mark or notice that the Postmaster General may direct people who mail sexually oriented advertisements to put on the outside wrapper or the envelope.

My question is—what function that mark or notice will serve, since it will, in fact, invade the privacy that I thought was being protected in other sections of title II?

Mr. NIX. The answer to the gentleman's question is—it invades no privacy.

That situation has never arisen. It is not contemplated that it will arise. I do not see how there can be any valid objection to it.

The only thing the section says is that any person who mails such material shall place his name and address on the envelope as the sender thereof.

Now you object to this, I take it?

Mr. MIKVA. That is correct.

Mr. NIX. And such mark or notice as the Postmaster General may prescribe.

Mr. MIKVA. Yes.

I am not objecting to the name and address. It is really as to the mark, and the question is—what function it will serve?

Mr. NIX. First of all, the assumption that you make is that something is going to be proscribed by the Postmaster General. There is no valid reason to make the assumption. The time to take it up is if and when such a mark is required. That mark, or whatever it is, offends against some rights that an individual has. As of this time, it is meaningless.

Mr. MIKVA. With all due deference, will the gentleman yield further?

Mr. NIX. I yield to the gentleman.

Mr. MIKVA. I would suggest if there is no specific function for it at this point, I am reluctant to give the Postmaster General the authority to force the sender to identify mail in some specific way. Specifically, let me give you an example that bothers me.

There are people who presumably like to receive this sexually oriented mail. This bill does not make that illegal. If they are entitled to receive it and they are receiving it via first-class mail, I see no reason why the Postmaster General should require the sender to put an "X" on this sexually oriented mail so that the postman or any snoopy neighbors might know that somebody is receiving it—if we are not making it illegal. Unless it performs some function, I would rather see that language removed. It seems to me, from the testimony we heard before my committee, that the Post Office Department could continue to function without such a provision in it.

Then, if at some later date there is need for some additional legislation, I would rather see them come to us at that time, rather than our now giving them a carte blanche to identify mail in some way which would invade the privacy of the recipient.

Mr. NIX. I appreciate the gentleman's concern. The committee discussed this matter. I can assure the gentleman his fears are groundless.

Mr. Chairman, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, when approaching the problem of pornographic material being sent through the mails, it was studied with a view of drafting legislation to correct the situation, we tried to analyze all of the problems presented.

First, it appeared the problem became more acute as the Supreme Court continued to render decisions regarding the definition of "obscenity." In my research, I studied several of the leading cases of the Supreme Court and determined there is a great deal of confusion existing in the minds of the Justices as to exactly what constitutes obscenity. Therefore, it was concluded that the first step should be for Congress to define legislatively what is or is not obscene.

We started out on this premise and I do not look to the Supreme Court for any guidance in this area. Their decisions have brought on the problem; therefore, let us not look to the cause for the solution.

Having established what constitutes obscenity, we then examine existing laws regarding the use of U.S. mails that have been enacted by Congress and enforced by the Post Office Department regarding nonmailable material. Congress has, on other occasions, enacted legislation which defines specific items as nonmailable and the Postmaster General can apply to the various courts for permission to examine suspect mail and if he finds nonmailable items contained therein, he can refuse to accept them. Examples of this are the recent firearms legislation and legislation affecting surveillance material.

Since we have established a procedure which does work, it should be used as a guide for establishing the procedure to enforce the nonmailable provisions of existing section 1461 of title 18, United States Code.

Although there seems to be some thought that Congress may not have the right to regulate the use of the mails and by stretching some of the pornographic cases, attempt to bring the use of the mails under the freedom of expression definitions, I do not subscribe to this theory.

I do not find any ambiguity in the U.S. Constitution giving the U.S. Congress jurisdiction over the U.S. postal system, although I acknowledge that the Library of Congress has published a study dealing with Federal group defamation legislation in which they speculate on this matter. Specifically, under a study prepared by the Legislative Attorney, American Law Division, August 13, 1964, the following wording appears:

> While some of the earlier Supreme Court cases suggested that the use of the mails is a privilege to which Congress could attach such conditions as it chooses, more recent decisions have rejected this view. Today, the Court would probably agree with Mr. Justice Holmes who said: "the United States may give up its Post Office when it sees fit, but while it carries it on the use of the mails is almost as much a part of free speech as the right to use our tongues."

It is interesting to note this speculation is based upon the dissenting opinion, and other cases cited are equally divided between controlling and dissenting opinions.

I disagree with the conclusion reached by the Counsel and in my opinion, Congress has the right to regulate the use of the mails and may do so without the help of the Supreme Court.

Accordingly, I have prepared the bill H.R. 11815 in an effort to prevent the U.S. Government from being a participant in the dissemination of obscene and filthy material.

I exhibited some examples of material that have been forwarded through the mail, unsolicited, which, in my opinion, is not within the province of this Government to help distribute.

The purpose of the proposed bill I introduced to control pornographic literature being sent through the U.S. mails is to define what constitutes obscene, lewd, lascivious, pornographic material and to establish tests whereby the Postmaster General may apply these definitions to material submitted for delivery.

It is my purpose not to prosecute those depositing this material in the mail but to enable the Postmaster General to exercise the discretion given him by the Congress of the United States not to deliver such material and not to become a purveyor of filth such as the obscene, lewd, lascivious pornographic material described.

It is my opinion that persons or companies involved in the publication, distribution, and exploitation of this material will soon abandon their activities if they are denied the right to send it through the U.S. mails and to expect financial gain through this distribution media. The question of whether they have the right under the Constitution to publish it would not be an issue, in my opinion. It is well settled that the Congress can prescribe the limits of the operation of the Post Office and we have, on numerous occasions defined nonmailable material.

The Congress recently prohibited the mailing of handguns through Post Office facilities; it had previously pronounced dope, narcotics, barbiturates, to be nonmailable and, on other occasions, has prescribed surveillance and listening devices to be nonmailable items. Since it is within the power of Congress to define what shall or shall not be carried through the U.S. mails, I suggest that the nonmailable definition of "lewd, obscene, pornographic, lascivious material" be implemented by the right of the Postmaster to examine suspect mailings and if found to meet the tests of obscenity described in my bill, refuse to deliver or return such material. The depositor of such material would then have suffered a financial loss by reason of his publication costs, purchase of mailing lists, and the affixing of stamps, which would be forfeited when deposited in the U.S. mail.

In summary, I feel the best attack upon this type of activity is to limit the marketability through the use of mails and assuming any publisher desires to "legally" print and publish this material under the decisions as rendered by the Supreme Court, does not ipso facto give him the authority to mail it in the U.S. mails.

(Mr. THOMSON of Wisconsin (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in support of H.R. 15693 and urge its adoption because I feel we must take action to exclude certain nonmailable matter from the mails. I hope the House will pass this legislation by a unanimous vote.

Mr. MCCULLOCH (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MCCULLOCH. Mr. Chairman, I am deeply troubled by the serious threat to the moral fabric of our society posed by the mountains of obscene materials which daily pour through the mails.

The purveyors of this smut do not respect the sanctity of your home or your time-honored right to privacy. They do not respect your right to protect your minor children from exposure to this material. They do not respect the human body; rather they defile it. They do not respect the need for decency and morality in America.

In fact, Mr. Chairman, the pornographers respect only one thing: the fast buck they get from plying their dirty trade.

Sensing the need to enact legislation to correct this most vexing problem, the President in May 1969 recommended to the Congress a program for a three-pronged attack on obscenity.

The first administration bill, H.R. 11031, of which I had the privilege to be the principal sponsor, is designed to help parents protect their minor children from obscene materials. H.R. 11031 would make it a crime to knowingly mail or transport in interstate commerce matter to persons under age 18 which describes or represents nudity, sexual conduct or sado-masochistic behavior, which is offensive to prevailing community standards concerning what is suitable material for minors and which is substantially without redeeming social value for minors.

The second bill, H.R. 11032, of which I also had the privilege of being the principal sponsor, is aimed at the mass of obscene and objectionable advertisements that are sent out indiscriminately in mass mailings by the purveyors of pornographic literature. H.R. 11032 would prohibit knowingly mailing or transporting in interstate commerce any advertisement or solicitation designed to appeal to a prurient interest in sex.

My good friend, the Honorable GLENN CUNNINGHAM of Nebraska, was the principal sponsor of H.R. 10877, the third bill in this antiobscenity package. H.R. 10877 would prohibit the mailing of any "sexually-oriented advertisement" to any person who filed with the Postmaster a statement that he desired to receive no such materials through the mails. This bill strikes directly at the problem of the unsolicited obscene advertisements which have flooded our homes.

H.R. 15693, the bill now before the House, is most laudable and deserves our support in that it contains two of the President's three proposals. Title I is a

protection of minors provision based on H.R. 11031 and also on a New York State statute on the subject which was upheld as constitutional in *Ginsberg* v. *State of New York*, 390 U.S. 629 (1968). Title II of this bill contains the provisions of H.R. 10877 almost verbatim.

Mr. Chairman, the problem of pornography will not go away by itself; we must pass effective and constitutional legislation to root out this evil in our midst. H.R. 15693, on which the Committee on Post Office and Civil Service has labored long and hard, represents a constructive legislative approach. The control of pornography sent through the mails, unsolicited or to minors, is an idea whose time has long since come. It is in fact long overdue. I therefore strongly urge the adoption of H.R. 15693.

(Mrs. REID of Illinois (at the request of Mr. CUNNINGHAM) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. REID of Illinois. Mr. Chairman, as the sponsor of a similar bill—H.R. 9372—I am glad to give my support to H.R. 15693, to protect minor children from receipt of unsolicited obscene materials through the mail. I find it very encouraging that legislation against pornography has been brought to the floor of the House and that it is high on the list of priority measures for final enactment during this session.

There is no question that most Americans are deeply irritated by the outpouring of filth which bombards their homes. Who among us has not received numerous letters from constituents urging that we take new initiatives to control the dissemination of indecent materials? Another indication of the enormity of the problem is reflected in the fact that well over one-half million persons have filed complaints with the Post Office Department in the last 3 years specifically objecting to obscene mailings.

Pornography peddlers have literally solicited thousands of decent families around the United States right in their own homes. Often families have received in the mails plainly addressed envelopes containing unwanted sex-oriented literature. The primary purpose of the mailing is to sell even more objectionable pornographic material. Sometimes the peddlers seek legitimacy by comparing their so-called "literature" to the volumes in the Vatican library and the British Museum. When received, it could be opened by the youngest, most innocent child in the home.

The time has come to act decisively in stamping out the menace of pornography in our Nation. The Supereme Court in recent opinions has indicated a constitutional basis for legislation on the subject of obscenity and the protection of the privacy of those mail patrons who do not want to receive sex-oriented advertising. Thus, in reporting H.R. 15693, the Committee on Post Office and Civil Service has acted to solve the problem created by mass mailings of obscene materials to minors and the mass of unsolicited sexually oriented advertisements going through the U.S. mails. At the same time, the legislation presented for consideration should not have any difficulty in meeting the standards of constitutionality

The penalties provided in this measure—$5,000 fine and/or imprisonment for 5 years for first offense and $10,000 fine and/or 10 years for second and subsequent offenses—should provide a clear deterrent to assure that our youth are protected from degenerate matter. The Supreme Court has very specifically set out an area in which legislation is valid, and, in my opinion, necessary, and I would urge the Congress to move swiftly in enacting H.R. 15693.

(Mr. MCKNEALLY (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MCKNEALLY. Mr. Chairman, I rise in support of H.R. 15693, a bill to exclude from the mail a special category of obscene material to protect minors. It is similar to my own bill, H.R. 7484.

My office has been deluged with complaints from horrified parents. In each instance the pornographic material received by the children was enclosed. I can report to you, Mr. Chairman, that a civilized man viewing the material would have to report his puzzlement about the prolonged discussion of what really is obscene. If the pictures of sexual perversions calculated to excite and at once appall their viewers are not obscene then it is high time that we invented a new word. The purveyors of this are aware that they are doing something hideously wrong but their interest in money countervails. What do they care about the ruination of youth provided they make money. The decisions of the Supreme Court have played precisely into their dirty hands. It is high time that this House did something about it.

A nation would be manifestly insane if it failed to take proper steps to protect its children against the corruption of their minds and their souls. We hear much talk of the pollution of the atmosphere—a good deal of emotion charged chattering and condemnation. We behold marches and demonstrations and protestations of pollution in the air and water. We have even been told that the environment must be protected against the birth of children. There is abuilding a great campaign, a great crusade, if you please, by which our country will be rescued from the evils of pollution. From all of these orators and all of these singers and all of these marchers, I have not heard one word directed toward curbing those of the evil pornography industry which seeks to pollute and to render vile the minds and personalities of our youth. How hypocritical can people be? We have doomsayers who have not any idea what real doom is.

This bill is the long-awaited one directed to forestall the real doom of our youth. The time was when the normal restraints of the people of this country would prohibit the growth of the pornographic industry. With the new permissiveness, the breaking loose from our moral moorings, with the curious development among our various religious denominations which seems to have traded religious injunctions for sociological patterns, we now must take to the law to protect us. The bill under consideration seeks to fill in a gap between self-restraint and no restraint. If we fail to fill that gap, we have betrayed our youth. I urge the support of this measure.

(Mr. DERWINSKI (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. DERWINSKI. Mr. Chairman, the salesman who puts his foot in the door and makes his sales pitch may be convinced that he has made a mistake if the door is slammed on that foot.

Smut mailers put their foot in the door by filling the family mailbox with constant persistent, unwanted, and unasked for sexually oriented material. What is worse, many of them aim their material at those 16 years of age and younger. The smut mailers are persistent because they know that with repeated mailings they may be able to get past alert parents.

The mailbox has to be shut to unwanted and uninvited material directed at the curiosity of youngsters and as an attack on the privacy of adults.

H.R. 15693 does this in two ways: It forbids the mailing of material harmful to minors which is defined in terms of obscenity directed at minors, and which has been called variable obscenity by commentators. The theory of variable obscenity by the way was a concept which originated with Chief Justice Warren.

In title II of the bill, which is in accord with a Presidential request, a registry is set up which will allow American adults to list their names and the names and addresses of their children with the Postmaster General so that after 30 days, smut mailers are on notice not to forward sexually oriented advertising to the named persons. This title has two sanctions, judicial civil sanctions or court orders and criminal penalties. The cost of maintaining the list would be borne by the mailer.

I believe that the American people should be able to demand from the Congress, the only body that can control the postal system, reasoned action. I strongly urge the approval of this legislation.

(Mr. PELLY (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Chairman, it has been said in the Seattle, Wash., area, and throughout the country by postmasters, that they simply do not have the legal authority to do anything about pornography, the circulation of which has increased so much in the mails recently. The Postal Department's only weapon is to have the addressee fill out a form authorizing the Post Office to send a prohibitory order to the mailer ordering him to remove their names from his mailing list.

This situation led me to introduce legislation in the first session of the 91st Congress to help cure this situation.

But, now we are considering a bill that goes well beyond my legislation, and I rise to support it.

Mr. Chairman, it is contrary to the public policy of the United States for its Post Office Department to be used as an

instrument for the distribution of such sordid materials to persons who do not want their privacy to be so invaded or who wish to protect their minor children from exposure to such material.

I urge my colleagues to support this bill and hope that it will halt the practice of using the mail system to peddle filth; a practice which, as I said, has increased so alarmingly in recent months.

(Mr. PRICE of Texas (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 15693, and I commend my colleagues on the Post Office and Civil Service Committee for their diligent work and interest in this vital area of obscenity control. The bill before the House today directly attempts to solve the problems created by obscene materials presently being mailed in large numbers to minors. It also attempts to solve the problems created by the mass of unsolicited, sexually oriented advertisements that flood the mail.

In my opinion, few evils in American society today provide cause for more widespread alarm than does the ever-increasing flood of obscene materials that is engulfing communities across the land. An indication of the magnitude of this menace is seen in the fact that the smut industry is publishing obscene materials whose sale will gross $500 million and $2 billion this year. Contrast this, if you will, to the sales of the chief public publishing house, the Government Printing Office. It will only sell an estimated $17 million worth of printed materials this year.

The public reaction to the rising tide of obscenity is demonstrated by the growing numbers of citizens throughout the Nation who are turning to the Federal Government for relief. In fiscal year 1968, the Post Office Department received over 167,000 complaints about obscene mail. During the first 11 months of fiscal year 1969, the Department received more than 200,000 such complaints. The Post Office also reports that while over 200 firms are engaged in peddling smut, it is estimated that over 95 percent of all obscenity complaints received by the Department result from the direct mail advertising of perhaps 16 major promoters. These unscrupulous purveyors of filth have adopted mass mailing techniques, and obtained mailing lists from such innocent sources as postal patrons lists and high school honor rolls.

Mr. Chairman, the most tragic aspect of this problem is the effect that it is having on our Nation's youth. More than 1 year ago, J. Edgar Hoover, Director of the Federal Bureau of Investigation, warned:

> It is impossible to estimate the amount of harm to impressionable teenagers and to assess the volume of sex crimes attributable to pornography, but its influence is extensive.

In this connection, FBI statistics show that sexual violence is increasing at an alarming pace. Mr. Hoover also reports that pornography in all its forms is a major cause of sex crimes, sex aberations, and sex perversions. More recently, the Senate Subcommittee on Juvenile Delinquency, as a part of its continuing investigation into the causes of youth criminality, reported:

> The moral fiber of the country is being undermined by a deluge of vile and filthy books, pictures and other pornographic materials. Worst of all, up to 75 percent of it falls into the hands of minors.

I believe that Congress has the clear responsibility and duty to enact legislation to halt the flow of obscene materials into the homes of America. In my view, the best way to accomplish this is by closing the mails and the facilities of interstate commerce to smut peddlers. If the mails and facilities of interstate commerce are close to them, they will no longer be able to distribute enough material to make their operations profitable.

In an effort to rectify this deplorable situation I have introduced bills to stop smut merchants from sending unsolicited obscene materials through the mails, to give minors new protection from obscene materials, and to provide stiffer fines and prison sentences for offenders. In addition, I have testified in behalf of these bills before the Post Office and Civil Service Committee when they held hearings on the issue of obscenity control.

I am most gratified that the committee has adopted some of my suggestions and incorporated them into H.R. 15693. Although this bill is by no means a cure-all, it does represent an effective first step in asserting appropriate Federal regulations in this vital area. Accordingly, I urge my colleagues to join together in a nonpartisan spirit and support this legislation.

(Mr. KING (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. KING. Mr. Chairman, I rise in support of this legislation and commend the committee and its members for bringing this legislation to the floor. I do, however, feel that is only a small step in the long road that we must take to totally and completely obliterate this type of material from the mails.

A citizens' revolt is growing against the torrent of obscene materials pouring into every home in our country. Pornography has become a multimillion-dollar racket, invading homes of many, unasked and unwanted. The community standards of our people are affronted by an aggressive campaign of commercial exploitation, conducted from a few well-identified production centers.

A particularly vicious aspect of this racket is that it preys upon inexperienced young people at the very time of their character formation. By invading the home, it attacks the family bond, subverting the principles of morality that decent parents are trying to instill in their children. Pornography threatens to leave impressionable youngsters scarred with a distorted sense of values.

In the large part, the onrush of pornography has been released by a long series of U.S. Supreme Court decisions that have overturned determinations of obscenity. By turning these people loose, the Supreme Court has given them license to impose their degradation upon the rest of the community.

I believe the bill we are considering today is a step in the proper direction toward the regulation of obscenity and the violation of the privacy of the American home, and I am pleased to enthusiastically support it.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, I would like to add my support to H.R. 15693, similar to a bill I introduced, which would prevent the bulk of unsolicited, unwanted, and deeply offensive material from being sent to our homes through the U.S. mail.

The thrust of the legislation is to protect our children and our homes from invasion by this salacious material. By putting the publishers of this literature on notice that they can no longer send such pandering to our homes, we will insure the privacy to which our families are entitled.

Of course, such booklets and advertisements, while offensive, may be discarded by us, but the formative young may be adversely affected by this obscene material. It is they who we seek to protect. The relationship between man and woman should not be perverted for the purpose of lining pockets.

The complaints I have received from my district point out correctly that the material is designed for one purpose—to appeal to prurient interests for profit.

We must—and I am confident we will—find in this Congress a solution to the serious situation presented by the wholesale mailing of smut and this legislation is in the public interest.

Mr. CUNNINGHAM. Mr. Chairman, I will close by saying again only this, that one of the great men of this Nation was the real backbone in getting this problem of smut moving through the mails and this smut problem in general solved. I am referring to our beloved Speaker, because I know in the early days and until this very moment he has been tremendously interested and he has done a great deal to bring into being the accomplishments we have already and has assisted in accomplishments we hope to bring into being in the future.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation to prohibit the mailing of pornography to children 16 years of age and younger. Drafted with care and precision, this bill answers a pressing need. Pornography—hard-care pornography of the most sordid kind—is a growing menace to this country's youth. I want to emphasize that I am not talking here about conventional girlie magazines or book club novels. I am talking about material that anyone, no matter how conservative or how liberal, would consider plainly and patently obscene.

Exploiters of sex and sensationalism are almost literally flooding the mails with advertisements for such smut—advertisements directed mainly at children. The neighborhood postman is delivering these wholly unsolicited ads to boys and girls as young as 12—some-

times younger. Parents are astonished to find their children reading booklets and scanning photographs dealing with the most bizarre sexual perversions.

One mother, a woman from my home city of Springfield, Mass., sent me an advertising pamphlet her 12-year-old son received in the mail. It contained a series of photographs bluntly showing a man and woman locked in almost every conceivable kind of embrace. Parents are justifiably alarmed about pornography that intrudes unwanted into their homes. Protest mail to the White House and the Congress is reaching unprecedented proportions.

The legislation now before us, quite similar to a bill I introduced early in this Congress, would shield children against unsolicited hard-core pornography without jeopardizing our most precious constitutional right—the right to freedom of speech. The Supreme Court has upheld the constitutionality of laws protecting children against pornography—just as long as such laws meet certain rigorous judicial tests. H.R. 15693 meets these criteria. It explicitly defines pornography, eliminating the hazy muddle of words the Supreme Court has found too vague in many obscenity statutes. It would close the mails to nothing but unsolicited hard-core pornography devoid of redeeming social value. And it would close the mails only to the smut directed at minors—children 16 or younger who did not request such material in the first place.

Another provision of the bill would bar the delivery of pornography to any person—no matter what his age or status—who has signed a post office form requesting that such mail not be delivered. There is no question, of course, about the constitutionality of this provision. It merely honors the specific, written request of people who do not want pornography entering their homes.

This legislation would strengthen our rights rather than weaken them.

It would keep the smut marketplace out of our homes.

Mr. OLSEN. Mr. Chairman, the American who opens direct mailed advertisements containing pictures of homosexual activity and addressed to his son is an angry American. He has a right to be. An American wife who opens up direct mail advertising addressed to her husband depicting unnatural sexual intercourse is shocked and she has a right to be.

These Americans, and the vast majority of Americans need some protection of their privacy. They need protection for their children, especially those 16 and under. They have a right to ask Congress to act. I believe that they have in a truly astonishing outpouring of constituent mail.

There may be those in the publishing industry who because they are afraid that Congress or State legislatures will in the future look into their activities, will oppose this and any legislation that threatens even indirectly the smut dollar.

I say to them that this bill does not threaten or regulate them. It is a bill aimed at direct mail advertising only and their fears do not count in the balance against the wrong being done American families. The person who buys a book does so on his own volition. When he reads, he may not buy another like it or he may seek out such material.

The distinction here is clear that for the most part direct mailings are sent in response to requests. They are an involuntary invasion of the home.

The bill is divided into two parts. Title I is based on the New York State statute which has been upheld by the Supreme Court of the United States in Ginsberg against New York, a statute that was directed against magazine sales. We are dealing with much more serious situations in the direct mail problem. Criminal penalties are provided under title 18.

Title I is strictly drawn in that it is restricted to the protection of those 16 years of age and under.

It substitutes the word "substantially" for the word "utterly" in the so-called social value test. The social value test is only upheld by one judge on the Supreme Court today, Justice Brennan. Nonetheless, the test remains but in a reasonable form, striking the word utterly which means absolutely and substituting the word substantially.

Title II provides a registry by which Americans can list their names and addresses with the Postmaster General under reasonable administrative controls. After 30 days criminal penalties will apply to those who ignore this notice.

There may be those who will say that this will be expensive for direct mailers. Judging by the past performance of the Internal Revenue Service that sold gun registration lists of 140,000 names for $140, the cost should not be too great because complaints to the Post Office Department have hovered around a figure of 250,000 a year for some time.

I think those who attack this bill are matching the dollars of a few unscrupulous mailers against the welfare of children and the privacy of adults.

Because this bill has been carefully drawn to survive any constitutional test, I ask my colleagues to support it without amendment lest the constitutional balance in the bill be lost.

This is a difficult area. This is a good bill. I ask the House to support it.

Mr. POFF. Mr. Chairman, I am profoundly disturbed by the grave threat to the moral and social fabric of our Nation posed by the mass of pornography which pours through the mails and travels, it would seem, almost unhindered across State lines in interstate commerce.

President Nixon in May 1969—almost a year ago—proposed to the Congress a three-pronged assault on the pornographers and their product.

The first proposal, embodied in H.R. 10877, would prohibit the mailing of any "sexually oriented advertisement" to anyone who, for himself or on behalf of his minor children under age 19, files with the postmaster a statement that he desires to receive no such materials through the mails. This proposal, with minor changes, is contained in title II of the bill now under consideration, H.R. 15693.

The second administration proposal, introduced as H.R. 11031 and referred to the Judiciary Committee, is designed for the protection of our minor children. This bill would make it a crime knowingly to mail or transport in interstate commerce to minors matter which is "harmful to minors," defined as matter which describes or represents nudity, sexual conduct, or sadomasochistic behavior and which is offensive to prevailing community standards concerning what is suitable material for minors and is substantially without redeeming social value for minors. Knowingly mailing or transporting in interstate commerce to minors matter containing advertisements for such material or information would also be made illegal.

Although title I of H.R. 15693 is a laudable attempt to deal with the problem of protection of minors and deserves support, it falls short of the broader scope and coverage of H.R. 11031 in certain crucial respects:

First. Most importantly, H.R. 15693 applies only to the use of the mails, rather than to all instrumentalities of interstate commerce.

Second. A minor is defined as one under age 17, rather than age 18 as in H.R. 11031.

Third. The definition of "harmful to minors" in H.R. 15693 requires that the material appeal to the "prurient interest" of minors, thereby possibly allowing certain materials to escape coverage.

Fourth. The criminal penalties in H.R. 15693 are a $5,000 fine or 5 years in jail for the first offense and $10,000 or 10 years for a subsequent offense, as compared with the penalties in H.R. 11031 of $50,000 or 5 years for the first offense and $100,000 or 10 years for a subsequent offense.

The President's third proposal, introduced as H.R. 11032 and also referred to the Judiciary Committee, would make it a crime knowingly to deposit in the mail or transport in interstate commerce an advertisement designed to appeal to a prurient interest in sex. This bill would strike directly at what is probably the most troublesome aspect of this whole problem of pornography: the millions of obscene advertisements sent, unsolicited and unwanted through the mails into people's homes by the panderers and profiteers of filth who buy mailing lists and indiscriminately send out mass mailings to all persons on these lists.

Unfortunately, none of the provisions of this most important bill, H.R. 11032, are contained in H.R. 15693.

It would be my strong desire, Mr. Chairman, to offer an amendment to the bill now before the House, which would replace title I with the language contained in H.R. 11031 and H.R. 11032. Unfortunately, I am precluded from offering such an amendment by the rule of germaneness.

Under the rules of the House, the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill. Under the precedents, an individual proposition may not be amended by another individual proposition even though both belong to the same class. The thrust of title I of H.R. 15693 is the

protection of minors by the regulation of the distribution of materials unsuitable for minors, while H.R. 11032 protects adults as well as minors and is aimed at a particular type of advertising. The language of H.R. 11032 would therefore not be germane as an amendment.

More important is the rule that a specific subject may not be amended by a provision general in nature. Thus, to a bill relating to all corporations in interstate commerce, an amendment relating to all corporations was held not germane—"V. Cannon's Precedents," section 5842. Under this rule, the language of both H.R. 11031 and H.R. 11032 would not be germane because these bills cover the general class of all instrumentalities of interstate commerce rather than just a single category within that class, use of the mails, as does H.R. 15693.

Mr. Chairman, I deplore the fact that the rule of germaneness will prevent all of the President's antiobscenity package from being considered by the House today. I can only hope that this urgently needed legislation will soon be favorably reported by the Judiciary Committee.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 15693, a bill to protect minors from hard-core pornography and to safeguard the privacy of families who do not desire to receive sexually oriented mail.

The legislation before us today, which is similar to my bill H.R. 4591 introduced on January 27, 1969, has been carefully drafted to safeguard the constitutional guarantees of freedom of speech and expression. As such, it conforms with the most recent Supreme Court decisions in this area, is directed to the protection of children, and sets forth clearly the materials which may be prohibited from the U.S. mail.

Specifically, the bill will prohibit the mail order sale of obscene materials to children under 17. In addition, families with minors will be permitted to request that no sexually oriented advertisements be mailed to their homes. Fines of up to $5,000 and prison terms of no more than 5 years are provided for first time violators.

H.R. 15693 is a clear improvement over earlier anti-pornography legislation. For example, the Anti-Pandering Act, enacted into law during the last Congress, provides only parital protection from obscene mailings. Under that statute, the burden of enforcement is placed primarily upon the innocent recipient of pornography who may take action only after the objectionable mailing has been received in his household. Thus, the act does not serve as a deterrent to a first-time unsolicited mailing and its sole penalty for the smut merchant is loss of a name from his mailing list.

Mr. Chairman, this problem is national in scope. During 1968 the Post Office Department received over 165,000 formal complaints from recipients of obscene materials. Most came from shocked and concerned parents of school age children. Throughout my tenure in the Congress, I have received numerous communications from harassed constituents regarding the use of the U.S. mail to bring filth and obscenity into their homes. In recent years I have noted with consternation that these legitimate complaints are increasing as the flood of pornography through our Nation's mail reaches unparalled proportions.

H.R. 15693 will enable parents to protect their youngsters from hard-core pornography without endangering our precious freedoms. I urge its favorable consideration by the House.

Mr. MURPHY of New York. Mr. Chairman, I recently cosponsored a measure in the House, a revised bill, prepared and introduced by my good colleague (Mr. DULSKI) which incorporated various proposals to combat the spread of hard-core pornography.

As many of you closely associated with this problem are aware, our most critical consideration is to draft legislation that will stand court scrutiny. The bill under discussion has the benefit of court experience by legislation enacted sometime ago by the State of New York. We would extend the New York law approach to all 50 States as well as to impose other restrictions on smut peddlers.

We are aiming at special categories of mail. In particular, we are seeking to put the burden on the senders to make it unlawful, as well as very unprofitable, to send obscene material to homes in which reside children who are under the age of 17.

Not only do I know about these mailings because of the many complaints I have received, but also because of the fact such a mailing was made to my own home last year. And I have minor children.

In a previous Congress a law which permits householders to demand that their names be removed from mailing lists of those who have sent them objectionable material was passed.

This law is one approach and the postmasters around the country have received thousands of requests for names to be removed from mailing lists.

But this law is not enough simply because it applies after the fact. You cannot make the request until after you get the first mailing. So far as I am concerned—and my view is widely shared—I want to stop the first mailing as well as the subsequent mailings. This new bill would do just that, with penalties for those smut peddlers who violate the law.

An important part of this bill is the detailed specification of what is considered obscene. Hopefully, this will make clear in law what we are concerned about and thus will overcome legal fights as to what Congress means by obscene material.

Besides protecting those homes where minors reside, the new legislation also would provide protection for those who simply do not want to receive any sexually-oriented advertisements.

The bill provides for the Post Office Department to maintain a list of such individuals and then the mailers are made responsible to see that they do not send any objectionable material to those persons.

As you can see, this is one step beyond the present law. It is designed to protect our citizens against the first mailing, as well as against subsequent mailings.

Smut is a big business activity today. It involves a lot of money and produces high profit. It is no small-time operation. The operators can afford the finest legal talent and can justify going all out to thwart legislative efforts to curb their activities.

Mr. MESKILL. Mr. Chairman, I want to speak out in strong support of H.R. 15693, a bill which I have cosponsored in order to curtail the offensive intrusion into private homes of sexually oriented mail.

The proliferation of frankly obscene material—printed matter, photographs, advertisements and the like—has reached such proportions as to be considered a national scandal.

Much of the material is now mailed—unsolicited—into private homes and does not qualify even under the Supreme Court's liberal Roth decision as having the smallest iota of "redeeming social value." It is plainly and unequivocally of the most sordid prurience and is offensive to both individual privacy and common decency.

It is, Mr. Chairman, time to deal with the unsolicited dissemination of obscene material through strong legislation.

The bill states, and I wholeheartedly agree, that the Congress finds "that it is contrary to the public policy of the United States for the postal facilities and services of the United States to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material."

Detailed explanations of the bill have been presented and so I want to direct my remarks to my reasons for cosponsoring and supporting it.

There are some who maintain that the unrestricted sale of pornography is harmless, or even conducive to decreasing sexual looseness and violence. I do not believe that substantial research has been conducted which can prove the validity of this point. Even greater is my concern, however, with the increasing frequency with which unsolicited pornography is finding its way into individual households.

Such activity is clearly an encroachment upon the privacy of millions of American citizens, and furthermore, a blatant misuse of the function of the Post Office. It is intolerable that this offense be allowed to continue.

As an example of the degree to which the mailing of objectionable material has become a national problem, I cite recent Post Office Department figures: During the first 10 months of fiscal year 1969, the Post Office Department received 200,000 complaints from recipients of unsolicited, sexually oriented materials.

And while the laws currently on the books have allowed some action by the Post Office Department and the Department of Justice in allaying this flow of filth, the available statistics clearly indicate the need for more stringent laws.

President Nixon said last year:

There are constitutional means available to assist parents seeking to protect their

children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have ruled out reasonable government action.

I suggest that H.R. 15693 constitutes not only "reasonable Government action," but urgently necessary rectification of the current disgraceful situation. Both the well-being of minor children throughout the country and the inviolability of household privacy demand Government response to curb the appalling influx of pornographic materials where they are neither asked for nor desired.

I urge immediate passage of H.R. 15693—we can afford no further delay.

Mr. LONG of Louisiana. Mr. Chairman, the right of the individual to protect himself and his family from violent assault, especially in his own home, cannot be denied, not by the Congress nor by the Federal courts. Yet today millions of Americans are prevented from establishing this protection for themselves and their children from the vicious assault of pornographers, both domestic and foreign, upon their spiritual and intellectual freedom. These assaults, especially those upon innocent children, are deeply affecting the peace and tranquillity of our homes. This situation is a profound commentary upon the viability of democratic government, when we have not already moved to provide adequate protection to both parents and children. I believe we must act now to prevent this intellectual violence.

With this in mind I introduced H.R. 11722, the purposes of which have been incorporated in H.R. 15693, introduced by Chairman DULSKI and others, to exclude from the mails certain material offered for sale to minors and to protect the public from the offensive intrusion into their homes of sexually oriented mail matter.

Mr. Chairman, I am in complete agreement with this bill, and I will wholeheartedly support it. I urge the House to consider it favorably on final passage.

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of H.R. 15693, which would provide for the protection of minors and of the right of privacy from sexually oriented mail.

Hardly a day goes by without my mail bringing another protest from someone who has received advertising mail which the recipient considers obscene. Last year, President Nixon recommended that additional steps be taken, and to urge action I joined in sponsoring this legislation.

Specifically, this bill would prohibit the use of the mails to sell pornographic material to persons under 17 years of age. This section is patterned after a New York State law whose constitutionality was upheld by the U.S. Supreme Court in 1967.

In addition, the bill also permits persons, whether they have ever received such mailings before or not, to place their name on a do-not-send list maintained by the Post Office. This is designed to protect against offensive first mailings and thereby extends the present law, which currently deals with only second and repeated mailings by the same sender.

Violation of either of these sections carries first offense penalties of up to a $5,000 fine, or 5 years in jail, or both.

Under present law, mail patrons can take steps to curb the flow of offensive sex-oriented advertisements into their homes under the provisions of the Pandering Advertisements Act that became effective in April 1968. This law provides that a person who receives through the mail a pandering advertisement for "erotically arousing or sexually provocative" material may obtain an order from the Post Office directing the mailer to stop sending him further materials.

The Post Office Department has reported that approximately 350,000 prohibitory orders have been issued against mailers at the request of postal patrons since the law went into effect.

The increased enforcement activity by the Post Office and Justice Departments in this field, which in recent months has resulted in some 29 Federal indictments against smut peddlers is encouraging, and I believe these additional measures will help as well.

There is no reason why we have to tolerate this "pollution" of the mails and our homes.

I commend the Committee on Post Office and Civil Service for its action and urge passage of the bill.

Mr. WRIGHT. Mr. Chairman, I rise in support of this bill, and I earnestly congratulate the committee upon its draftsmanship and presentation.

Early last year, in response to numerous expressions from citizens in my own area, I introduced a bill embodying many of the identical provisions which are incorporated in the bill presently before us.

In recent months a tidal wave of obscene and pornographic advertising has been flooding our post offices. Fly-by-night promoters are sending out carload upon carload of utter filth, flagrant advertisements promoting shoddy sex films and photo publications.

The mailing pieces pander to raw sex in almost every conceivable form—perversion, sadism, masochism, and some grotesque fixations for which there probably is no polite name. More and more Americans are finding such horrors in their mailboxes.

Featuring lurid photographs which leave absolutely nothing to the imagination—and sometimes crudely flaunting the ugly little four-lettered words which most boys quit snickering over in about the fourth grade of school—these sick and offensive advertisements are being sent, wholly uninvited, to entire mailing lists of homes and offices. Often the outer envelope gives no clue as to its contents.

Most of us do not want our children, or the ladies who open mail in our offices, exposed to this sort of depravity. Neither did most of the growing thousands who have received such trash lately.

Yet there it is one day—right there in your mailbox, right at the portal of your home—sometimes even addressed to your children or teenagers.

When an outraged family complains to me about receiving such a mailing, I send the offending advertisement to the Postmaster General for appropriate action under one of the five antipornography statutes we have passed since I have been in Congress. Almost invariably now, the reply is that the Federal prosecutors do not think they could obtain a conviction against the mailers in light of recent court rulings on the definition of obscenity.

In attempting to define what is and is not obscene, the courts have let down the barriers as never before. In the view of some of our courts, apparently nothing can be legally described as "obscene." Today, almost literally, anything goes.

Well, whether legally obscene or not, some of the stuff now going through our mails is the nastiest and most nauseating I have ever seen. I am a grown man, and no prude. But some of these perverted sex advertisements would make a marine top sergeant blush. They are produced by depraved minds, to prey on sick minds, for profit.

Obviously, something needs to be done. It simply is not right for America's millions of decent and healthy families to be rendered absolutely defenseless against the unwanted intrusion of offensive vulgarity into their homes and lives.

Last year, I introduced a bill which I hoped could be an effective weapon in the struggle to curb these purveyors of filth. My bill, H.R. 11776, would protect the privacy of families and individuals who do not want to receive sex advertisements and other lascivious literature in their mailboxes. As I have said, those provisions have been incorporated into this present bill.

This bill, unlike some existing laws, would not be vulnerable to judicial interpretations of what constitutes "obscenity." It spells out, in clear legal language not subject to misinterpretation, exactly what kinds of advertising it concerns.

Additionally, the bill would not raise the constitutional question of free speech or press. It would respect the right of any citizen who actually wants to receive this kind of thing through the mail, but it also would safeguard the privacy of those who emphatically do not.

Under the provisions of my bill, each postmaster would keep a register of people who desire not to receive any of this type of advertisement. Families would be invited to sign this register, if they wish, and to list any children under the age of 19. The register would be kept up to date in every community, and it would be the duty of any promoter who was planning a mass mailing of sexually-oriented advertising material to remove all such names from his mailing list before sending out his mailing.

The burden would be on the mailer—not the recipient. It would be up to the mailer to make sure that no such pandering advertisement was sent to any person who had placed his name on the local postmaster's register asking to be protected from it.

Violations would be punishable by a fine of $5,000 and up to 5 years in prison. On the second offense, both the fine and the prison sentence could be doubled. Each violation would constitute a separate offense, and legal action could be

brought in the jurisdiction where the offending advertisement was received.

This bill would, in effect, broaden a somewhat similar law that was enacted during the last Congress. Under that statute, a family which receives a pandering advertisement has the right today to fill out a special post office form which orders the particular mailer to take his name from the mailing list and never again to send him any such material. More than 2,600 families in the Fort Worth area already have availed themselves of this right although it probably is little known.

This existing law is all right, but it does not go far enough. For one thing, a family must receive at least one pandering advertisement before it can act. The present bill would allow the family to specify in advance that it does not want any such trash in the family mailbox.

Moreover, certain promoters of pornography for profit have gotten around this present law simply by disbanding their "company" after each effort, reorganizing under a new name at a new post office box, and sending a new mailing to the selfsame list. Technically, they do not constitute the same organization to which the recipients earlier objected. My bill would place the onus on any and all mailers of sex advertisements to refer first to the registries at local post offices and expunge from their lists all names appearing there.

Since presumably additional families will from time to time be adding their names, this would have to be done within 30 days of each mailing to avoid the penalties provided in the bill—and it would have to be done in each town to which such mailings were planned.

One of the advantages of this approach would be to take a lot of the profit out of this otherwise apparently lucrative traffic which preys on sick minds and exploits rank vulgarity for commercial gain.

This may not be the whole answer, but it would be a step in the direction of decency. I earnestly hope that it will be adopted by a truly overwhelming vote today.

Mr. DUNCAN. Mr. Chairman, I rise in support of H.R. 15693 and I speak not only as a Member of this body, but as a parent and a concerned citizen when I say we must do everything in our power to eliminate obscene literature and pornographic materials of all sorts from our mail.

I am for completely getting rid of this smut, but with the constitutional provision of freedom of speech I realize that where this material is solicited we cannot interfere.

However, we can interfere with its being delivered to our young children and we can stop such trash from cluttering the mailboxes of good citizens who do not want such junk in their homes. The primary aim of H.R. 15693 is to keep smut from being sent through the mails to youngsters.

Parents, try as hard as they may, cannot stand watch over their children 24 hours a day, and they would not want to be so restrictive. However, they do want to protect their youngsters from physical harm, from mental strain, from emotional damage—they want to protect them from the peddlers of lewd movies, obscene articles and stories, abnormal sex practices, and dirty art.

Making it illegal to mail any pornographic materials to minors would be a great help to parents and to society in general.

The increasing flow of pornography can only lead to depravity. Growing permissiveness in the homes, schools and churches—our basic institutions—has led young people to violently search for identity and their own standards and has contributed to the lack of social and personal responsibility in many. We can help our youngsters by voting for H.R. 15693 today.

Mr. BEALL of Maryland. Mr. Chairman, I would like to congratulate the committee on bringing this legislation to the floor of the House and I join those who are in support of H.R. 15693.

I am sure that all of you have received from your constituents examples of the material that we are trying to restrict today. The amount of obscene material being sent through the mail has been increasing at a rapid rate and certainly legislative protection in this area is overdue.

H.R. 15693 attacks this problem in several parts. First, it establishes a new special category of nonmailable matter with respect to all persons under the age of 17 years. Such restriction has been upheld by the Supreme Court of the United States in their consideration of a similar New York State statute.

Second, the bill provides for the protection of the invasion of privacy of all our citizens by establishing a method of objecting to receipt of offensive material before any such material is received. Present law operates after the fact by assisting an addressee to have his name removed from a mailing list, usually only after he has received the offensive mail.

Under this bill new tools will be available to the Attorney General to enforce the new restrictions and he will be able to institute civil proceedings to enjoin the continued dissemination of offensive material under certain circumstances.

The passage of this legislation will show to parents across the country that the Federal Government is anxious to become a partner in protecting from much of the undesirable traffic in pornography.

Mr. Chairman, while this does not settle the problem, it is a strong first step and with diligent and vigorous enforcement we may soon be able to assure our citizens that they will once again be free from this unwelcome and unintended use of the mailing privilege.

Mr. QUILLEN. Mr. Chairman, I have introduced four bills dealing with the mailing of smut materials through the mail and so H.R. 15693, which is being considered today, is of particular importance to me.

Unquestionably, the time has come to end this flood of filth—we must no longer let the Post Office Department be the primary instrument for the pornography profiteers of this country.

Of all the forces at work today eroding the dignity and basic morality of young people, I feel the most disgusting and degrading is the use of the U.S. mails to purvey obscenity and perversion within the privacy of the home. Pornography has become a multimillion dollar racket that invades the homes of thousands of Americans.

There is no question but that smut peddlers prey upon the inexperienced and impressionable young people at the very time of their character formation, subverting the principles of morality that decent parents are trying to instill in their children.

Vicious pornography profiteers use mailing lists derived from such innocent sources as high school honor roll lists to flood the mails with offers of hard-core smut. Even the promotional materials which they send unsolicited are far too graphic and obscene to be allowed into the hands of vulnerable youngsters, and a decade ago would have qualified the sender for a few years in a Federal penitentiary.

My bills place special emphasis on protection of children under 18, but the legislation also protects the privacy of adults who make known their objection to receiving such filth.

It is my hope that this bill under consideration today will be approved so that Americans can be rid of this menace once and for all and safe from the purveyors of filth who have too long profited from exploitation of the innocent.

Mr. ABBITT. Mr. Chairman, I rise in support of H.R. 15693 and strongly feel that some effort should be made to deal with the growing problem of the circulation of pornography among our young people.

I introduced H.R. 13980 which was referred to the House Post Office and Civil Service Committee and have followed with much interest the sessions which have been carried on by that committee in trying to deal with this problem. There are, of course, many ideas and approaches for dealing with the threats being made to the moral fiber of America by the growing business of pornography. The committee has considered many of these and the bill which we had before us today is the result of long hours of consideration.

The bill does not, of course, solve all of the problems nor will it eliminate the distribution of pornography among our young people, but it will be a step in the right direction.

I commend the committee for its diligence in going into this problem and feel that Congress should give serious consideration to combatting this menace which has so permeated our society. History has shown that great nations have most frequently faltered when the morals of their citizens became corrupted and I am convinced that there is more than simply a commercial interest in the dissemination of pornography in our country today. It is a gigantic business enterprise and estimates of the total annual cost of pornography in America are shocking.

One has only to view some of the materials which have been freely sent

through the mails to realize the seriousness of the problem and the extent to which the purveyors of this smut have gone in trying to take advantage of our young people.

The Post Office Department in fiscal year 1968 received over 160,000 complaints about obscene mail and in fiscal 1969 the total exceeded 200,000. It is, of course, obvious that many people who received such material do not formally complain so the total output is probably much greater than these figures indicate. Many of our citizens have become outraged about this and do not understand how the mails can be used so freely and so obviously to disseminate materials of this kind.

The U.S. Supreme Court, by some of its more recent decisions, has given a great deal of aid and comfort to those who publish and distribute these materials but the bill before us is to pass the test of constitutionality and at the same time close up some of the loopholes which the courts have left as a result of their decisions. I believe that Congress has not only the authority but the responsibility to protect minors in this regard. If the companies which produce these materials assume no responsibility for policing the distribution of their wares then Congress should step in and act. This bill is for the protection of those under 17 from mailings harmful to minors and in addition it seeks to protect the privacy of those mail patrons who do not want to receive such sexually oriented advertising. Character of the advertisements which are widely being distributed would in fact be questionable if they were actually requested by the people who receive them. They are even more objectionable when they are mailed indiscriminately to addressees without regard as to who is likely to open them and be affected by them.

I am convinced that the lowering of moral standards in the United States today is to a large extent attributed to the wide dissemination of material of this kind and those who are the promoters of such smut material appear to care little about the end result. Therefore, it is high time that somebody step in and take a stand on it and I feel that the Government should do this. It is ridiculous that the Government mail should be used to promote this sort of operation and I earnestly trust that Congress will approve the legislation forthwith and by so doing, to curtail this ignominous business.

It is perhaps impossible to stamp out pornography as such and it is questionable whether we could do this constitutionally anyway. However, if a person does not want to receive such materials, Government ought to protect his right just as much as it seeks to protect the right of those who publish and promote the distribution of these items. If a person contacts one of these distributors and orders such material, both he and the distributor would have presumably a legal right to engage in such business unless and until action were taken to wipe out the business itself. However, the householder who receives such advertisements, unsolicited, in the mails has a clear right to object to any right which the Government bestows upon the mailer who sends this material to his home.

This is even more true with reference to minors. Many families are frankly embarrassed by having such materials sent to their home and frequently the minors themselves have made no contact with the company which distributes the materials. Names are secured from mailing lists which may have been compiled on the basis of orders for other totally unrelated items and such lists are frequently purchased or rented from various sources. It is estimated that 95 percent of the complaints received by the Post Office Department result from direct mail advertising of 15 major promoters. They have adopted a mass mailing technique including the use of mailing lists obtained from many different sources. These lists contain for the most part names of people who do not want this kind of mail and are now demanding that Congress do something about it. Obviously the purveyors of this pornographic material depend to a large extent on the use of the mails in order to promote their business. If mail facilities are curtailed or limited in some way they no longer will be able to distribute enough material to make their operations profitable. Thus, if Congress is going to take some action it would appear that this is the most logical approach at this time.

Frankly, I would like to see more of the administrative workload placed on the promoters of pornographic material rather than on the Post Office Department or the Department of Justice. Under the terms of my original bill, a system would be set up where the advertiser would have to obtain permission of the recipient before mailing the offensive material. This would have prohibited all together the mailing of offensive material to minors where the minor's State of residence has a law prohibiting such dissemination but does not prohibit the mailing of sexually oriented material to persons ordering it for themselves. It seems to me that this actually would be better than to require persons who do not want to receive such material to file a statement with the Department which would put the burden on the recipient whereas my proposal would have shifted the responsibility to the people who should bear it.

Nevertheless, I feel that some action is needed and needed now. I do not believe that we can take this problem lightly in view of the rising spread of juvenile delinquency and crime. We must realize that the problem of pornography is an integral part of the deterioration of moral standards. Congress cannot legislate morality but we do have an obligation to see that those who are outraged by the unsolicited mailing of pornographic material to their homes do have some recourse.

All of us are aware of the scope and seriousness of this problem. It does not require an exhaustive examination of the facts as these are evident to us. The bill seems to set forth in very cogent language the congressional findings which prompt the offering of this legislation. The question is whether Congress is prepared to forthrightly attack the problem and I hope that there is now sufficient public sentiment to see that this is done. There seems to be no question that the overwhelming majority of the American people not only support us in this effort but feel frankly that if we do not exercise our responsibility to take corrective action, we will have failed to do that which should be done.

Mr. SCHWENGEL. Mr. Chairman, this year I have received a large number of letters form constituents protesting the blatant pornography they and their children are receiving in the mail. It is obvious that the present laws are not adequate. It is also obvious that my constituents are fed up with this kind of material, and want action now to stop it.

The present procedure requires the recepient of the pornographic or obscene mail to file a formal complaint with the postmaster. Assuming he has gone to the trouble of doing this with respect to one publisher, there is no assurance that he will not receive similar material from other publishers. In fact, it is likely that he will receive more of the material because the smut peddlers frequently exchange mailing lists.

In the last session, I introduced legislation to put a stop to the smut mail. My bill required the advertiser to obtain permission before he could send to a customer any sexually provocative advertising. The permission could be obtained only through use of a form letter which contained no pictures or lurid language. This would have put the burden of getting permission on the smut peddlers, where it should be. My bill would have been more effective in eliminating the mailing of this sort of material to minors under the age of 17 years in those States where it is now illegal.

Unfortunately, Mr. Chairman, the bill we have before us today leaves the burden of getting rid of the smut mail on the unwilling recipient. The citizen who wants to stop the flow of this smut mail to his home must still take the affirmative action of notifying the postmaster. Granted, he will presumably only have to notify the postmaster once. However, I still see no reason to put even this relatively small burden on the innocent citizen. It should be the smut peddler, and he should be required to obtain an affirmative request from those who desire to receive this material.

Mr. Chairman, I feel this bill is considerably weaker and will be much less effective than the bill introduced by the gentleman from Illinois (Mr. ERLENBORN) and myself. However, as I have indicated, my constitutents want action now and so I will reluctantly support this halfhearted attempt to deal with the problem.

The aspect of this whole problem which disturbs me the most is the fact that the end result of this material is a weakening of our moral character through a blatant appeal to our baser instincts. As the character of our individual citizens is raised or lowered, so goes the national character. Thus, even a relatively weak effort to protect the moral character of our individual citizens is an important

step toward protecting and improving our national character.

Mr. EDMONDSON. Mr. Chairman, action by the Congress to check abuse of mailing privileges by smut peddlers is long overdue, and demand is strong in Oklahoma for legislation along the lines of this bill.

I commend the committee for the work it has done to produce an effective new measure, and sincerely hope this bill will provide much-needed protection of our children and the general public.

This bill should be passed overwhelmingly, and I am confident it will be.

Mr. BENNETT. Mr. Chairman, I wish to congratulate the members of the House Post Office and Civil Service Committee on reporting out H.R. 15693 to help curb the flow of pornographic material to our Nation's youth.

Early last year I introduced legislation, H.R. 5171, to halt smut traffic to our youth. The legislation which I introduced with 46 cosponsors and with 25 other identical bills was written to cover all types of pornographic materials—such as movies, magazines sold on newsstands, and other harmful books and leaflets sent through interstate commerce and the mails to children.

I testified before the House Judiciary Committee's subcommittee studying this problem in America. I am hopeful that the Judiciary Committee will soon act on broader legislation to put a stop to smut peddlers.

This bill the House of Representatives is considering today, H.R. 15693, which deals only with smut materials moving through the mails, is a great first step in keeping pornographic materials out of the hands of minors. The bill today and my bill are patterned after a New York statute which has been upheld by the U.S. Supreme Court. My bill would prohibit the dissemination in interstate commerce or the mails materials harmful to children.

I can personally testify, along with the other 200 Members of Congress who are supporting antismut legislation, that my constituents are outraged at the quantity and character of obscene material which is being disseminated in the country. American parents do not want this material for themselves, and more important, do not want it to fall into the hands of their children whom they are trying to prepare for happy, normal lives.

The estimates on the total annual cost of pornography in the Nation vary from $500 million to over $1 billion. The Post Office Department in fiscal year 1968 received over 167,000 complaints about obscene mail. During the fiscal year 1969, the Post Office according to the Postmaster General, had 234,072 such complaints.

Since probably most people who object to receiving this type of mail do not make a formal complaint, it is apparent that the actual volume of this objectionable mail greatly exceeds these figures. As Members of Congress we are aware of other smut material going to American homes and appearing in retail outlets.

It is estimated that 95 percent of all such complaints received by the Post Office Department results from direct mail advertising of perhaps 15 major promoters. They have adopted mass mailing techniques including the use of mailing lists obtained from a wide variety of sources. Such lists contain, for the most part, names of people who do not want this kind of mail and would like to see the practice of sending it to them stopped.

To sellers of smut, the use of the mails and the facilities of interstate commerce are essential to their business. If the mails and facilities of interstate commerce are closed to them, they no longer will be able to distribute enough material to make their operations profitable.

This legislation would help to dry up the business of these operators in smut by making unavailable to them the use of the mails to transport objectionable material which is destined to fall into the hands of young children.

My bill, H.R. 5171 would add a new section to be numbered "section 1466" to title 18 of the United States Code and make it a Federal crime, punishable by stiff fine and imprisonment, to knowingly sell, or otherwise make available, to minors under 18 years of age certain objectionable and textual material and certain objectionable motion pictures.

The legal standards for establishing the obscene character of material are not set forth in detail in Federal statutes, but are laid down by the Supreme Court in various decisions; and these criteria comprise what is called, for convenience, the "Roth test," having been set forth in the decision involving a defendant of that name and later amplified in other decisions.

As to material which is intended for adult audiences, it now seems established under recent Supreme Court decisions that only that which is legally obscene under the criteria established by the Supreme Court in the now adjusted Roth test may be legally barred by Congress from the mails and facilities of interstate commerce.

The application of the rules laid down by the Supreme Court to specific material to determine if the material is of a legally obscene character has proven difficult for law-enforcement authorities and for the courts. Much material of a highly offensive nature has been held by the courts not to be legally obscene and therefore not subject to being constitutionally barred from the mails or from commerce.

In the belief that material which might not be legally obscene for adults might nevertheless have harmful effects on children exposed to it, attempts were made by many State and local governments to enact laws to check the flow of such objectionable material to children even though the same material could not be barred from adults under the Roth test as announced by the Supreme Court.

Prior to the 1968 Supreme Court decision holding constitutional a New York penal statute designed specifically to protect children from objectionable materials, many State and local statutes designed to protect children from objectionable material were held to be invalid. One of the most common criticisms of such statutes by the courts was that the language used in the statutes was too imprecise, too vague, to support a conviction for violation of the offenses charged under them. New York, after several unsuccessful efforts to have a statute upheld, enacted a statute which would protect children from obscenity and yet conform to the court imposed requirements of definiteness. These provisions were embodied in the New York Penal Law before the Court in *Ginsberg v. New York*, 390 U.S. 629, 1968, wherein the defendant had been convicted of selling a magazine containing pictures of nudes to a 16-year-old boy. My legislation, H.R. 5171, is patterned after the statute in that case.

Under both my bill and the New York law, the textual material which would be barred would include legally objectionable books, magazines, other printed material and sound recordings.

H.R. 5171, like the New York statute, provides for a three-pronged test for judging the obscene character of the material sold to minors under a stated age and this test is essentially the Roth test which the Supreme Court has held must be applied to determine the obscene character of material intended for an adult audience but is different from the Roth test in that the test to be applied in H.R. 5171, as was the test in the New York law, is adjusted to take into consideration the fact that the sexual effect of such material upon children will frequently be different from its effect upon adults.

Prior to the Supreme Court decision in the Ginsberg case, the New York Court of Appeals had upheld the power of the New York State Legislature to enact a statute which employed different standards for judging the obscene character of material for children than for adults, a recognition of the so-called variable concept of obscenity, that is, whether the material to be considered to be obscene varies according to the character of the audience to which it is directed.

The U.S. Supreme Court quoted with approval from the New York Court of Appeals decision which held:

> Because of the State's exigent interest in preventing distribution to children of objectionable material, it can exercise its power to protect the health, safety, welfare and morals of its community by barring the distribution to children of books recognized to be suitable to adults. (218 N.E. 2d at p. 671).

The Supreme Court held that it cannot be said that the New York Legislature had no rational basis for its determination that material of the type condemned for sale to minors in the New York Penal Law could harm children (390 U.S. 643). I maintain that Congress also has rational grounds for believing that such material is harmful to children when sent through the mails or in interstate commerce and can legislate to protect them from such harm.

The language of H.R. 5171 is not subject to the charge of being indefinite because the identical New York statute language was held not to be invalid for this reason. The Court held that as applied by the Court, "harmful to minors" gives:

Adequate notice of what is prohibited and thus does not offend due process. (390 U.S. at p. 643).

The principle that one must have reason to know that certain actions will subject him to criminal penalties is recognized in my bill, as in the New York statute. H.R. 5171 only would punish those who "knowingly" violate the law.

I am aware that the argument may be made that under the constitutional distribution of powers between the Federal and State governments, the States, especially under their police powers, have the primary authority to legislate in many areas of human conduct and may therefore be able to legislate more extensively with respect to matters falling in such areas than can the Federal Government.

To those who would argue that for this reason Congress does not have the power to enact legislation of the type I propose, I would reply that I believe Congress has authority because the Constitution delegates sole responsibility for the postal power and the regulation of interstate commerce to Congress. I would point out that the Supreme Court in *Roth* v. *United States*, 354 U.S. 476, 1957, specifically rejected a contention that the ninth and 10th amendments to the Constitution reserve to the States and to the people the power to punish speech and press where offensive to decency and morality, and held instead that the postal power delegated to Congress by article I, No. 8, clause 7 of the Constitution empowers Congress to enact legislation punishing the use of the mails for sending obscene material (354 U.S. at pp. 492–3).

I would also point out that ideas of the constitutional areas where Congress can legislate has changed over the years. At one time, the Supreme Court held unconstitutional a Federal law designed to protect children from being exploited as a source of cheap labor on the ground that it would take an amendment to the U.S. Constitution to empower Congress to enact such legislation. In 1941, the Supreme Court upheld the right of Congress to bar from interstate commerce goods made by child labor and this provision of the Fair Labor Standards Act of 1938 remains in the law today.

Provisions of this bill which I consider to be of great importance are those which would withdraw from the Federal appellate courts and the U.S. Supreme Court jurisdiction to review determinations which the lower courts made that material described in subsection a of the bill is harmful to minors.

That Congress has the constitutional power to enact provisions of this type is, to me, indisputable and I will attempt, as briefly as possible, to demonstrate why this should be done in this field of legislation.

Article III of the Constitution vests the judicial power of the United States in one Supreme Court and such inferior courts as Congress may from time to time ordain and establish.

Article III goes on to describe the power of the Judicial Branch as extending to all cases arising under the Constitution, and in various other situations. It provides that in certain designated cases, the Supreme Court shall have original jurisdiction. The cases designated for original jurisdiction include cases affecting ambassadors, other public ministers and consuls and where a State is a party to the action. In all other cases, article III provides that the Supreme Court shall have "appellate jurisdiction both as to law and fact, with such exemptions, and under such regulations as the Congress shall make."

Article I, section 8, clause 9 of the Constitution provides that Congress has the power to establish an inferior system of courts.

Heretofore, Congress in the exercise of this constitutional grant of authority, has enacted laws in title 28 of the United States Code describing the instances where an appeal may be carried to higher courts.

Section 2 of my bill would amend these sections of title 28 to provide that the U.S. Supreme Court shall not have jurisdiction under sections 1252 or 1253 and that the Federal courts of appeals shall not have jurisdiction under sections 1291 and 1292 to review any determination made under the new proposed section 1466 of title 18 of the United States Code that any material described in subsection 2 of my bill is harmful to minors.

While I have heard it argued that the constitutional limits on Congress' power to withdraw issues from judicial review have not been completely delineated, it is my firm conviction that Congress has the power, and should exercise it, to withdraw appellate review in instances provided for in my bill.

While original jurisdiction of the Supreme Court flows from the Constitution, appellate jurisdiction does not rest on a specific constitutional grant of authority but rather depends on two factors, one whether the court involved has the capacity to receive appellate jurisdiction and, second, whether an act of Congress has conferred such right. This interpretation has been accepted from 1796 to the present in many decisions as, for example, *The Mayor* v. *Cooper*, 6 Wall. 246, 252, 1868; *Shelden* v. *Sill*, 8 How. 441, 1850; *Kline* v. *Burke Construction Co.*, 260 U.S. 226, 1922.

Consequently it is the view of constitutional authorities that, before the Supreme Court can exercise appellate jurisdiction, an act of Congress must have bestowed it, and affirmative bestowals of jurisdiction are interpreted as exclusive in nature so as to constitute an exception to all other cases. This rule was first applied in *Wiscart* v. *Dauchy*, 3 Dall. 321, 1796, where the Court held that in the absence of a statute prescribing a rule for appellate proceedings, the Court lacked jurisdiction. It was further stated that, if a rule were prescribed, the Court could not depart from it. Fourteen years later Chief Justice Marshall observed that the Court's appellate jurisdiction was derived from the Constitution, but that nevertheless there must be an affirmative bestowal of appellate jurisdiction by Congress—*Durousseau* v. *United States*, 6 Cr. 307, 1810.

The power of Congress to make exceptions to the Court's appellate jurisdiction has thus become, in effect, a plenary power to bestow, withhold, and withdraw appellate jurisdiction, even to the point of its abolition. And this power extends to the withdrawal of appellate jurisdiction even in pending cases. In *Ex parte McCardle*, 6 Wall. 318, 1868; 7 Wall. 506, 1869, Congress fearing a test of the constitutionality of the Reconstruction Acts enacted a statute withdrawing appellate jurisdiction from the Court in certain habeas corpus proceedings—15 Stat. 44, 1868—and the Court then dismissed the McCardle appeal for want of jurisdiction. Later decisions were consistent with this holding and the result is that Congress has an unrestrained discretion to curtail and abolish the appellate jurisdiction of the Supreme Court.

Also, in the decision, *The Francis Wright*, 105 U.S. 381, 1882, the right of Congress limiting the Court's review in admirality cases to questions of law appearing on the record was upheld and the Court said that whole classes of cases may be kept out of the jurisdiction of the Court to review, and that particular classes of questions may be subject to review and others not so subject.

I have been discussing cases involving the power of Congress to withdraw appellate jurisdiction from the Supreme Court, with respect to Congress withdrawing such power from the lesser appellate Federal courts; this power of Congress over the lower Federal courts is considered to be derived from the power to create lesser judicial tribunals under article I, section 8, clause 9, and the general power under the necessary and proper clause article I, section 8, clause 18 and the provisions of article III vesting the judicial power in the Supreme Court and such inferior courts as "the Congress may from time to time ordain and establish."

For purpose of illustration, I will cite one or two additional instances where Congress had limited jurisdiction of the Federal courts. The Emergency Price Control Act of 1942, 56 Stat. 23 provided that a special court, the "Emergency Court of Appeals," and the Supreme Court on appeal, should have exclusive jurisdiction to determine the validity of any order under the act, and that no other court, Federal, State, or territorial should have such jurisdiction. These restrictions were upheld in *Lockerty* v. *Phillips*, 319 U.S. 183 (1943); *Yakus* v. *United States*, 32 U.S. 414 (1944).

And to take a more recent example, in the Voting Rights Act of 1965, 79 Stat. 437, 42 United States Code No. 1973 et seq. Congress provided in No. 14b that no court other than the District Court of the District of Columbia or a court of appeals reviewing certain determinations of Civil Service hearing officers was to have jurisdiction to hear any broadgaged attack on the act or to issue injunctions restraining its enforcement. The Supreme Court upheld this provision as a valid exercise of Congress power to "ordain and establish" inferior Federal courts. *South Carolina* v. *Katzenbach*, 383 U.S. 301, 331–332, 1966.

The reason for not allowing appeal on the facts on harm to juveniles as distinguished from the legal questions, is

that what may be pornographic, harmful and dangerous in some geographical areas may not be so in others. The legislation can therefore, in the form I have introduced it, be a much more effective tool for good since it can protect against harm in areas where there is a low tolerance or flash point, and not be required to be ineffective because of extremely high tolerance in such matters in other areas.

There is strong evidence that the spread of pornography increases juvenile delinquency and crime. The New York Academy of Medicine's Public Health Committee stated in an article published in 1963 in the Bulletin of the New York Academy of Medicine:

> Although some adolescents may not be affected by the reading of salacious material, others may be more vulnerable. Such reading encourages a morbid preoccupation with sex and interferes with development of a healthy sex attitude and respect for the opposite sex. It is said to contribute to perversion. In the opinion of many psychiatrists, it may have an especially detrimental effect on disturbed adolescents. It may be postulated that there is a correlation between an increase in teenage venereal disease and illegitimacy and the apparent rise in the sale of salacious literature.

FBI Director J. Edgar Hoover has also indicated there is a relationship between pornography distributed to minors and incidents of crime by minors.

As President Nixon has said:

> American homes are being bombarded with the largest volume of sex-oriented mail in history.

I sincerely hope the House will overwhelmingly approve this legislation before us today, and that the House Judiciary Committee will further strengthen our laws to halt pornographic materials to youth sent in interstate commerce.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R. 15693, a bill to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors and to protect the public from the offensive intrusion into their homes of sexually oriented mail.

Last year, I introduced legislation to fight mail-order pornography. I am happy to say that H.R. 10867, which I cosponsored with Mr. DULSKI and three other colleagues, is almost identical to the committee bill now on the floor.

For years smut peddlers have trafficked obscene and distasteful magazines, stag films, paperbacks, and other materials through postal channels. A substantial amount of unsolicited mail, advertising the sale of pornographic materials, floods the mail boxes of American families every year, and it often falls into the hands of children. During the fiscal year 1969, the Post Office had well over 200,000 complaints from people who had received such mail. My constituents have continually expressed their desire that Congress take action to curb the flow of this mail. They do not want this material for themselves, nor do they want it to fall into the hands of their children for whom they are attempting to establish a healthy family environment.

For years law enforcement agencies have been struggling to interpret which types of materials are obscene from an eclectic assortment of hazy laws and Supreme Court guidelines. H.R. 15693 defines in very precise terms the categories of nonmailable matter which are deemed harmful to minors. The explicit definitions which are encompassed by this legislation will go far to eliminate the confusion, dispute, and debate which have developed around the ambiguous judicial tests that the law enforcement agencies face today.

The legislation now before us is based on the principle that material may be, because of its content, harmful to persons under 17 years of age. The provisions of this bill will reduce the chance of this unsolicited material falling into the hands of our children whose character is developed during adolescence by the quality of environment. Access to certain pornographic materials may cause monumental psychological aberrations in the otherwise healthy attitudes of our children as well as to intensify the detrimental effects on mentally disturbed youth.

I urge my colleagues to join with me in supporting this important piece of legislation to help clarify the ambiguous judicial standards which hamper and confuse our law enforcement agencies today. I urge prompt passage of a bill which will protect the interests of parents and their children in our Nation.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in enthusiastic support of H.R. 15693, passage of which will protect those under 17 from mailings harmful to minors and also protect the privacy of those mail patrons who do not want to receive sexually oriented advertising. I also want to commend our colleagues on the Committee on Post Office and Civil Service for the outstanding job they have done in formulating this legislation.

The U.S. mails are literally being flooded with obscene, pornographic materials, much of which falls into the hands of children. Every day I receive complaints from residents of my northern Virginia district who are receiving unsolicited invitations to buy pornographic books and movies. Even the advertising material itself is obscene.

As our colleagues know, this Congress has acted in the past to make sending of obscene matter a violation of Federal law. But our courts, and especially the U.S. Supreme Court, have, during the past few years, so confused and distorted the definition of obscenity that prosecuting attorneys are virtually handcuffed in attempting to bring criminal actions.

In its more recent decisions, the Supreme Court has finally provided a constitutional basis for legislation on this subject. Justice Thurgood Marshall in the case of Redrup against New York set out in his opinion three separate bases on which we might legislate in the area of obscenity; that is, cases of statutes which first, reflect a specific and limited concern for juveniles; second, reflect a concern for an assault upon privacy by a publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it; and third, reflect a concern with "pandering". Our committee colleagues have carefully formulated legislation in H.R. 15693 which reflects a concern for all three of these elements and which therefore has a solid constitutional foundation.

H.R. 15693 recognizes that a thing may be obscene as it affects minors, while not being obscene for adults. The standard for obscenity for adults is contained in the basic case upholding the constitutionality of 18 U.S.C. 1461, where the test was determined to be "whether to the average person, applying contemporary standards, the dominant theme of the material taken as a whole appeals to the prurient interest." The term "prurient" defined as "a shameful or morbid interest in nudity, sex, or excretion, and it goes substantially beyond customary limits of candor in description or representation of such matters."

With regard to minors, H.R. 15693 defines material harmful to minors as material which first, predominantly appeals to the prurient, shameful, or morbid interest of minors; second, is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and third, is substantially without redeeming social value for minors.

H.R. 15693 protects the privacy of individuals and of the minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising. It provides for the maintenance by the Postmaster General of a register of the names and addresses of those persons who object to receiving such mailings.

Upon enactment the legislation will provide that first, persons who mail or cause to be mailed sexually oriented advertisements are required to place a symbol prescribed by the Postmaster General, and his name and return address on the envelope or cover used to send such mail; second, permits any person to place his name, as well as those of persons under 19 years in his care and custody, on a list of those who do not desire to receive sexually oriented advertisements through the mail, and that no such mailings shall be made to persons who have been so listed for more than 30 days; third, prohibits persons from trafficking in such lists and restricts their use to the sole purpose authorized by the legislation; and fourth, defines sexually oriented advertisements in a manner designed to cover material found to be most offensive to a substantial number of citizens. Willful violation of these provisions or of any postal regulation issued thereunder would subject the violator to fines of up to $5,000 and/or imprisonment of not more than 5 years for a first offense, and fines of up to $10,000 and/or imprisonment of not more than 10 years for a second offense.

Mr. Chairman, earlier this year, I sponsored three bills which I hoped would put a stop to the activities of these smut peddlers. Under provisions of my bills, the restrictions we are placing on mailing of sexually oriented advertising would be extended to all forms of interstate transportation, and the penalties would be more severe. However, I do

commend our committee colleagues on this effort, and hope it represents a giant step toward the virtual elimination of an industry which preys on the weak and the young. I believe we may succeed, not only because our highest court is changing, but also because the American people are fed up with the filth peddlers.

Mr. LLOYD. Mr. Chairman, first, I express gratification that this House has now come to grips with legislation aimed at the hard-core pornographer who uses the mails to send unsolicited obscenity into the American home. Largely as a result of the U.S. Supreme Court decision in Roth against United States, decided in 1957, postal authorities report that in 1968 alone, 167,792 complaints were received from people who received lurid advertising.

The Roth decision established a legal definition of obscenity which could be sent through the mails. The definition provides that to be legally obscene, the dominant appeal of the material must be to prurient interest in sex, must affront community standards, and these are the key words, "must be utterly without redeeming social value." Thus, under cover of some palpably saving words of social value, seemingly limitless obscenity may be distributed to the American home through the mail. Included with this statement, Mr. Speaker, is a newspaper article carried in the Washington Post of June 29, 1969, reporting that one Marvin Miller of Los Angeles, owner of only one of a reported 200 companies who have profited as a result of the Roth decision, is reaping annual profits of several hundred thousand dollars and has a net worth exceeding $1 million as a result of an initial investment of $25,000 made only 3 years ago in the pornography-by-mail business.

Unsolicited mailed obscenity going into my district, the Second Congressional District of Utah, including the State capital, Salt Lake City, probably is typical of that mailed to other areas of the United States. The mailings apparently follow no set pattern. They may blanket an entire area, such as "postal patron" mailing to every house in a small community in my district, which happened last year, or a family may discover it is on a patterned mailing list, or it may be a random mailing out of the telephone book. However the mailing list may be determined, the work of the pornographer in sending unsolicited obscenity into homes where there are minors is equally as violative of the concept of free speech, in my opinion, as slander and libel.

In the first days of this session, on January 13, 1969, I introduced legislation similar to the legislation before us today, and appeared before the Judiciary Committee to plead for its acceptance to attack the excesses of free speech, an excess which has witnessed the development of free speech into pornography and pornography into degeneracy.

This bill is aimed not so much at pornography as it is to the pernicious, predator pornographer, sending unsolicited obscenity into homes where there are minor children. I emphasize that this legislation is not, in my opinion, proscribed by the guidelines established by the Roth decision. In accordance with current Supreme Court opinions of constitutional criteria, it claims no jurisdiction over the newsstand, the bookstore, the stage, or the motion picture theater, and it places no inhibitions over the individual in his free choice of reading material. It targets only at the distributor through the U.S. mails of indiscriminate and unsolicited obscenities to homes where there are minor children. It responsibly sets off limits to those who profiteer by preying upon the excessive and all-consuming obsessions of the pornographic junkie. Thus, I believe the Roth case will not be a barrier. In the decision of Ginsburg against New York, decided in 1968, the Supreme Court held that sexually offensive materials are not constitutionally protected where the interests of minors are concerned. The Court stated:

> Constitutional interpretation has consistently recognized that parents' claim to authority in their own household to direct the rearing of children is basic in the structure of our society.

This bill will prohibit mail-order sales of obscene materials to children of school age and make the unsolicited mailing of hard-core pornography, or offers to sell the same, to a family with minor children a Federal crime punishable by fine and jail sentence. The only materials proscribed from unsolicited mailings or sale to minors are the stock-in-trade of the smut merchant: explicit portrayals of sexual intercourse, sodomy, homosexuality, and sado-masochistic abuse, with no artistic purpose other than the appeal to prurient interests.

I agree with the words of a distinguished Member of this House who has said:

> Anyone familiar with the lives and working of the Founding Fathers would be doubtful, at the very least, that they risked their lives, their fortunes, and their sacred honor, so that some cunning pornographers would use the U.S. mails to destroy the moral fiber of young Americans. I believe, if somehow these great Americans of revolutionary times could come back to us, they would not hesitate to deal with these oligarchs of obscenity, these princes of pornography, these sultans of smut, with a directness and dispatch that might shock some who are more sensitive to their rights than their wrongs.

I include an article from the Washington Post:

PORNOGRAPHY PRODUCER KEEPS SAMPLES FROM STAFF

(By Frank Murray)

LOS ANGELES, June 28—Marvin Miller has one unbreakable rule for the 50 employees who print and ship pornographic books at his factory—no free samples.

Even Miller's 16-year-old son, in the mail room sending out books and magazines with pictures that make the Playboy style of nudity look like kid stuff, can't carry home any of the 500 titles.

Miller doesn't want gifts or free-lance sales by his employees cutting into his $10 million annual volume as one of the Nation's major producers of erotic material which he advertises as pornographic, but denies is obscene legally.

"I'm in the business primarily to make money," said the graying and bearded Miller at his desk before a map of his marketplace, the United States.

Pornography is big business in America. It's made millionaires of Miller and others. And it's made monumental problems for parents and public officials.

An Associated Press investigation disclosed:

About 200 companies in the country produce pornographic books, magazines and films. Their works flood, uninvited, into millions of American mailboxes and through a chain of distributors, onto the shelves of bookstores across the country.

Total sales of pornographic material are staggering. Estimates range upward from $500 million a year, dwarfing the likes of the huge Government Printing Office ($17 million annual sales). Miller says his hottest item, an amply illustrated handbook on intercourse, sold 500,000 copies in a year—or roughly equal to first-year sales of William Manchester's "Death of a President," 1967's best seller.

Postal authorities are swamped with complaints—167,792 in 1968 alone—from people who receive lurid advertising. President Nixon has demanded a law to keep offensive sex ads out of the mails, and 187 bills are pending in Congress to control the tidal wave of pornography.

Since 1957, when the Supreme Court decided the case of Roth vs. U.S., meeting the legal definition of obscenity has been as difficult as holding a greased pig. The Roth decision said that, to be obscene, the dominant appeal of material must be to prurient interest in sex, must affront community standards and must be utterly without redeeming social value.

In the dozen years since that decision, a flood of pornographic mail has inundated American mailboxes.

New court decisions generally have reinforced Roth. Almost any printed material with a story line, no matter how thin, is redeeming to a book of pictures otherwise obscene. And the community standard is being met, the courts have held, so long as others are selling material as explicit and lurid as what you've got to offer.

The latest decision, in a Georgia case, overturned laws forbidding possession of material admitted to be obscene.

". . . The mere private possession of obscene matter cannot constitutionally be made a crime," said the court. "If the first amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch."

Miller has cashed in on the court rulings. He reprinted the most recent decision as the cover page on his latest catalogue of sex publications. It not only helps sales, but, he says, it reinforces "my moralistic point of view: that the establishment shouldn't control the thoughts nor the ways in which people wish to enjoy themselves."

Sales have been good. By his own accounting, Miller went into business three years ago with $25,000. Now, he says, his annual profit it several hundred thousand dollars and his net worth, more than a million dollars. Evidence indicates his figures may be conservative. For example, his initial investment in the top-selling sexual manual was $2,000, including $1,000 to the couple who posed for the photos. His sales so far: $2.5 million, or a thousand times his initial investment.

But other business costs run dear. Miller, 40, says he's been arrested 30 times in two years. Last December he was convicted on three counts of mailing obscene matter and sentenced to five years in prison. He's free on bail while he appeals.

In Los Angeles alone, Miller is fighting 54 counts of selling obscene books. He says his legal expenses last year topped $200,000.

Police say that of the more than 200 companies in the erotic trade, 75 percent of them are in Los Angeles and suburbs.

Mr. BROOKS. Mr. Chairman, the people of my district have become increasingly concerned over the flow of obscene advertisements that are being delivered to their homes through the U.S. mail. In the last year or so there has been a veritable avalanche of the most disgusting nature that revolts and upsets the thousands of people that innocently receive this material through the postal service. In addition, our hard-working postal employees are disgusted and annoyed that they must act as the unwilling agent of these purveyors of filth in delivering their degenerate products to the homes of millions of American people.

In July of last year, the Government Activities Subcommittee, which I serve as chairman, received testimony from the Postmaster General outlining what his Department was doing to stop the flow of obscene material through the mails. Incidental to our hearings, it was suggested that the Postmaster General issue a regulation under present statutory authority banning unsolicited advertisements of obscene photographs, drawings, and pictures of any kind that depicted subjects most people would consider to be obscene per se when the advertisement illustrated the contents of the item offered for sale.

Unsolicited advertisements of material containing illustrations of an obscene nature when the advertisement contains samples of the item to be sold constitute the crux of the present obscenity problem as it relates to the use of the U.S. mails. This proposed regulation would not have affected any written material of any kind.

Furthermore, this proposed regulation would carefully balance the individual's right to privacy against the constitutional guarantee of freedom of expression, which we must protect.

Unfortunately, the Postmaster General refused to act. From an intellectual standpoint, he placed himself in the unique position of objecting to this proposed regulation on a constitutional ground at a time that he recommended much broader legislation to the Congress.

I support the legislation before the House today, but with reservations. First, I question the effectiveness of the complex programs the legislation would establish, which may well be too cumbersome to keep up with the fast moving operators in the obscenity business. As a practical matter, the development of extensive lists of postal patrons to whom obscene material cannot legally be delivered has not and, in my opinion, will not work effectively.

I also have reservations concerning the legislation as it relates to written text as contrasted to illustrations in advertisements. Peddlers of obscenity are not growing rich through the mailing of advertisements that contain no illustrations of their wares. To the smut peddler, it can be said that a picture is truly worth a thousand words.

Last July, I recommended this more limited, but more effective approach to controlling the mailing of obscene advertisements containing illustrations. Following the refusal of the Postmaster General to issue an appropriate regulation, I introduced H.R. 12788 to place this more limited, but I believe more effective, approach into operation. Hopefully, as the legislation we consider today goes through the legislative process and is enacted, the Postmaster General will take a more realistic view of his responsibilities under the statutory authority Congress has provided and recognize the effectiveness of the regulatory approach that I have suggested—an approach carefully tailored to meet the need without burdening the constitutional guarantee of freedom of expression which we must protect and maintain.

Mr. HANLEY. Mr. Chairman, I am pleased to join with my colleagues in supporting House approval of H.R. 15693. The bill has two purposes: one, to create a special category of nonmailable matter aimed at the sexually oriented materials now being mailed unsolicited to young people, and two, to develop a mechanism whereby any citizen can indicate his desire not to have his home invaded by sexually oriented mail matter, and have that desire respected.

Since coming to Congress in 1965, I have devoted a great deal of study to this practice of using the U.S. mail service as a vehicle for the delivery of obscene and sick materials into our homes. Each year, the number of citizens who have written to me to express their anger and frustration at having such material enter their homes has grown very significantly. I have also noted two other features over the years; one, the material has grown steadily more pornographic and more sick, and it is now being mailed directly to minors, to children.

Unfortunately, the relief we had hoped for from the prohibition against pandering advertisements, contained in Public Law 90–206, has not materialized. Instead the problem has gotten much worse.

Much of the difficulty society has in controlling the flow of such filth stems from the looseness of our laws and the zeal of the courts in protecting the smut merchant's rights. We cannot, however, be content with just blaming the courts. Many of the pornography statutes around the country are so poorly drawn that they cannot lead to a conviction that will stand up against the test of constitutionality.

Embodied in this bill is a principle which the committee feels can stand up to this test. As a matter of fact, it has already been tested because this legislation is very similar to a New York law whose constitutionality was upheld in 1968.

I am particularly pleased to see this legislation under consideration today because it is patterned in large measure on a proposal which I introduced in April of 1968. I want at this time to publicly commend and thank former Syracuse attorney John C. Klotz who, as a member of the Greater Syracuse Anti-Pornography Commission, provided invaluable assistance in researching and drafting the bill.

The point of the matter is that it is possible to define obscenity differently for minors, and the courts have accepted the principle of variable obscenity.

The second major feature of the bill is an attempt to attack the more difficult problem of hindering the pornographier in his effort to fill every household in the country with the sick and filthy advertisements. To my way of thinking the flow of such trash unrequested into the home constitutes an invasion of privacy, and the citizen ought to have some recourse, some protection against this invasion. Under the provisions of the bill, the Postmaster General shall maintain a register of the names and addresses of citizens, and minors for whom they have a responsibility, who object to receiving sexually oriented advertising through the mail. The bill would authorize restraints against pornographic mailers who send such materials to those who indicated their desire not to receive it.

I expect that there will be those who will criticize this legislation as an attack on the freedom of speech. I look upon the bill as an integral part of the national effort to restore and clean up the environment. Even as we work to rid our lakes and streams of sewage and other pollutants, we can also work to free the United States mail from sick and pornographic materials which now move freely in it.

Mr. FRIEDEL. Mr. Chairman, as a cosponsor of H.R. 14061, I am deeply gratified that today this House will at long last act meaningfully to end the pernicious flow of filth which daily gluts our postal system.

A large measure of the credit for our action today is due to the leadership of the gentleman from Pennsylvania (Mr. NIX) whose Subcommittee on Postal Operations has reported this legislation. I commend the gentleman and all the other members of the committee for their fine work.

Pornography and obscene literature is a matter which daily plagues my fine city of Baltimore and its environs. For instance, just today there is a story in our morning paper regarding pornography charges that have been brought and now dropped by city officials as a result of remedial actions taken by the accused offenders. In other words, the offending obscene material has been removed from sale to the public because the local officials got tough.

We, national public officials, must take an equally strong position on this issue in order to buttress and support the local and State law enforcement officials in their everyday struggle to rid our cities of this offending material. The measure that we are discussing today and that will, I am sure, pass this House will go a long way in providing this kind of support.

Mr. BEVILL. Mr. Chairman, I rise to express my support of H.R. 15693, a bill aimed at prohibiting the mailing of obscene material to a home where a minor resides.

The people of this country are deeply concerned over the ever-increasing flow of pornographic material into the hands of young people and children. Some effective method must be adopted to stop the

flow of this unsolicited material. I believe this bill would be effective in keeping pornographic material out of the hands of minors.

The quantity of obscene material moving through the mails has reached enormous proportions. Parents are exasperated. They are looking to Congress for help in fighting this growing menace.

Passage of this bill will help solve the problem created by mass mailing of obscene materials to minors.

The annual estimated cost of pornography in the United States varies from $500 million to over $1 billion. The Post Office Department in fiscal year 1968 received over 167,000 complaints about obscene mail. There has been a substantial increase thus far in fiscal 1969. Under the provisions of this bill, sellers of obscene material could not use the facilities of the mails to peddle their pornographic material.

There is growing evidence that the spread of pornographic material increases juvenile delinquency in crime. It certainly can be said that the character of this obscene material can only be detrimental to the normal growth and development of children and teenagers. Seldom a day passes that I do not receive correspondence from anxious parents urging me to continue my efforts to obtain the enactment of legislation which will protect our children from this obscene material.

This bill, in my judgment, will do this, and it has my strongest support.

Mr. JOHNSON of California. Mr. Chairman, I rise to support H.R. 15693, to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes, of which I am coauthor. I hope and pray this legislation will be enacted and thereby solve a problem of desperate proportions—the flood of pornography which has invaded the homes of this Nation.

As a native Californian, I am ashamed that a great percentage of this trash originates in our Golden State which has the infamous reputation of being the smut center of the Nation. Based on my discussions with the people residing in the regions of California which I represent and from my mail from home during past months, I can assure you that Californians also are suffering gravely as the victims of this wave of filth. It appears that the smut peddlers are trying to place their product into every California home regardless of who lives there, young or old, married or single.

Existing laws, as you well know, permit a recipient of this type of material to instruct the mailer, through the post office, never to mail anything of this type to him again. And if the mailer does this, he is subject to fine and jail.

The weakness of this law is that it locks the bar door after the horse has been stolen. The law involves only a single citizen and a single mailer, and cannot be implemented until after the citizen has received objectional material.

It has been estimated that there are 200 companies producing hard-core filth. By judicious exchanging of mailing lists, a single citizen could receive pornographic advertisements from each of them before legally he could be protected from further mailings.

That would add up to quite a pile of garbage.

During the last 3 years, the Post Office Department has received approximately a half million complaints, half of these in the last year alone as the tide of pandering advertisements mounts. This is the number of complaints and when you consider the millions of people who in disgust just discard the advertisements, or return them unopened you can appreciate the volume with which we are dealing. With that amount of trash swamping our homes, is it no doubt but thousands of these have found their ways into the hands of youngsters.

This must be stopped.

Many of our States have tried to fight smut pollution, but the Supreme Court has wiped out attempts of 13 States to control the distribution of this type of filth. This came in spite of a 1957 ruling of the Supreme Court that obscenity is not within the areas of freedom of the press or freedom of speech protected by the Constitution.

If courts, in trying to define obscenity, will not let the States fight this battle, then it becomes the responsibility of the Federal Government, which in the final analysis is proper because much of this involves interstate commerce and much smut is peddled through the U.S. mails.

The legislation which we have before us would mean a major victory in the war against smut. It would provide protection of those under 17 from mailings harmful to minors and would provide protection of the privacy of those mail patrons who do not want to receive sexually oriented advertising.

In other words it would permit us to lock the barn door before the horse is stolen.

In conclusion, I believe that the voices of the people speak best in matters of concern of this nature. I complete my plea by passing on to you the pleas of a group of representative individuals who have urged me to take appropriate action to stamp out smut:

I am an irate parent! Am tired of teachers, politicians, and "highly credentialed" people pointing their fingers at we parents, saying we are not raising our children properly.

I am enclosing some literature.

Unless you're a dirty old man you will agree with me that this is something that no parent wants circulated any place in the U.S. For the first time I am grateful that we do not have home delivery of the mails here. Please note the credentials beside each name involved with this pornography.

Certainly it has a note on the outside of the envelope that plainly says I do not have to open it and can return it and an effort will be made to remove my name from their mailing list, by what right do they have my name? I never gave it to them.

I am 67 years old and deeply religious and while I do not consider myself a prude, these things are offensive to me but most of all I think they are bad for my country.

The mere statement that if you are under 21 do not open this envelope is the best kind of invitation to a minor.

We understand that California is considered the Smut Capitol of the United States. Is there any way we can help change this infamous honor?

We are aware that Quincy residents are not alone in their disgust at having this type of medical and cultural education so readily available to their children.

As a parent, we are sure you—and Mrs. Johnson—understand our concern not only for our children, but any child who might be exposed to this type of material through parental neglect or indifference.

Laws should be passed to prevent this sort of thing. In addition they should have provisions to prosecute the guilty parties. We consulted the post office locally. They were helpful but ineffective. Would you press on any work that can be done to prevent these occurrences.

This advertisement is thoroughly disgusting and I believe it is obscene as well. What kind of a country are my intelligent, lovely children going to live in? The kind that decent people make for them or the kind that decadent people make for them.

The least we can do is clean up the mail.

With all due allowances for the new era in which we find ourselves, I feel that the subject mailing is about the most offensive and generally reprehensive piece of direct mail that it has been my misfortune to receive. My feeling about this item is not based on the fact that it is salacious information, but rather because it travels under the guise of seeking to lower the divorce rate, uplift morality, etc., by reason of shedding light on the ignorance of mankind. This is the rankest kind of pretense.

I would rather not dread going to my mailbox.

Mr. SKUBITZ. Mr. Chairman, I would like to congratulate the committee for reporting out a bill that prohibits the sending of pornographic literature to minors. In January 1969 I introduced a bill that would have regulated mail-order sales of pornographic material. I am sure that the Post Office Committee after many hours of testimony and considerable thought has come up with the best measure possible under the circumstances confronting it. Throughout the Nation both local and State law officials are waging a never-ending fight against the sale of smut to schoolchildren. Parents are advocating vigorous enforcement of existing obscenity laws.

There are countless numbers of parents who do not want their children's sex education to be influenced by smut merchants. The heavy volume of constituent complaints attests to the fact that something must be done to bring about an end to the problem.

Although this bill is not as stringent as I would like for it to be, I am delighted that we are able to get legislation to stop the smut merchant. I strongly urge passage of this measure which would protect minors from receipt of obscene materials through the mail.

Mr. FISHER. Mr. Chairman, as one of the sponsors of the pending bill, I am, of course, very anxious that it be promptly approved. This measure should be very helpful in the battle against the movement of pornographic material through the mails. The seriousness of this traffic in smut is well known. It is an annual half-billion dollar racket, and every possible way should be explored to stamp it out.

We are all aware of the difficulties in controlling this movement of filth, brought on by Supreme Court decisions.

It is believed, however, that the pending measure will not be knocked out by that tribunal. I am a cosponsor of another bill on this same general subject, pending before the Committee on Judiciary. Hearings have been held there, and I would hope that measure may soon be advanced, or incorporated in this legislation. At least some portions of it would seem to implement the provisions contained in the pending bill.

Mr. Chairman, there is no point in belaboring the issue involved here. This bill should be enacted promptly.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of H.R. 15693, to exclude from the mails certain nonmailable matter. This cancer which has been permeating our society, and particularly our youth for too long, must be excised and it is my hope that the House today will pass overwhelmingly the bill we are now considering.

Mr. ALBERT. Mr. Chairman, I rise in support of H.R. 15693. I have long felt that legislation of this type is needed in order to curb the unprecedented flow of pornography which descends daily upon America's young people from the greedy hands of the depraved smut peddlers which seem to abound in our country today.

I salute the distinguished Committee on the Post Office and Civil Service and the distinguished chairman, the gentleman from New York (Mr. DULSKI) and the distinguished chairman of the subcommittee which brought out this legislation, the gentleman from Pennsylvania (Mr. NIX). They have done an outstanding job in bringing to the House of Representatives a bill which is designed to impose additional restraints and restrictions upon those who use the mail to purvey filth to our Nation's young people. This bill obviously is the result of a great deal of work in the subcommittee and in the committee and I am convinced we have here a workable, constitutional piece of legislation which will survive any reasonable test imposed upon it by the courts.

Legislation such as this has been needed for a long time. I have received letters from constituents throughout my district protesting the unsolicited sexual advertisements which have been sent to them. I am glad the committee has heeded those protests and has reported out this bill. I believe the House should adopt it and I am confident it will receive overwhelming approval.

There is obviously still much to be done in our fight against the increasing flow of pornography in our society. I hope this distinguished committee and the Committee on the Judiciary will continue their efforts to prevent the continued inroads upon our society made by the peddlers of filthy, pornographic, and obscene material.

I most strongly urge that the bill be passed.

Mr. HARSHA. Mr. Chairman, today, we are considering what may well be one of the most influential pieces of legislation, as far as the underlying morality of our Nation is concerned, that we have debated in this session of Congress. H.R. 15693 embodies, in part, the administration's proposals for the control of pornography that is distributed through the U.S. mails. But, as some of my colleagues have also suggested, this legislation is a step in the right direction, but by no means the final step.

Last year, I authored a bill similar to the one we are considering today which also dealt with the problem of peddling pornographic material to unsuspecting youth. The bill I designed offered effective, enforceable regulations that would have been imposed against those merchants who ply their obscene wares through the mails. It also stipulated fines of up to $5,000 and imprisonment of up to 5 years for those convicted, on first offense, of mailing filth to minors and fines of not more than 10 years for subsequent convictions. The bill was designed to give our legally handcuffed authorities the strict legal weapons they needed to do a job, that so obviously needs to be done—ridding our society of those individuals who seek financial profit by distributing objectional material to our impressionable young people. As you can see, the legislation we have before us today carries many of the same provisions. Although I feel it lacks the depth and strength of other proposals on the subject, it is a clear beginning.

I am urging passage of H.R. 15693, and I am sure the bill will be expediently approved. But I would also like to take a moment to remind my fellow Congressmen that we still have much work to do. I do not know precisely how many millions of dollars fall into the hands of pornographic profiteers each year; nor do I know precisely how many millions of dollars society pays for the resultant delinquency, violence and general criminal damage. And no one in our generation will ever be able to judge the infinitely greater cost of the awesome damage to the national moral fiber, thought and conduct. Parents, clergymen and law enforcement officers are gravely concerned about the pornography problem.

We cannot simply assume we have won the battle against pornography with this single piece of legislation. A year ago President Nixon asked for a threefold package of pornography control legislation. Part of the language of that legislation is contained in the bill we are considering today, but, to a great extent, it falls short of the necessary measures. Title I of the bill before us leaves some work undone in the effort to control distribution of hard-core pornography to children. Title II of the bill contains, with only minor amendments, the language of the administration proposal to protect the individual from receiving unsolicited sexually oriented advertisements. The third proposal made by the administration, however, is not covered in this legislation. It is designed to prohibit the use of interstate facilities, including the mails, for the dissemination of prurient advertisements.

Post Office statistics reveal that almost 80 percent of the obscene mail is unsolicited and unwanted, yet Americans continue to be deluged. The vast majority of the population want the necessary legislation quickly enacted, and I think it is up to this Congress to see that we do not become complacent. We must complete the legislative task and call a halt to the abuse of the postal system and affront to moral dignity.

Mr. GRIFFIN. Mr. Chairman, I rise to urge unanimous approval of H.R. 15693, a bill to exclude from the mails sexually oriented mail matter intended for delivery to minors.

It is to be hoped this first step toward limiting the availability of pornographic publications will be enacted into law. It is carefully drawn to meet previous Supreme Court tests.

However, it is deplorable that Supreme Court decisions prevent the passage of legislation which would ban all such filth—rather than ban its delivery to persons under 18 years of age as this bill does.

So, once again, Mr. Chairman, we face the continuous problem of overturning, or modifying, Supreme Court decisions to protect the basic rights of the American people—the right to raise their children in a decent moral environment, free from the evil avarice of smut peddlers.

Mr. PICKLE. Mr. Chairman, today, the Congress is putting some muscle into our laws which I hope will help to eliminate the obscene literature which is currently flooding our mails. Today, the Congress can take definite steps to protect children from unsolicited obscene materials. And, today, the Congress can enact legislation which will take some of the profit out of smut mail.

I want to congratulate the committee and the authors of this legislation. Particularly, I commend my colleague from Texas, Congressman DICK WHITE for his strong role in putting this bill together and in ushering it through to final passage by the House. Mr. WHITE's imprint is definite in this bill—he coauthored H.R. 15693 and championed it during hearings held by his Post Office Committee.

Mr. WHITE, and each of the members of the committee, are to be commended for a well-drafted bill which finally sets forth guidelines on what can and what cannot be sent through the Government's mail system. Additionally, the committee has built into the bill several safeguards to see that the intent of the bill is not shunted aside by some loose administrative ruling.

In straightforward manner, the bill prohibits the mailing of obscene material. It then goes a step further and creates the procedures by which the individual can guarantee that he will not continue to be deluged by the filth that has made a sewer of our mails and a circus of sex. This extra step tightens the law so that people will no longer receive mail which they deem to be offensive.

I share Congressman WHITE's concern. Although this bill is different in several aspects from legislation which I introduced earlier this session of Congress, it does do two things which I designed my bills to do. Therefore, I am pleased to support Mr. WHITE's legislation. In one swoop, this bill protects our children, as my legislation would have done. And the bill puts in some penalties, fines, and prison sentences which just might be enough to hit the smut merchants in the pocketbook.

Mr. Chairman, I am fully aware that this piece of legislation goes beyond any

previous bill to rid our mails of obscene literature. In doing so, we are likely to come under attack by libertines who would pursue a sense of freedom—at the direct expense of all that is moral and all that is decent and all that is innocent. I am certain that there will even be critics who would say the explicit language of the bill is no more obscene than the smut mail. In candor, the bill does present vivid descriptions of what we are trying to prohibit—but we have been forced to this role because neither the courts nor the Post Office would take the bold steps necessary.

Let us hope this bill will put a brake on the mailing of obscene mail. It is morally right that this be done.

Mr. ZABLOCKI. Mr. Chairman, I am pleased to support H.R. 15693, legislation to protect minors from sexually oriented mail and otherwise protect the right of privacy.

The distinguished chairman of the House Post Office and Civil Service Committee, the Honorable THADDEUS DULSKI, and the chairman of the House Postal Operations Subcommittee, the Honorable ROBERT NIX, are to be commended for their joint effort in bringing this much needed legislation before the House.

As you know, Mr. Chairman, I have long been interested in and concerned with the ever-increasing presence of smut in the mails. Several provisions of bills which I have introduced have already been enacted through the passage of other bills considered by the committee. The traffic in smut, is a matter with which many of us have been concerned for many years.

It is therefore personally gratifying to me to have this bill before the House and urge its adoption by an overwhelming vote.

With the enactment of H.R. 15693 I sincerely hope that we will effectively be able to protect millions of American children from the contaminating influences of pornographic mailings. Its provisions are the result of endless hours of dedicated work by the committee. In particular the distinction it draws between materials considered obscene for adults and materials considered obscene for children is especially commendable.

It is time—high time—that we put a stop to smut peddlers who place their greed for profit above all else. I believe this bill will effectively stop smut peddling and I urge my colleagues to vote for it.

Mr. DONOHUE. Mr. Chairman, as a sponsor of similar legislation, I most earnestly urge and hope that the House will overwhelmingly approve this measure before us, H.R. 15693, providing for the protection of minors and of right of privacy from sexually oriented mail.

From all the evidence that has been repeatedly spread upon the congressional hearing records on this subject, there is absolutely no doubt that the United States mails are being increasingly used, or rather misused, I think, by unscrupulous sources to flood the American people with offensive and unwanted solicitations for the sale of pornographic and salacious material, which is all too often either directed to or falls into the hands of our young people.

Of course, there is no doubt that the peddling of his smut through these channels of solicitation carries with it a very grave danger to the moral structure of our society.

This most offensive invasion of our national mail boxes and vicious commercial assault upon the moral senses of our people, particularly the young, has become so great and so bad that I, and I am sure you and all other Members of Congress, have received a tremendous number of written protests against this evil. I am sure you have also been stopped, just as I have been, on the streets of your home district, by constituents pleading and urging for sensible restriction and control of this immoral disease that threatens to destroy us if appropriate measures are not taken to cure it.

It, therefore, seems clear that we must find the ways and the means to strengthen the laws of our Nation, in order to try to prevent this evil disease from spreading its infectious poisons any deeper into the moral fabric of this country.

Admittedly, this is a challenging legislative area because of outstanding court decisions, but the instruments and channels through which this evil is spread around the country are, in substantial measure, subject to pertinent Federal regulation and control.

Of course, in matters of this kind, we always hear a great deal of sincere talk about the right of free speech and expression, but I submit that there are other fundamental rights involved in this particular subject. For instance, the right of a person not to have his privacy invaded; the right, as well as the duty, of a parent to shield the child from what the parent considers evil; and the right of a community to encourage the maintenance of high moral standards.

Mr. Chairman, few of us have to be reminded that we are now engaged in the greatest crusade of our history against pollution of our waters and of our atmosphere. Under these circumstances, I think it quite proper to ask if the attempt to prevent the moral pollution of the minds and the wills of our people, and particularly our young people, is any less important than the attempt to stop the pollution of our natural surroundings; I think that you will agree, if anything, it is even more important.

Mr. Chairman, our basic legislative obligation, in summary, is to try to improve the quality of life for all our citizens, and that certainly includes our children and all American youth. This is an earnest, studied legislative effort toward the correction of a great moral evil that is plaguing our modern society. Its objective is urgent, its procedures are reasonable, and its result will be undoubtedly wholesome in the promotion of the common good. I again urge the House to speedily approve this measure, without prolonged delay.

Mr. MOLLOHAN. Mr. Chairman, the legislation we are considering today is of great importance to parents across our Nation. This legislation has been of increasing concern to parents throughout West Virginia who want to prevent their children from exposure to some of the filth and smut that daily is mailed to juveniles. The legislation before us, Mr. Speaker, has been carefully worded and thought through so that it does not conflict with the first amendment protection of free speech or free press. It does not hinder any kind of activity in that connection. It does ban such material from being sent through the mails to persons under the age of 17 and it does allow a private citizen to effectively prevent a mailer of this filth from sending him additional smut.

Mr. Chairman, this bill has been carefully prepared so that it protects the rights of adults to be as foolish and degenerate as they desire in their writings. This seems to be the interpretation that the Supreme Court puts on the first amendment, and I, for one, am more interested in legislating in a needed area to protect the children than I am in writing a law that would be declared unconstitutional. Consequently, while this legislation does not deal with hard core pornography entirely, it does deal with that area where legislation is necessary in a way that is best designed to withstand a constitutional test in the courts.

As a result, passage today of this legislation will allow us to accomplish two basic goals. First, we have made it a criminal offense for failure to comply with the provisions of the act, and thereby we will guarantee a much larger degree of compliance. Second, it offers adults an opportunity to stop this pornographic literature from ever reaching their house and their children by placing their names on a registrar by the Postmaster General who will in turn offer it to smut mailers. Failure to comply has been made a violation of the law.

Mr. Chairman, I earnestly urge my colleagues to accept this bill in its entirety for if we are going to crack down on the smut mailers, we must crack down hard and at once before the situation gets more out of hand than it already is.

Mr. TAYLOR. Mr. Chairman, I rise in support of this legislation. Earlier in this session of Congress, I introduced similar legislation to prohibit the mailing and distribution of harmful pornographic material to minors. I also introduced a bill which would cancel the third-class mailing privilege of any concern distributing obscene literature. The people in my congressional district of North Carolina are very concerned over the unwholesome nature of many of the unsolicited advertisements that postmen are forced to deliver to their homes and their offices. Each year the Post Office Department receives thousands of protests from citizens concerning this material. In fact, the Postmaster General was quoted in a newspaper article as saying that his office had received 200,000 complaints in the past year. I have received many such letters of complaint from constituents.

The flow of smut materials to our youth is reaching alarming proportions, and we must find a way to stop it. The Supreme Court has made our job more difficult, but this legislation seems to be constitutional and in line with the U.S. Supreme Court case of Ginsberg against New York.

National polls indicate that well over

70 percent of the people of the United States object to the receipt of obscene material through the mail. The vast majority of our citizens do favor a decent America and they want Congress to take effective action to exclude the sending of offensive material through the mails to minors.

Mr. COLLINS. Mr. Chairman, one of the foremost issues which we are vitally concerned with is the pollution of our environment and its harmful effects on man. As of now, there are no specific laws which deal with another type of pollution, the distribution of filth, of pornographic material, to our children. H.R. 15693, through its concise statements defining pornographic materials, through its provisions dealing especially with the mailing of such to minors, through its measures explaining punishment which can be meted out to offenders, would help fill this vast void.

The views of our constituents call for an expedient passage of this bill.

In a recent Gallup poll, 85 out of 100 adults favored stricter laws dealing with obscene materials sent through the mail.

In 1967, 140,786 citizen complaints were received by the Postal Inspector General. In 1969 this figure had doubled to 232,072.

From the Third Congressional District alone, I have received over 4,677 complaints.

But most importantly, we must keep this vile material from reaching our children. In order to show you just how badly immediate legislation is needed to protect our children, I would like to recount to you the efforts of one of our Dallas residents to prevent salacious advertisements from coming to his 11-year-old daughter and 15-year-old son. This gentleman has been required to complete prohibitory orders on 11 different occasions because his children have received pornographic advertisements from Twentieth Century, Surgical Supplies, Inc., Freedom Press, Medical Products, G. & M. Enterprise, The Medicon Co., Daro Distributors, and Cybertype Corp. He has completed prohibitory orders on two occasions in an effort to keep Cybertype advertisements from his children because as a result of his first prohibitory, Cybertype deleted only the middle initial of his daughter's name and began mailing to her again using the altered name.

Something must be done to thwart the flow of perfidious pornography to our residences. The administration is seeking to take positive action to rid our mail of this shameful smut by attempting to make arrangements through the State Department to keep foreign countries from sending pornographic materials into the United States. Of all cases investigated by postal inspectors which went to trail last year, 98.3 percent resulted in convictions. Recently, two Federal convictions of mail-order dealers in obscenity were handed down. In addition, seven more indictments have been issued against smut dealers. The administration is moving forward on this issue but is limited by our inadequate laws. Postmaster General Blount recently stated that though 275,000 prohibitory orders have been issued by the Post Office enactment of the Pandering Advertisements Act, our homes are still being flooded with lewd material.

The amount of filth that still filters through the mail graphically illustrates the need to enact legislation which will rid us of the loopholes employed by the smut peddlers. An often used loophole is the smut peddlers' sending of so-called material of medical significance to doctors. I have conferred with doctors in my district and they wish to be rid of this junk which certainly has no redeeming social value.

We need to act quickly by passing this bill, which I see as our first battle in what should be a declared war against obscenity and the purveyors that profit from this smut. After enactment of this bill, I urge passage of one which I have introduced. This bill would empower a local jury to determine what constitutes pornography in light of "community standards." The final decision determining what is or is not obscene would lie within the State court system. Such legislation would make allowances for the varying climates of opinion in different parts of the country, for what is pornography to people in Dallas is not necessarily regarded as such by the people of Las Vegas or New York City.

On many issues we are divided. On this issue, let us unite to rid our mail of the filth that defiles our homes and our businesses, to clean up the moral pollution that is degrading our Nation.

Mr. STRATTON. Mr. Chairman, the flood of pornography that has been invading our homes has become a national disgrace and today the House is considering legislation to deal with that problem. The situation has reached the point where it is no longer a question of freedom of the press, but of freedom of privacy in the home. Every day I receive at least one or two letters from justifiably irate parents, enclosing the pornographic material that was mailed to a youngster in their home. And it is ironic that the offended citizens are helping to pay for the delivery of this smut through their taxes. Two years ago Congress tried to deal with this problem by enacting legislation that allows the recipient of obscene mail to fill out a form obtained at the post office and mail it back to the sender demanding that his name be removed from their mailing list. Obviously, this has not been effective. Oftentimes the procedure is too cumbersome, besides the fact that action to halt the delivery of smut mail cannot be taken until such mail is actually received. The harmful effects are inflicted upon the child as soon as he is exposed to the obscene photographs and literature.

I introduced legislation myself last summer to deal with this serious problem. Like the committee bill, my bill would have forbidden pornographers from mailing material to minors. Unlike the committee bill, however, my bill would forbid all mailing of the obscene literature unless it was specifically requested in writing by the addressee. Penalties in my bill provided for $50,000 in fines and 5 years in prison. My idea in drafting the bill was that no one should be exposed to the trash that is being sent through the U.S. mails if he does not want to be.

Frankly, I had hoped the committee would report a tougher, more effective bill. As I understand the legislation before us now, a person 21 years of age or older may have his name and the names of his children under 19 years old placed on a list of those who do not want to receive pornography in the mails. That list is then made available to the mailers, who are prosecuted if they send obscene material to anyone on the list. First offenders face a $5,000 fine and 5 years in prison. The committee bill's provisions and its penalties seem weaker than is necessary to deal with this pressing problem. Parents probably will not be prompted to have their names or their children's names placed on the list unless they find the pornographic literature in their mailbox, or until they discover their children leafing through a pandering advertisement. Again, the damage will have already been done.

However, the bill before us is a step in the right direction and I intend to vote for it. It is a 100-percent improvement over the old law, and the people who have been outraged by the appearance of pornographic literature in their mailboxes can now really put a stop to it. While we still are not taking strong enough steps to stop those who use the U.S. mails to sell their filth, the pending legislation will at least make it more difficult for them. I, therefore, express my support for H.R. 15693 and urge its passage by the House. At the same time, however, I hope the committee will now begin to consider more stringent legislation to put a stop to this national disgrace once and for all.

Mr. BUCHANAN. Mr. Chairman, I take pleasure in indicating my full support for H.R. 15693. In this bill the Congress takes another step toward effectively dealing with the growing problem of the intrusion into our Nation's homes of unsolicited pornographic mail. H.R. 15693 would provide for both the protection of those under 17 from mailings harmful to minors and the protection of the privacy of all mail patrons who do not want to receive sexually oriented advertising.

There is certainly no question concerning the urgent need for legislation to deal with the growing traffic of pornography through the Nation's mails. The large number of bills dealing with this problem which have been introduced during this Congress alone attests to the tremendous concern among the Members of Congress. This is, in turn, a direct reflection of the increasing distress expressed by thousands of citizens throughout this country who are receiving unsolicited obscene materials in their homes through the mail. The mail coming into my congressional office clearly indicates that few other subjects have been such a consistent and continuous object of my constituents' concern as the receipt of this pornography.

It is my firm conviction that these citizens have a right to protection from the unsolicited intrusion into their homes of pandering materials which are completely offensive to them and which, even more importantly, can be harmful to their children. In the firm belief that the

Congress must act now in providing this protection, I have already joined in the introduction of five bills dealing with various aspects of the distribution of pornography and have testified before both the House Post Office and Civil Service Committee and the House Judiciary Committee urging immediate action on such legislation. I am pleased that some of the provisions of these measures are included in the bills before us today.

The threat to the normal and healthy development of our Nation's young people is, tragically, the greatest threat presented by the increasing traffic in pornography. Obscene materials too often fall into the hands of young people who do not yet possess the maturity with which to properly evaluate them and whose minds are very impressionable. The primary responsibility for the protection of children from such harmful influences must, of course, lie with the parents. However, even the most diligent parents are finding it impossible to keep all of the offensive material traveling through the mails out of the hands of their children. H.R. 15693 addresses itself to this problem by setting forth a category of nonmailable matter with respect to persons under 17 years of age. Title 1 of the bill, which is entirely based on a New York State statute already upheld by the U.S. Supreme Court, sets forth a three-element definition of material harmful to minors. Under the provisions of this title, such material would be that which—

(a) Predominantly appeals to the prurient, shameful, or morbid interest of minors; and (b) is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and (c) is substantially without redeeming social value for minors.

Title II of H.R. 15693 protects the privacy of all individuals, as well as of minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising. This title would permit any person to place his name, as well as those of his children, on a list to be maintained by the Postmaster General indicating those who do not desire to receive sexually oriented advertisements through the mails. The bill clearly defines sexually oriented advertisements in a manner designed to cover material found to be most offensive to a substantial number of citizens. Mailings to any persons who have been on the list for more than 30 days would be prohibited. Mailers of sexually oriented advertisements would also be required to place a symbol—to be prescribed by the Postmaster General—and his name and return address on the envelope used to send such mail.

Under the enforcement provisions of H.R. 15693 the Postmaster General may request the U.S. Attorney General to commence a civil action in a Federal district court seeking an injunction or restraining order against an offending mailer. The bill provides broad discretion for the courts in the civil proceedings as to the type of court order that may be issued. Mailers may be barred from mailings to specific persons or all persons and postmasters may be ordered to refuse to accept for mailing such matter and to withhold, under certain conditions, relevant mail addressed to such senders. Violations of this act would be punishable by fines of up to $5,000 or imprisonment of up to 5 years, or both, for the first offense. Subsequent offenses would carry fines up to $10,000 or imprisonment up to 10 years, or both, for each offense.

While I have no illusions that H.R. 15693 will eliminate the growing problem of pornography dissemination in this country, and while I personally believe that further and more extensive measures will be needed to effectively deal with the problem; the legislation before us today does represent a step in the right direction.

The time is now at hand for the Congress to act on this important matter and I urge my colleagues in the House to join me in voting for H.R. 15693.

Mr. VAN DEERLIN. Mr. Chairman, I am happy to rise in support of H.R. 15693. I believe enactment of this measure will significantly alleviate the flow of smut through the mails.

As the author of another antiobscenity bill, H.R. 10516, I am especially pleased that the Post Office and Civil Service Committee has seen fit to adopt as the rationale for its legislation our citizens' right to privacy, as interpreted and defined in our highest courts. My own proposal was similarly based, in that it would also protect the sanctity of the American home from the intrusion of unwanted pornographic mailings.

Both bills would, nevertheless, permit an adult who did not object to such mail to continue to receive it. In this fashion both H.R. 15693 and H.R. 10516 assure that the basic right of privacy is protected in two ways. If a man is entitled, as the Supreme Court has held, to read what he pleases in the privacy of his own home, by the same token the individual citizen should also be able to avoid exposure to matter which he personally finds objectionable. It is to this negative, but certainly undeniable, right, that the bills address themselves.

The committee also has acted wisely in providing for civil actions against mailers who persist in sending salacious advertisements over the objection of recipients. H.R. 15693 sets forth a logical series of steps that may be taken in and by the courts to dissuade the senders of unwanted materials, ranging from temporary injunctions to class actions to criminal sanctions. The language in section 4013 of the bill makes abundantly clear the intent of Congress while still giving the courts considerable leeway in the handling of individual cases.

The section in the legislation prohibiting the mailing of pornographic material to minors under 17 is also most reasonable and deserves the support of the entire membership. I note with approval that the committee has based this title almost entirely on a New York State statute—which has already been upheld by the U.S. Supreme Court.

In summary, the bill before us this afternoon strikes a careful balance between the needs to preserve our precious freedoms of speech, and to protect our citizens against a flood of patently offensive trash.

When it becomes law, a lot of people who have made a career of the four-letter word may actually have to work for a living.

Mr. MONAGAN. Mr. Chairman, I support H.R. 15693, a bill to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, and to afford the public greater protection from the offensive intrusion into their homes of sexually oriented mail matter.

At the outset, Mr. Chairman, I want to make it eminently clear that I do not espouse the cause of reckless censorship. I recognize the difficulty of establishing official guidelines for identification of pornography. Those who have reached maturity in years and who wish to indulge themselves need no protection and it is not my purpose to endeavor to legislate in their regard. However, it is my belief that parents have a right to protect their children from the dangers of materials, photographs, and publications which are obscene or salacious and it is in their interest that I take this position of support.

H.R. 15693 as reported by the committee encompasses the substance of three antiobscenity bills which I introduced in the first session of this Congress. I filed legislation in this area when it became apparent that unscrupulous and avaricious publishers and dealers in obscene materials were insensitive to the growing public indignation over the intrusion into homes of pornographic materials. Publishers of obscene materials have demonstrated contempt for the right of privacy of American families and they have no concern for the possible dangers that obscene materials can have in the hands of minors. My Connecticut constituents and citizens from other parts of the country continuously write to me demanding that Congress take some action in the direction of giving individuals and families greater protection from this flood of unsolicited smut materials. We must also look to the Post Office Department, the courts, and the Justice Department for action in this important venture.

In the first session of this Congress I wrote to Chief Justice Burger concerning the growing citizen resentment over the unfettered flow of smut materials in the mails, and I wrote to Attorney General Mitchell requesting that existing antiobscenity laws be strictly enforced in the hope that an increase in convictions would bring home to mailers of pornography the realization that constituted authority intends to put a stop to their flagrant disregard for decency and for law.

I also wrote to the Postmaster General on several occasions requesting that remedial action be taken to reduce the volume of obscene materials being sent through the mails. On March 20 of this year, Mr. W. J. Cotter, Chief Postal Inspector of the Post Office Department, reported to me that in fiscal year 1970 the numbers of convictions, indictments and arrests have increased substantially over a similar period in fiscal year 1969. As of March 20, 1970, there have been 12 persons convicted under the postal obscenity statute, 39 operators have been indicted charging violation of the stat-

ute, and 15 cases have been presented to U.S. attorneys for consideration of instituting criminal action under the obscenity statute. While I am encouraged by the increased enforcement activity in this area, I am convinced that additional remedial legislation is in order.

The main thrust of the bill under consideration, like my own legislation in this area, is to afford greater protection to minors from the harmful effects of being exposed to perverted sexual depictions of human beings, and to set up some effective machinery to enable individuals and families to maintain the privacy of their homes.

This bill, like my bills, provides for a new standard of obscenity tailored to protect minors under the age of 17 years. The standard is based almost entirely on a New York statute which was upheld by the U.S. Supreme Court in a 1968 decision. The new standard of obscenity rightfully places a greater burden on mailers of obscene materials to determine the audience of their publications, and it puts into effect the congressional intent to protect the moral well-being of minors from degrading attacks.

The bill also protects the privacy of individuals and families from the intrusion into the home of unsolicited, unwanted sexually oriented advertising. Under the provisions of the bill a person who does not desire to receive sexually oriented mail may place his or her name as well as those of his or her children or others under 19 years of age, on a list to be maintained by the Postmaster General, and no sexually oriented advertisements can be mailed to persons who have been listed for more than 30 days.

Admittedly it is very difficult to proscribe the constitutionally protected freedom of communication, but there is also a protected right of privacy, and what we are trying to do today is to strike a fair balance between the two. The protection of the free exchange of ideas is a basic objective of our society, but the protection should not be used to protect actions which are clearly undesirable and have a degrading impact upon efforts to maintain the quality of the human condition.

I think this is a good bill. It regulates publishers of obscene materials only to the extent that their disregard for decency and privacy is outrageous and restores to American individuals and families the right of privacy they demand and deserve. I urge my colleagues to join me in voting favorably for this much needed legislation.

Mr. ASHLEY. Mr. Chairman, H.R. 15693 seeks to solve the problem created by mass mailings of obscene materials to minors and the mass of unsolicited, sexually oriented advertisements going through the U.S. mails, and at the same time meet the test of constitutionality.

I regard this bill as a step in the right direction, Mr. Chairman, until a more thorough and concerted attack can be directed at the problem of pornography. A number of bills, presently being considered by the Committee on the Judiciary, would extend constructive action in this area and I trust they will continue to receive particular consideration.

Title I of H.R. 15693 contains congressional findings bearing on the need for legislation to protect those under the age of 17 years from mailings of obscene matter and describes a special category of nonmailable matter with respect to persons under 17 years of age.

Title II is based upon congressional findings that: the U.S. mail is being used to exploit sexual sensationalism for commercial gain; much of the matter consists of unsolicited mailings; such mailings are profoundly shocking and offensive and, as unwarranted intrusions, violate the right of privacy; and, the use of the mails for such matters reduces the ability of responsible parents to protect their children from exposure to material which the parents believe is harmful to them.

Under the provisions of H.R. 15693, persons who mail sexually oriented advertisements are required to place a symbol, together with their names and return addresses, on the envelope or cover used to send such mail. It permits any person to place his name, as well as those of his children or others under 19 years of age who are in his care and custody, on a list of those who do not desire to receive sexually oriented advertisements through the mails.

This list, to be maintained and kept current by the Postmaster General, is to be made available to mailers upon payment of a reasonable charge and mailings are forbidden, under penalty of law, to persons who have been listed for more than 30 days.

While I support this legislation, Mr. Chairman, I regret that it is limited to sexually oriented advertisements and that the burden of forestalling the receipt of such advertisements is placed upon the potential recipient rather than on the advertiser himself.

In sum, H.R. 15693 is more worthy of support than confidence. It is to be hoped that Congress will take more meaningful steps to curb the flow of obscene materials in the early weeks ahead.

Mr. BOB WILSON. Mr. Chairman, I am pleased to support the bill before us today, H.R. 15693, which is a realistic approach to protecting the public from the smut peddler whose filth has been thrust into our homes with no legal recourse available to the receiver. Under current law, if a person receives a piece of pornographic mail, he can return it to the postmaster with instructions to have his name removed from the smut peddler's mailing list for future mailings. There are two weaknesses in this procedure. First, the individual has to receive at least one pornographic mailing before he can initiate the procedure for having his name removed from the sender's mailing list. Second, the Government's directive to have a smut peddler remove an individual's name from the mailing list does not always work. This is because some smut peddlers put out successive mailings under a different company name, usually with different company officers listed. The Government's directive applies to the old company, but not to the new one which more often than not is operated by the same people.

H.R. 15693 would correct these two weaknesses. Under this bill, an indivi-ual would advise his postmaster that he desires to receive no sexually oriented advertisements through the mails. The Postmaster General would maintain a current list of those persons who have made such requests, and the smut peddlers would be required by law not to address any such material to those persons. The list maintained by the Post Office Department would be made available to the smutsmiths for a fee covering the Government's cost of compiling and maintaining the lists. This procedure would hit the senders of pornographic material where it hurts the most—in their pocketbooks.

This legislation combines the major features of two bills I sponsored earlier in this Congress. One bill prohibited the mailing of offensive materials to minors under age 18 and the other established a mailing list of those not desiring unsolicited pornography materials. I am pleased that the Post Office and Civil Service Committee has included these provisions in H.R. 15693 and am hopeful that the House will complete rapid and favorable action on this important legislation.

Mr. BIAGGI. Mr. Chairman, I rise in support of the bill before us to protect minors and adults from unwanted sexually oriented mail. As a parent concerned for his family and neighbors, and as a Congressman who knows that thousands of his adult constituents are deeply offended by the receipt of unsolicited pandering advertisements and pornographic materials through the mails, I urge the immediate passage of H.R. 15693.

I have long been fighting for the passage of an effective antipornography measure. Some time ago, with the backing of thousands of constituents from the 24th Congressional District of New York whose petitions urged Federal action in the area of pornography, I introduced my first antipornography bill designed to impose a fine on the senders of smut mail. More recently I introduced an identical measure to H.R. 15693 in the belief that this legislation contained the necessary elements to fight a national problem without sacrificing essential constitutional rights.

The right to privacy is as essential as the right for an adult to determine what is, in his judgment, pornographic. This bill tramples on neither right. However it does mark a major milestone in Federal legislation designed to protect a precious public wealth—its youth. By defining what is obscene and harmful to youth, this bill projects an image of a socially and morally conscious Congress which is concerned with and aware of the needs of its citizens.

Mr. Chairman, I have come to regard pornography as a kind of poison infecting the minds of an increasing number of our youth. Pornography puts an undue emphasis upon sex which can, quite easily, create within a young person an abnormal obsession with sex that might result in a life of crime and severe antisocial behavior.

By adopting the New York State statute definitions which were upheld in the U.S. Supreme Court, this bill advances

the theory of variable obscenity to the Federal level. Variable obscenity protects an adult's right to determine what to him is obscene or not, while at the same time it allows for the definition of what materials have no social redeeming value for minors. This is an innovative and workable plan that is essential for the future protection of our youth.

By applying the right of privacy of individuals to the unwanted intrusion into their homes of sexually oriented mail, this bill takes yet another step in the direction of social awareness by applying a constitutional safeguard. This is accomplished by requiring the Postmaster General to maintain a list of names of all those adults and their children under 17 who do not want sexually oriented advertisements sent to their homes or offices.

To enforce this statute, the Postmaster General may request the Attorney General to institute civil action in any Federal district court by seeking an injunction to restrain an offending mailer from sending pandering or other pornographic materials to a specific addressee, group of addresses, or to all persons.

The court may also direct any postmaster to refuse to accept for mailing such matter and to withhold, under certain conditions, relevant mail addressed to a sender. All sexually oriented mail must have a special symbol on the envelope to be designated by the Postmaster General, and trafficking in the mailing lists is prohibited. Their use is restricted to the sole purpose authorized by the bill. A violation of the trafficking prohibition could result in fines up to $5,000 and/or imprisonment of not more than 10 years for the second offense.

Mr. Chairman, we can no longer afford complacency where pornographic mailings are concerned. It is corrupting young Americans in increasing numbers and I urge all my colleagues in the House today to join with me by voting yea for the passage of H.R. 15693.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation which I believe will go a long way toward curtailing the flow of pornographic material in this country. I am particularly interested in this legislation because its main threat is to prevent the sending of unwanted and unsolicited material of a pornographic nature to minors.

As a father of a 12-year-old boy, I know what a serious problem this can be because my son is a subscriber to many scientific journals and other magazines of general interest to young boys. The master mailing lists on which his name appears are frequently sold to smut peddlers, and as a result, it is not uncommon to see undesirable and unsolicited material sent to young people. I believe the committee deserves our recommendation for bringing this legislation to the House, and I am pleased to add my support.

Mr. HORTON. Mr. Chairman, it is time that we enact hard-hitting and responsible laws to protect our youth from pornographic material sent to their homes through the mail.

Hundreds of constituent parents have written to me, pleading that Congress do something to stop the flow of smut into their homes. I was reassured last year when my staff and I found Attorney General John Mitchell very cooperative in seeking solutions to this problem—and very anxious to afford priority attention to the war on smut.

I am, therefore, most hopeful that my colleagues will see the need of passing the bill we have before us today, H.R. 15693. This bill would protect minors and also the privacy of those mail patrons who do not want to receive sexually oriented advertising.

President Nixon realized the need for such legislation in his message to Congress, May 2, 1969. The bill we have before us today contains his recommendations.

H.R. 15693 makes it a Federal crime to send obscene material to minors under 17 years of age. The penalty would be a $5,000 fine or 5 years imprisonment or both for the first offense, and not more than $10,000 or more than 10 years imprisonment or both for subsequent offenses.

H.R. 15693 also provides that the Postmaster General maintain a list of names and addresses of those people and the minors they are responsible for who do not want to obtain sexually oriented advertising through the mail.

If the rights of privacy of these people are violated, it provides that the Postmaster General request the Attorney General to institute a civil action in Federal district court to seek an injunction restraining mailers from sending such material.

Mr. Chairman, my fight against pornography has gone on for several years. In the 90th Congress, I joined in sponsoring legislation designed to stop unscrupulous publishers and dealers who use the mail as a pipeline for the unconscionable flow of smut and obscenity to minors.

I felt that Congress had helped to slam the door on filth peddlers when the anti-smut amendment to the omnibus postal revenue bill passed into public law in 1967.

However, Mr. Chairman, in 1968 alone, postal authorities received over 168,000 formal complaints from recipients of obscene mailings. Most of these complaints were from parents of children who are of school age.

In February 1969, I once again joined in the attack against filth merchants by introducing a much stronger bill which would specifically prohibit mail order sales of obscene materials to children under 16 years of age.

This bill would have made the unsolicited mailing of hard-core pornography to any family with children under 16 a Federal crime punishable by heavy fine and a jail sentence.

The Supreme Court has continually held that "obscenity is not within the area of constitutionality protected speech or press" where the interests of children are concerned.

In a landmark decision—*Ginsberg* v. *New York* (390 U.S. 629)—the Supreme Court held a New York State statute constitutional, which prohibited the sale to persons under 17 years of age of materials defined as obscene to minors, even though the same material might not fulfill, in reference to adults, the Court's definition of "obscenity."

The Court recognized that "exploitation" of otherwise noncensorable material "entirely on the basis of its appeal to prurient interests" can so taint the distribution of such matter as to take it out of the realm of constitutional protection.

The right of parents to direct their children's education and upbringing, including the ability to protect them from offensive and obscene material, is established in Ginsberg against New York. The Court said it had only to "be able to say that it was not irrational for the legislature to find that exposure to material condemned by the State is harmful to minors."

Patterned on this approach, the legislation I introduced made it a violation of Federal law to use the mails to sell, offer for sale, deliver, distribute, or provide to a minor any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, sadomasochistic abuse in a manner designed primarily to appeal to the viewer's prurient interests.

Prohibiting the mail-order distribution of pornography to minors or to families with minors puts the burden of responsibility for protecting our youth from access to filth on the smut peddler, where it belongs—and not on victimized families.

Mr. Chairman, parents, churches, and schools spend years educating our young people in the moral values of our society. Now the Congress has an opportunity with H.R. 15693 to aid parents and put a crimp in the activities of smut merchants by making it a Federal crime to mail obscene materials to minors.

Pornographic material can lead to antisocial behavior and contribute to juvenile violence and delinquency. This bill offers an effective way to stop the alarming flow of pornographic literature and material that reaches the hands of minors through the mail. I hope that every Member of Congress will support its prompt enactment into law today.

Mr. RANDALL. Mr. Chairman, the membership of this House should all be grateful to the Post Office and Civil Service Committee for the opportunity accorded us today to stop some of the smut peddlers who prey on the youth of America.

In October 1969, I introduced H.R. 14525 which sought to exclude from the mails unsolicited offers to sell, loan, or rent certain obscene literature or materials. While the same terms were contained in our bill, today's measure, H.R. 15693 provides more detailed definition and I would be the first to concede improved definitions of what constitutes nonmailable matter.

Of course, the reason today that so much of this objectionable matter is going into the mails is because of a series of Supreme Court decisions in recent years which under the cloak or guise of free speech has accorded rights to peddlers of filth and pornography to use the postal system as a conduit for delivery of

these obscene materials. In other words, it seems our Supreme Court has held the rights of the filth peddlers superior to the rights of the American public and particularly our youth to a reasonable protection against assaults on their sensitivity.

Now, the Post Office and Civil Service Committee has done its best to find a constitutional basis for this legislation by attempting to adopt it to the most recent opinions of the Supreme Court. Even the present-day Supreme Court has said that it is possible to fashion reasonable legislation in the area of obscenity if it reflects a specific and limited concern for juveniles or if such legislation reflects concern against assault upon a persons privacy by publication in a manner so obtrusive as to make it almost impossible for an unwilling individual to avoid exposure to it.

H.R. 15693 in title I sets up specific definitions of unmailable matter for the protection of minors and in title II makes finding concerning protection from invasion of privacy through sexually oriented advertisements.

While I admire the care of the committee in seeking to find a solid constitutional foundation for the specifics of this bill, I am astounded at the go-slow attitude of some of my colleagues toward the enactment of such legislation as this. They have argued we must exercise the very greatest of caution to shape a bill that will meet the Constitutions free speech guarantees. In the light of several recent U.S. Supreme Court decisions this freedom really means not free speech in a conventional or orthodox sense of a citizen having the right to express himself on the issues of the day but it means a license is granted to entrepreneurs of filth to send the products of their depravities into American homes without restraint.

All of us want to support with vigor the rights guaranteed by our Constitution but who can say that the minds of the framers of our great Constitution could conceive that money-mad traffickers in smut and filth would ever stoop so low as to invade our homes and assault the minds of our youth with photographs and literature that we are trying to drive from the mails with this kind of bill?

We passed legislation 3 years ago which permits postal patrons to have their names removed from the mailing list of pornographers but this is an after the fact remedy or one that is available only after the pollution of pornography has had its impact. It is encouraging to note 200,000 prohibitionary orders under this legislation were issued by the Post Office Department last year. This is well and good but the facts are some damage has already been done before such kind of protection comes into being.

Today, about all we can do is have our names removed from the mailing list of those who advertise and deliver their smut by mail. The chances are when our names are removed from one list they will crop up on another.

Today, we are acting in accordance with a communication from President Nixon of May 1969 when he urged Congress to make it a Federal crime to deliver to anyone under 18 years of age sexual material unsuitable for young people. At that time he also asked that it be made a Federal crime to use the mail for commercial exploitation of prurient interest in sex through advertising. In effect, the President requested the Congress to extend existing law to enable a citizen to protect his home from any intrusion of sex oriented advertising regardless of whether or not a citizen has ever received such mail.

We should not be misled that the present bill will bring about as much protection as most of us would prefer against the offensive character of much of the material now being carried in the postal system. Some of our limitations to enact a better measure is due to the unrealistic attitude of our courts as to their definition of obscenity and pornography. These decisions have made effective legislation in this area extremely difficult to accomplish within what the U.S. Supreme Court has said conforms to the Constitution.

But in H.R. 15963 we have made two meaningful addition to the law. First, the person who mails sexually oriented advertisements must place on the envelope or cover thereof his name and address as the sender. And moreover he must identify such material by a symbol or some kind of mark or notice that the envelope contains sexually oriented advertisements. Such mark or symbol must be of a kind or character as the Postmaster General may prescribe.

Moreover, there is provided for the first time, both civil and criminal action against the violators as contained in this bill and finally there are much clearer definitions of what is nonmailable matter.

With all its limitations H.R. 15693 is a step in the right direction. By its enactment significant numbers of smut peddlers can be driven out of business.

Mr. CHAPPELL. Mr. Chairman, in this day of great permissiveness, every effort must be made to assist parents throughout the Nation who are concerned for the well-being of their children.

Many letters have come to me from parents expressing great indignation and outrage about pornographic material that has been mailed into their homes. How can we ever hope that parents can protect their young from obscenity, unless we pass laws that will keep their very homes from being invaded by the purveyors of filth?

Last year, I introduced a bill, H.R. 12627, which provided for the protection of minors by prohibiting the mailing of pornographic materials into homes where there are minor children. Today, we are considering a similar proposal, as recommended by the Committee on Post Office and Civil Service.

Mr. Chairman, I most urgently request all Members of the Congress to join with me in supporting this bill. Let us, by our action here today, demonstrate to the parents of America that we, too, care about the well-being of the children of this land and share their concern about pornographic material intruding into their homes. I urge the passage of H.R. 15693.

Mr. ZWACH. Mr. Chairman, the examples of pornographic and obscene mail which my constituents have sent to my office with their letters of protest, are really sickening. They are the marks of a sick society.

Under present law, we have no recourse against this type of mail, except to order our name removed from the mailing list after we have first received the material. Another company, and there is a huge proliferation of them, can put our name on their list and make another initial mailing. And so, actually, there would be no lessening of the traffic.

It is easy to see that under present law there is no protection for our young people from this flood of filth.

H.R. 15693, similiar to a bill which I had introduced, makes it a crime to make the initial mailing and provides for penalties of up to $5,000 for the first offense and $10,000 for the second offense.

Mr. Speaker, Congress can no longer permit this traffic in pornograpy to continue to pollute the minds of our young people. We owe it to ourselves and to our children to provide laws that have a chance of shutting off this stream of filth.

I support, and I urge the support of my colleagues for H.R. 15693.

Mr. DANIELS of New Jersey. Mr. Chairman, H.R. 15693 is a bill that takes a long step toward taking sex education out of the hands of smut peddlers and putting it back in the hands of parents where it belongs.

Much of the sex advertising that comes unwanted and unsolicited through the mail is directed toward children.

Many smut mailers now use first-class mail in order to frustrate any possible seizure by the Post Office Department.

Parents find themselves helpless in the face of a deluge of direct mail pornography, that is sadistic, often unnatural sometimes homosexual in content as well as depicting sexual intercourse. An entire industry is devoted to mail prostitution and it is aimed at youngsters 16 years of age and under.

This bill attempts to deal with this problem in two ways. First, it makes it a crime to mail material which may not be obscene according to the Supreme Court's definition of what is obscene for adults is obscene as to juveniles.

Second, it protects the privacy of adults and families by setting up a registry whereby parents can register their own and their family names and address with the Postmaster General. The presence on this registry of these names for 30 days provides public notice to mailers that the named individuals do not wish to receive "sexually oriented advertising" which is defined in medical terms and refers to the description of sexual genitals as an advertising gimmick for instance.

This particular portion of the bill will be administered by the Postmaster General when it becomes law. The list will be updated regularly and the costs should be within reason since the actual number of complaints directed to the Postmaster General are about 250,000 a year, the cost of the program should not be excessive.

Many people in the fields of literature and the arts as well as public officials support legislation in this field. Barbara Tuchman, famous authoress, as well as people like Dr. Spock say that the time has come to act against this deluge of pornography especially that indulged in by the direct mail industry which reaches into our homes through the mailbox.

Mr. MIKVA. Mr. Chairman, I take no joy in casting my vote against this legislation. I do so not because I think that pornographic materials and sexually oriented advertisements—assuming they can be as easily identified as the bill seems to contemplate—should circulate freely among our Nation's young people. I believe that the Government has no obligation to send the mail facilities to any kind of material which is offensive to individual recipients. But this is simply bad legislation. It is carelessly drafted. It uses a vague and irrational legal presumption to define a criminal offense, which may ultimately result in its being held a violation of due process of law and unconstitutional. And most important it will never deliver on the promise of freedom from intrusive mailings which it seems to hold out. It raises false hopes which the American people will never see fulfilled.

The urgency of this legislation is not so great that we should enact a bad law simply in order to point to it and say to our constituents: "See, we are doing something." The problem of intrusive and offensive sexually oriented mail is a large and difficult problem. But this bill is not a very apt solution. There is already on the statute books a law which allows the individual postal patron to reject mailings which he considers objectionable. As the President noted in his message to Congress on pornography, the real problem is that not enough Americans are aware of these existing procedures and not enough are using them for self-protection from offensive mail.

I would have much preferred to see the Post Office and Civil Service Committee take a broader approach to intrusive mailings, an approach which would protect postal patrons from any unwanted commercial advertising, not just from that which is sexually oriented. People find unsolicited advertisements objectionable for all kinds of reasons; this bill provides protection against only one kind of objectionable mail.

I introduced earlier this year a bill which would allow a postal patron to inform his local postmaster that he wished to receive no more commercial ads of any kind from a given mailer. Moreover, the postal patron could go further and indicate that he wished to receive no unsolicited ads in the mail from any source whatsoever. This bill would have given postal patrons far greater protection than the prohibitions in H.R. 15693, and it would have done so without involving the Federal Government or the Postmaster General in the business of deciding what is harmful to minors and what advertising is sexually oriented. I would still urge the Post Office and Civil Service Committee to seriously consider holding hearings and taking action on the Junk Mail Control Bill, H.R. 16669.

Another reason that this particular bill is not a good solution to the overall problem is that much of the worst pornography which is now being received in homes across the Nation is already illegal under existing law and could be stopped by more effective enforcement of the laws now on the books. Section 1461 of the Federal Criminal Code—title 18—makes "every obscene, lewd, lascivious, indecent, filthy or vile article" nonmailable matter and imposes criminal penalties of up to 5 years in prison or a $5,000 fine for the first violation in mailing such materials. Of course, there is a large enforcement problem, but the validity of the statute has specifically been upheld by the Supreme Court and the Post Office Department—as to some extent it already has—can make great headway in this area by moving against the few major smut mailers who dominate the market. I emphasize again that this statutory provision prohibiting the mailing of any obscene material is already on the books. Along wtih the postal patron self-protection provision described earlier, it already provides some protection against undesirable sexually oriented mail.

There is now in existence a National Commission on Obscenity and Pornography. This Commission was created by Congress in 1967 specifically to study the problems of controlling traffic in obscene and pornographic materials. The Commission has made an interim report, but it has not yet made its final conclusions available to us. Indeed, it is holding hearings currently. I believe that in light of the imminence of the Commission's report—it is due to be sent to Congress within the next year—it is now premature to attempt to legislate comprehensively on this subject. The Commission is studying patterns of distribution, the volume of traffic in obscenity, the existing Federal laws to control this traffic, and the effects of pornography and obscenity on the public. It is specifically charged by Congress with making legislative recommendations for more effective control laws. I believe we are being most shortsighted—and wasteful of the taxpayers' money which has been spent in the Commission's investigations—not to wait until the results of the Commission's study are available to us before moving blindly ahead.

H.R. 15693 consists of two principal approaches to controlling obscenity in the mails. Title I of the bill prohibits use of the mails to send to minors sexually provocative pictures, photographs, or written descriptions which are "harmful to minors." I have absolutely no quarrel with this prohibition and would have voted in favor of it, standing alone. But title I of the bill does not limit itself to this straightforward prohibition. It also establishes a legal presumption that any matter defined as "harmful to minors" and deposited in the mails has been sent to a minor unless it is enclosed in a sealed wrapper and is addressed personally to an adult. The bill then makes this presumption the basis for finding a criminal violation with the resulting fines and prison terms.

I do not object to a bill which prohibits mailing the kind of material described above to minors and makes violation of that prohibition a criminal offense. But I do not believe that we can rely on a presumption—a shortcut eliminating the need for proof of criminal intent—in defining that criminal offense. Under the bill as drafted, certain kinds of material dropped into the mail are presumed to have been sent to a minor, whether they were or not. And that act of sending material to a minor is a criminal offense carrying a possible jail term of 5 years. I cannot make myself believe that a criminal statute which relies on this kind of loosely drawn presumption will meet the requirements of due process of law when examined by the courts.

I offered an amendment on the floor of the House during the consideration of H.R. 15693 which would have eliminated the presumption I have described, and would have strengthened the bill in other respects. Unfortunately, the amendment was rejected, leaving the bill in the same state of precarious validity as when reported to the committee.

The second part of H.R. 15693 attempts to limit the mailing of "sexually oriented advertisements" by allowing postal patrons to reject in advance any such ads. This general approach is reasonable, but instead of contenting itself with a prohibition on such mailings to persons who express a desire not to receive such ads, the committee went further and required an identifying mark on all sexually oriented advertisements. To me this marking requirement appears to be an invasion of the privacy of those citizens who do wish, for whatever reasons, to receive such ads. When a citizen wishes to receive ads for guns, or liquor, or other items which not everyone approves of, we do not require such ads to be labeled in a conspicuous manner so that the entire world is aware of that citizen's interest. But, the committee bill would require a conspicuous identifying mark on all such mail, thus immediately identifying recipients of such ads to their postman, and perhaps to their neighbors, the police, or other local officials. I believe that such identification is unnecessary and an unjustifiable governmental intrusion on the citizen's right to privacy.

The most damning criticism of H.R. 15693 is that despite its presumptions and its mandatory identifying marks, it simply will not be very effective in reducing the volume of obscene mail to minors and the amount of sexually oriented advertising which is being sent through the mails. I do not believe that we should hold out this bill as an answer to the people's justified complaints about the intrusion of unwanted commercial advertising into their homes. To the extent that it is possible for the individual postal patron to control the flow of sexually provocative advertising into his home, the procedures for him to do so are already part of the law. If those procedures have been used by only 170,000 citizens, I believe that is the fault of the Post Office Department or the citizens themselves. To the extent that the Post Office can stop obscene or lewd mail, it already had the authority to do so under existing law. Thus, no matter who is trying to control this flow of unwanted mail, H.R. 15693 will add little if anything to the legal sanctions available.

We ought not kid the people that we

are meeting a problem when we are not. They deserve better than that by way of leadership.

Mr. NIX. Mr. Chairman, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROTECTION OF MINORS FROM RECEIPT OF OBSCENE MATERIALS THROUGH THE MAIL

SEC. 101. The Congress finds—

(1) that the United States mails are being used to effect the sale, distribution, and delivery to minors of matter offensive to prevailing standards in the adult community concerning which materials are suitable for, and should be made available to, minors;

(2) that it is against the public interest that the United States mails be used to convey this offensive matter to minors; and

(3) that, in order to protect the children of the United States from exposure to harmful and offensive matter by means of the United States mails, it is sound public policy to establish, in addition to other classes of nonmailable matter, a special category of matter which may not be sent to minors through the United States mails.

SEC. 102. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4011. Special category of nonmailable matter with respect to minors

"(a) The mails may not be used to make to a minor a sale, delivery, or distribution, or an offer for a sale, delivery, or distribution, of any matter described in this section. Such matter constitutes a special category of nonmailable matter with respect to minors; as follows:

"(1) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or a portion of the human body, which—

"(A) depicts nudity, sexual conduct, or sadomasochistic abuse; and

"(B) is harmful to minors; or

"(2) any book, pamphlet, magazine, or other printed matter, however reproduced, and any sound recording, which—

"(A) depicts nudity, sexual conduct, or sadomasochistic abuse or contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse; and

"(B) taken as a whole, is harmful to minors.

"(b) If deposited in the mails for delivery to a residence in which a minor resides, matter which is described in subparagraph (1) or subparagraph (2) of subsection (a) of this section, or which constitutes or contains an offer or advertisement therefor or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail for delivery to such minor, unless such matter is contained in a sealed envelope or sealed wrapper which conceals completely, the contents and unless such wrapper or envelope is clearly, specifically, and personally addressed to an adult who resides at that residence.

"(c) As used in this section—

"(1) 'minor' means any person under the age of seventeen years;

"(2) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(3) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's covered or exposed genitals, pubic area, buttocks or, if such person be a female, breast;

"(4) 'sexual excitement' means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

"(5) 'sadomasochistic abuse' means (A) flagellation or torture by or upon a nude person or a person clad in undergarments, a mask, or bizarre costume, or (B) the condition of being fettered, bound, or otherwise physically restrained on the part of a nude person or a person so clothed;

"(6) 'harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors; and

"(B) is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and

"(C) is substantially without redeeming social value for minors.

"(d) Nothing in this section shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 4006, 4007, 4009, 4012, or 4013 of this title.".

(b) The table of sections of chapter 51 of title 39, United States Code, is amended by adding—

"4011. Special category of nonmailable matter with respect to minors."

immediately below—

"4010. Nonmailable motor vehicle master keys.".

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT:

Page 3, line 25, strike out "an adult" and insert "a person who is not a minor".

Mr. ECKHARDT. Mr. Chairman, this goes to the question I asked the able chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX), which is the question about the presumption which appears on page 3, section b, which provides a presumption that a person is presumed to have directed the material to minors unless he sends the material in a sealed envelope and to an adult.

It is always dangerous to indulge in a presumption in a criminal statute unless that presumption is stated extremely clearly. The definition for "minor" is a person less than 17 years of age. Therefore, one might expect that "adult" means everyone else besides a minor.

I am not sure that is what "adult" means, because title II deals with a certain kind of adult of 21 years of age, and it also provides that a person of 19 years of age is subject to certain limitations of that title.

It would seem, therefore, that it would be far better to avoid the use of "adult" altogether and simply provide here that the material, in order for the presumption not to apply, must be in a sealed envelope clearly and specifically and personally addressed to a person who is not a minor.

Let me point out how there could be a difference in the two situations, and how the court might not know how to resolve it. Suppose an envelope were addressed to a young couple of 19 and suppose that young family includes an infant aged one. If this act means what I hope it does, and what I have tried to make it clearly mean, then this is not a violation, because the young family of 19 are not minors, and an "adult" means "not a minor."

If, on the other hand, "adult" means someone 21 years of age, then there is a violation in that instance, for the material went to a family with a minor child, a baby, and went to a nonadult.

Mr. NIX. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Pennsylvania.

Mr. NIX. We on this side accept the amendment.

Mr. ECKHARDT. I thank the gentleman.

Mr. CUNNINGHAM. Mr. Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 103. Section 1461 of title 18, United States Code, is amended—

(1) by inserting "or section 4011 of title 39" immediately after "declared by this section" in the penultimate paragraph thereof; and

(2) by inserting immediately before the last paragraph thereof the following new paragraph:

"It shall be an affirmative defense to a charge of violating section 4011 of title 39 that the defendant reasonably believed that the addressee of the matter in question was an adult residing at the address shown on the sealed envelope or sealed wrapper referred to in section 4011(b) of title 39. Such reasonable belief may be based upon reasonable reliance by the person so charged on a purchase order or other declaration which such person in good faith believed to have been executed by the addressee, representing such addressee to be an adult, or on other evidence.".

TITLE II—PROTECTION FROM INVASIONS OF PRIVACY THROUGH MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

SEC. 201. (a) The Congress finds—

(1) that the United States mails are being used for the indiscriminate dissemination of matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

(2) that such matter is profoundly shocking to many persons who receive it, unsolicited, through the mails;

(3) that such use of the mails subjects these persons to offensive and unwarranted intrusions upon their right to privacy; and

(4) that such use of the mails reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to their children.

(b) On the basis of the foregoing the Congress determines that it is contrary to the public policy of the United States for the postal facilities and services of the United States to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

SEC. 202. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new sections:

"§ 4012. Mailing of sexually oriented advertisements

"(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postmaster General may prescribe.

"(b) Any person, on his own behalf, or, if such person has reached the age of twenty-one years, on the behalf of any other person who has not attained the age of nineteen years and who resides with him, or is under his care, custody, or supervision, may file with the Postmaster General a statement, in such form and manner as the Postmaster General may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Postmaster General shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as he may prescribe, including the payment of such service charge as he determines to be necessary to defray the costs of compiling and maintaining the list, keeping it current, and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than thirty days.

"(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Postmaster General pursuant to this section.

"(d) 'Sexually oriented advertisement' means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"§ 4013. Judicial enforcement

"(a) Whenever the Postmaster General believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 4012 of this title, he may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, it may issue an order including one or more of the following provisions as the court deems just under the circumstances:

"(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; and

"(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 4012 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity in violation of section 4012 of this title.

"(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the agent or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"(c) In preparation for or during the pendency of a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in which any sexually oriented advertisement mailed in violation of section 4012 has been delivered by mail according to the direction thereon.

(e) Nothing in this section or in section 4012 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 4006, 4007, 4009, or 4011 of this title.".

(b) The table of sections of chapter 51 of title 39, United States Code, is amended by adding at the end thereof—

"4012. Mailing of sexually oriented advertisements.

"4013. Judicial enforcement.".

SEC. 203. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new sections:

"§ 1735. Sexually oriented advertisements

"Whoever willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 4012 of title 39, or willfully violates any regulation of the Postmaster General issued under such section; or

"Whoever sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 4012 of title 39, uses a mailing list maintained by the Postmaster General pursuant to such section—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"§ 1736. Restrictive use of information

"(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 4012 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"(b) The fact of the performance of any act by a natural person in compliance with any provision of section 4012 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.".

(b) The table of sections of such chapter 83 is amended by adding at the end thereof—

"1735. Sexually oriented advertisements.

"1736. Restrictive use of information.".

TITLE III—SEPARABILITY PROVISION AND EFFECTIVE DATE

SEC. 301. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 302. The foregoing provisions of this Act shall become effective on the first day of the sixth month which begins after the date of enactment of this Act.

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and printed in the RECORD, and that the bill in its entirety be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 3, line 15, strike out all down to and including the words "to such minor," in line 21, and insert in lieu thereof the following: "(b) No person shall deposit or cause to be deposited in the mails any matter which is described in subparagraph (1) or subparagraph (2) of subsection (a) of this section, or which constitutes or contains an offer or advertisement therefor or information as to where or how such matter may be obtained,".

Mr. MIKVA. Mr. Chairman, by way of explanation, let me say first I am inclined to agree with the distinguished gentleman from Michigan (Mr. WILLIAM D. FORD) about my doubts as to the efficacy of this legislation. I really question whether in fact the problem is not, as the President said, something that is going to have to be resolved in the home rather than by Government.

However, if we are going to try to give the bill a chance, it seems to me we ought to try to clarify what I consider to be a dangerous ambiguity.

As I learned the criminal law, from a strict constructionist, I was told that presumptions should be used very sparingly in the criminal law.

There is a presumption on page 3, subparagraph (b) which I feel has a serious

constitutional limitation. My amendment would change that presumption. It would say, simply, that if someone is going to mail out matter described in (A) or (B) he should send it in a wrapper that is closed and he should specifically address it to an adult. If he does that, he is clear. If he violates either of those provisions, then he has violated the act.

I believe it is a plain effort to do what the bill seeks to do by presumption. I have thought carefully about what its implications are. I believe it will possibly create a little extra burden on the sender, but it will lighten the burden on the prosecutor. As to this extra burden on the sender, the only extra burden involved here is that he will have to be a little more careful about using mailing lists. If we were serious about using this bill, we should not worry about that. This amendment by and large is a clarifying amendment. It seeks to do specifically what the present language does by presumption—a presumption which I think will get knocked down as unconstitutional in a criminal law where penalties go up to 5 years and $5,000. Therefore, I respectfully urge the adoption of my amendment.

Mr. SCHEUER. Mr. Chairman, I urge my colleagues to reject this well-intended measure—H.R. 15693. As the father of four kids in their teens, I am deeply concerned about unsolicited filth being delivered by mail to minors. I believe in parental censorship in wise and prudent doses. But I do not believe in the kind and degree of governmental censorship contemplated by this bill. Therefore, because this bill is premature, of questionable effectiveness, probably unnecessary, and of dubious constitutionality, I urge my colleagues to vote against it.

It is premature because the President's Commission on Obscenity and Pornography is due to make its report in July, and we should not try to second-guess them. We should await their report and recommendations before enacting new laws in an area in which existing laws, in the opinion of many, are adequate if properly enforced.

It is probably unnecessary because the Justice Department is already engaged in vigorous prosecution of those few publishers responsible for most of the obscene matter in the mails. To quote Mr. David Nelson, general counsel for the Post Office:

> Ninety-five per cent of the current complaints about obscenity in the mail result from the indiscriminate direct mail advertising of some 15 major promoters. One of these dealers has already been convicted of violating the postal obscenity statute and his appeal is now pending. . . . Ten more of these major promoters are under indictment and evidence relating to mailing activities of the remaining four is in the hands of the appropriate U.S. attorneys. We hope that indictments against these four will be returned promptly.

Finally, H.R. 15693 raises grave constitutional issues. Its vague standards for what is considered harmful to minors—less clear than the New York statute upheld by the Supreme Court—would make it extremely difficult for a publisher to know what is permissible and what is not. The requirement that publishers' mailing lists be kept "current" with the proscribed list of the Postmaster General would, as a practical matter, be impossible for small publishers to meet.

Under present law, a resident can notify the Postmaster General that he does not want to receive the mail of a specific publisher. The publisher is notified and prohibited from sending further mail to the residence. Under this bill a resident would add his name to the Postmaster General's list of those who do not want to receive "sexually oriented advertising." The burden would fall on the publisher to keep his mailing list current with the proscribed list of the Postmaster General.

Further, the definition of "sexually oriented advertising" in title II of the bill is so broad it would be impossible for a publisher to know with certainty what is permissible. Any number of publishers could be viewed as being in violation of that vague prohibition. The effect would be to inhibit the mailing to adults of permissible adult material. In *Butler* v. *Michigan* (352 U.S. 380 (1957)), the Supreme Court firmly rejected an unwarranted restriction of first amendment rights the notion that protected material can be proscribed as part of an effort to keep unprotected material away from minors.

To restate my reasons for opposing this measure, I regard it as premature, of questionable effectiveness and of dubious constitutionality, however desirable and beneficent its aim may be, and however much we may agree on the desirability of preventing unsolicited filth from coming freely into our homes.

Mr. NIX. Mr. Chairman, I rise in opposition to the amendment.

I shall not take my 5 minutes but only say that we held hearings on this legislation for 7 days and had 30 witnesses. We communicated with the attorneys general of about eight or 10 States and had the opinion of persons knowledgeable in the law. We studied the legislation as it related to the decisions of the Supreme Court. This is the result of our deliberations. I am convinced the legislation as presented here is proper and is the best that could be done.

I oppose the amendment and ask for its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15693) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their home of sexually oriented mail matter, and for other purposes, pursuant to House Resolution 944, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CUNNINGHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 375, nays 8, not voting 47, as follows:

[Roll No. 96]

YEAS—375

Abbitt	Clark	Friedel
Abernethy	Clausen, Don H.	Fulton, Pa.
Adair	Clawson, Del	Fulton, Tenn.
Adams	Cleveland	Galifianakis
Addabbo	Cohelan	Gallagher
Albert	Collier	Garmatz
Alexander	Collins	Gaydos
Anderson, Calif.	Conable	Gettys
Anderson, Tenn.	Conte	Gibbons
Andrews, Ala.	Corbett	Gilbert
Andrews, N. Dak.	Corman	Goldwater
Annunzio	Coughlin	Gonzalez
Arends	Cowger	Goodling
Ashbrook	Crane	Gray
Ashley	Culver	Green, Oreg.
Aspinall	Cunningham	Green, Pa.
Ayres	Daddario	Griffin
Barrett	Daniel, Va.	Griffiths
Beall, Md.	Daniels, N.J.	Gross
Belcher	Davis, Ga.	Grover
Bell, Calif.	de la Garza	Gubser
Bennett	Delaney	Gude
Berry	Dellenback	Hagan
Betts	Denney	Haley
Bevill	Dennis	Hall
Biaggi	Dent	Halpern
Biester	Derwinski	Hamilton
Bingham	Devine	Hammer-schmidt
Blackburn	Dickinson	Hanley
Blanton	Dingell	Hansen, Idaho
Boggs	Donohue	Hansen, Wash.
Boland	Dorn	Harsha
Bow	Dowdy	Harvey
Brademas	Downing	Hastings
Brasco	Dulski	Hathaway
Bray	Duncan	Hays
Brinkley	Dwyer	Hébert
Brock	Eckhardt	Hechler, W. Va.
Brooks	Edmondson	Heckler, Mass.
Broomfield	Edwards, Ala.	Helstoski
Brotzman	Edwards, Calif.	Henderson
Brown, Mich.	Edwards, La.	Hicks
Brown, Ohio	Eilberg	Hogan
Broyhill, N.C.	Erlenborn	Holifield
Broyhill, Va.	Esch	Horton
Buchanan	Eshleman	Hosmer
Burke, Mass.	Evans, Colo.	Howard
Burleson, Tex.	Evins, Tenn.	Hull
Burlison, Mo.	Fallon	Hungate
Burton, Utah	Farbstein	Hunt
Button	Fascell	Hutchinson
Byrne, Pa.	Findley	Ichord
Caffery	Fish	Jacobs
Camp	Flood	Jarman
Carey	Flowers	Johnson, Pa.
Carter	Flynt	Jonas
Casey	Foley	Jones, Ala.
Cederberg	Ford, Gerald R.	Jones, N.C.
Celler	Ford, William D.	Jones, Tenn.
Chamberlain	Foreman	Karth
Chappell	Fountain	Kastenmeier
Clancy	Fraser	Kazen
	Frelinghuysen	Kee
		Keith

King	Nedzi	Shipley
Kleppe	Nelsen	Shriver
Kluczynski	Nichols	Sikes
Koch	Nix	Sisk
Kuykendall	Obey	Skubitz
Kyl	O'Hara	Slack
Kyros	Olsen	Smith, Calif.
Landgrebe	O'Neill, Mass.	Smith, Iowa
Landrum	Passman	Smith, N.Y.
Latta	Patten	Snyder
Leggett	Pelly	Springer
Lloyd	Pepper	Stafford
Long, La.	Perkins	Staggers
Long, Md.	Pettis	Stanton
Lujan	Philbin	Steed
McCarthy	Pickle	Steiger, Ariz.
McClory	Pike	Stephens
McCloskey	Pirnie	Stokes
McClure	Podell	Stuckey
McCulloch	Poff	Symington
McDade	Pollock	Talcott
McDonald, Mich.	Preyer, N.C.	Taylor
	Price, Ill.	Teague, Tex.
McEwen	Price, Tex.	Thompson, Ga.
McFall	Pryor, Ark.	Thompson, N.J.
McKneally	Pucinski	Tiernan
McMillan	Purcell	Udall
Macdonald, Mass.	Quie	Ullman
	Quillen	Van Deerlin
MacGregor	Railsback	Vander Jagt
Madden	Randall	Vanik
Mahon	Rarick	Vigorito
Mailliard	Rees	Waggonner
Mann	Reid, Ill.	Waldie
Marsh	Reid, N.Y.	Wampler
Martin	Reifel	Watkins
Mathias	Reuss	Watson
Matsunaga	Rhodes	Watts
May	Riegle	Weicker
Mayne	Rivers	Whalen
Meeds	Robison	Whalley
Melcher	Rodino	Whitehurst
Meskill	Roe	Whitten
Michel	Rogers, Colo.	Widnall
Miller, Calif.	Rogers, Fla.	Wiggins
Miller, Ohio	Rooney, N.Y.	Williams
Mills	Rooney, Pa.	Wilson, Bob
Minish	Rosenthal	Wilson, Charles H.
Mink	Rostenkowski	
Minshall	Roth	Winn
Mize	Roudebush	Wold
Mizell	Ruppe	Wolff
Monagan	Ruth	Wright
Montgomery	St Germain	Wyatt
Morgan	St. Onge	Wydler
Morse	Sandman	Wylie
Morton	Satterfield	Wyman
Mosher	Saylor	Yates
Moss	Scherle	Yatron
Murphy, Ill.	Schneebeli	Young
Murphy, N.Y.	Schwengel	Zablocki
Myers	Scott	Zion
Natcher	Sebelius	Zwach

NAYS—8

Bolling	Harrington	Ryan
Burton, Calif.	Lowenstein	Scheuer
Conyers	Mikva	

NOT VOTING—47

Anderson, Ill.	Fisher	Patman
Baring	Frey	Poage
Blatnik	Fuqua	Powell
Brown, Calif.	Giaimo	Roberts
Burke, Fla.	Hanna	Roybal
Bush	Hawkins	Schadeberg
Byrnes, Wis.	Johnson, Calif.	Steiger, Wis.
Cabell	Kirwan	Stratton
Chisholm	Langen	Stubblefield
Clay	Lennon	Sullivan
Colmer	Lukens	Taft
Cramer	Mollohan	Teague, Calif.
Davis, Wis.	Moorhead	Thomson, Wis.
Dawson	O'Konski	Tunney
Diggs	O'Neal, Ga.	White
Feighan	Ottinger	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Lennon with Mr. Burke of Florida.
Mr. Roberts with Mr. Lukens.
Mr. O'Neal of Georgia with Mr. Cramer.
Mr. Feighan with Mr. O'Konski.
Mr. Johnson of California with Mr. Byrnes of Wisconsin.
Mr. Stratton with Mr. Davis of Wisconsin.
Mr. Ottinger with Mr. Teague of California.
Mr. White with Mr. Frey.
Mr. Cabell with Mr. Schadeberg.
Mrs. Sullivan with Mr. Taft.
Mr. Moorhead with Mr. Hawkins.
Mr. Fisher with Mr. Langen.
Mr. Patman with Mr. Bush.
Mr. Giaimo with Mr. Steiger of Wisconsin.
Mr. Brown of California with Mr. Diggs.
Mr. Tunney with Mr. Clay.
Mr. Kirwan with Mrs. Chisholm.
Mr. Roybal with Mr. Thomson of Wisconsin.
Mr. Hanna with Mr. Powell.
Mr. Baring with Mr. Colmer.
Mr. Mollohan with Mr. Dawson.
Mr. Fuqua with Mr. Stubblefield.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. NIX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed, H.R. 15693.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WELCOME TO THE "PAY-AS-YOU-GO CLUB"

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, will wonders never cease? Apparently not. Yesterday's news carried an item which is bound to go down in "Ripley's Believe It or Not." According to Evening Star writer Robert Walters, the new Democratic national treasurer, Robert Strauss, has instituted a pay-as-you-go policy at party headquarters. When Mr. Strauss took over the purse strings of the party, he was handed $9 million in unpaid bills and an empty purse.

After assessing the situation, Mr. Strauss concluded that the only way to erase the debt was to pay the bills and keep them paid. His action must surely come as a shock to most Democrats who have long touted the virtues of deficit spending and advised us that debt is a mythical beast of the mind which will somehow vanish if ignored.

Now Mr. Strauss comes along and proposes this revolutionary new philosophy. In his words:

> We're going to be in the black this year because we're going to take in more than we spend. It's that simple.

I would not doubt but what some Democrats are already calling for Mr. Strauss' scalp and are charging that he must really be a rock-ribbed Republican masquerading in the garb of a donkey. For who but a Republican would be urging pay-as-you-go and fiscal responsibility? Who but a Republican would have the audacity to publicly advocate taking in more than is spent and remaining in the black?

I am certain that these Democrats must consider Mr. Strauss' proposal a Republican plot to embarrass a Democratic Congress bent on national budget-busting in an election year. For who but a Republican would publicly expose the Democratic Party to the obvious charges of hypocrisy and double standards by urging a budget surplus for a party devoted to a national deficit? Who but a Republican would be preaching the heresy of a budget surplus within Democratic ranks? Why, the next thing you know, Mr. Strauss will be saying that what's good for the party is good enough for the Nation; and then they will have to dispatch Walter Cronkite to Texas to help rewrite another chapter in the history of the sixties.

I must confess to my Democratic colleagues that to the best of my knowledge this is not a Republican plot and Mr. Strauss is not one of our agents sent to infiltrate Democratic ranks. I will not deny the possibility that Mr. Strauss may have been reading some of our literature including the President's budget message. And I realize that for those who take the time to read this remarkable document, the sheer logic is rather overpowering.

And so, to my Democratic colleagues in this Chamber, let me say, welcome to the pay-as-you-go club. We in the minority party have been fighting a lonely and losing battle for a budget surplus for many years. While we may claim pride in authorship, we have no copyright and are more than happy to let you borrow a page from our book. We have long felt that when it comes to fiscal responsibility, we are not simply Republicans or Democrats—we are Americans. Let us consider the pending budget in that spirit.

U.S. CHAMBER OF COMMERCE SELECTS A MINISTER, A CHAMPION, AN EXPLORER, A COMMANDER, A TRUSTEE, AND A BUSINESSMAN AS ITS NEW PRESIDENT: F. RITTER SHUMWAY

(Mr. HORTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. HORTON. Mr. Speaker, yesterday, the Nation's largest organization of private businesses elected the man who will lead American private enterprise into the 1970's. The Chamber of Commerce of the United States elected F. Ritter Shumway as its president for the coming year.

While the U.S. Chamber elects a new president annually, the selection of F. Ritter Shumway to this post has special meaning for me for two reasons.

The first is a selfish reason. Ritter Shumway is a very close personal friend and constituent of mine, and his selection is a tribute to the Rochester business community and Rochester Chamber of Commerce from which he comes.

Second, the kind of leadership that this vast organization selects to launch its policies of the 1970's will be crucially important not only to private business, but to our society as a whole. America is facing a myriad of crises that cannot be solved by government alone, or by business alone. More than any past era of our history, the present domestic situation calls for almost superhuman collaboration and effort on the part of the

public and private sectors, working together. I am not talking about the rote repetition of the government-business partnership which is the favorite subject for public officials speaking at chamber of commerce gatherings.

I am not speaking of a government-business partnership where business participates in those areas which do not compromise its special interests and which do not require too great an investment. I am speaking of a partnership in the coming decade in which both government and private enterprise must collaborate fully, as though both were charged with the public responsibility of solving these public problems, whatever the sacrifice.

This new dimension in government-business cooperation, and in business involvement in the problems of society and environment will require a new dimension of business leadership. I strongly feel that F. Ritter Shumway can provide this leadership.

Ritter Shumway quite literally supplies the merger between business acumen and compassionate spirit that is needed for this task. He is one of the few, if not the only head of a large corporation who is also an ordained minister. Many would say that Ritter, as chairman of the board and chief executive officer of Sybron Corp. has brought the conscience and humanness of his Presbyterian ministry to the helm of the business world.

Sybron Corp., with headquarter offices in Rochester, N.Y., now has more than 50 divisions and subsidiaries in 14 countries around the world. The company manufacturers specialty chemicals, instruments, and control systems and a broad range of equipment and supplies for industry, laboratories, for dental and medical use and for pollution control application.

Somehow, in addition to leading and assembling this large health-scientific conglomerate, Ritter Shumway has found time to lend his leadership and enthusiasm to more than 30 outside organizations.

Ritter was president of the Rochester Chamber of Commerce in 1947–48. He was elected president of the Empire State Chamber of Commerce for five separate 1-year terms, and has served as a vice president of the U.S. Chamber for the past 4 years.

He has also been instrumental in rebuilding the U.S. olympic figure skating team after a tragic air crash in Belgium in the early 1960's killed many of the Nation's finest skaters. Ritter became president of the U.S. Figure Skating Association shortly before the accident and has worked since, as president and as past president to promote the sport in America and abroad.

A champion skater in his own right, Ritter Shumway has won the veterans' dance event of the eastern figure skating championships 12 times, the most recent being in 1970. Ritter is quick to note with modesty that the veterans' dance event is a seniors event, open only to those over 35 years of age. He is 64 years old.

He has also served as national chief commander of the U.S. Power Squadron, and has been an able adviser to Congress on matters pertaining to pleasure boating. Most recently, he testified before the House Public Works Committee and offered guidance to individual Members of Congress on the technical problems connected with boating pollution.

Ritter's boating interest has also made him a modern-day waterway explorer. For the past 10 years, he has spent time charting and exploring many of the uncharted reaches of Georgian Bay which reaches into the Canadian wilderness.

No discussion of Ritter Shumway's background or abilities would be complete without underscoring his record of community service, and his personal record of commitment to a strong government-business partnership.

Ritter is first vice chairman of the board of trustees of the Rochester Institute of Technology, an institution he has had a heavy hand in helping and molding. His company, Sybron, has been very active in the many business-oriented efforts that have been made in the Rochester community to alleviate problems of the inner city.

Rochester was the first city in the Nation to form a combine of its major corporations and businesses including Sybron, for the purpose of hiring and training the hard-core unemployed. This effort, called Rochester Jobs, Inc.—RJI—has resulted in the upgrading and training of thousands of men and women in our city who formerly could not hold jobs.

In a similar vein, Sybron joined with other Rochester businesses in forming and supporting RBOC, the Rochester Business Opportunities Corp.—an organization designed to promote and finance new minority-owned businesses in the Rochester area. This, too, was the first effort of its kind in the Nation.

I expect that F. Ritter Shumway will bring to the presidency of the Chamber of Commerce of the United States the same energy, the same conscience and compassion, and the same pioneering spirit of involvement in economic, environmental, educational, and social problems that have been the hallmark of his life.

I am certain all of my colleagues will join me in wishing Ritter well on his new and exploratory voyage into the reaches of the government-business relationship of the 1970's.

STUDENTS STUDY NATIONAL GOVERNMENTAL PROCESS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, yesterday it was my pleasure to meet with and listen to students in Washington for a semester of on-the-scene study and observation of the national governmental process. These students represented several campuses, most prominently the State University of New York, and, from the opposite end of the country, the University of the State of Washington.

These young people were kind enough to grant my request that we get together before they returned to their colleges for a general discussion of campus unrest. While most of their remarks were directed to problems with which we have long been familiar, I found their comments insightful and their presentations splendidly articulate.

It was particularly enlightening for me to hear their comments on problems of university governance, the relevance of curriculum requirements to today's world, faculty tenure, and—perhaps the most insistent theme—their struggle against the "publish or perish" philosophy that has drained from the classroom an already insufficient quantity of teaching talent.

I am glad to inform Members of the House that we have scheduled a second meeting with the group for next Tuesday, May 5. I will try to get out a flyer to all Members announcing the room and hour of meeting, but I would like to take this moment now to strongly urge that my colleagues take advantage of this opportunity to hear a decidedly intelligent and responsible group of students "tell it like it is" on the college campus today.

INEQUITIES AND COSTS OF THE SET-ASIDE PROGRAM

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, for some time, I have been concerned about the potential inequities and costs of the set-aside proposal which the Department of Agriculture has tentatively "sold" to the House Agriculture Committee.

Under the administration's set-aside scheme, farmers are going to be required to set aside their conserving base acreage, plus some percentage, set annually by the Secretary of Agriculture, out of their wheat, feed grain, or cotton acreage allotments.

Having done that, they will be free to plant all the remainder of their cropland, or not plant it, as they please, to whatever crop they please.

Out in my State of Montana, farmers have been assigned a "conserving base" of cropland to be kept out of production which amounts of 49 percent of all our cropland. In some States, the conserving base amounts to only 8 percent of all cropland.

With nearly half of Montana's farmed land as conserving base, plus a percentage of allotments set aside, we are not going to have any extra acres to plant as we please; we are going to have to fight to conserve our soil which will start blowing away and polluting the atmosphere under double, or 2-year, summer fallow.

But in States with small conserving base assignments, it appeared that millions of acres in excess of actual crop acres in past years, would be freed to be planted.

I requested a report from the Legislative Reference Service on this, and the potential costs of the set-aside program as a consequence. The report, prepared by Dr. Walter Wilcox, indicates that under set-aside there will be 267 million crop acres in the Nation which are free

to be planted—109 million acres more than actually planted to wheat, feed grains, and cotton in 1969. As a consequence, the report forsees actual plantings of wheat, feed grain, and cotton in excess of past years, causing excessive surplus which Dr. Wilcox estimates will increase the costs $1 billion more in 1971 than current programs.

His report states there would be wide variations in the acreage that would become available by States, and consequent inequities.

In the State of Washington, producers would have to cut their acreage 5 percent under 1969 to meet set-asid requirements as indicated to the Agriculture Committee by Department officials.

In my State of Montana, we would have 2 percent more acres free in 1971 than we planted in 1969.

But in the South and Midwest, very large acreages would become free, according to Dr. Wilcox, with some States more than doubling their acres planted to surplus crops.

Mr. Speaker, I submit the report for the RECORD since nearly all members will be concerned with its content and will want to evaluate the projected crop plantings and yields leading to great surpluses.

ECONOMIC ASPECTS OF ADMINISTRATION'S PROPOSED SET-ASIDE FARM PROGRAM

The main features of the administration's proposals as of April 20 were:

For the 1971, 1972 and 1973 crops cooperating producers who set aside a part of their cropland would be eligible for price supporting loans at world levels, plus government payments equal to the difference between the average market price the first 5 months of the marketing year and 18 cents a pound for cotton, $1.35 a bushel for corn and $2.77 a bushel for wheat. Wool payments would be continued at the 1970 level. The payment rates would apply to the domestic allotments of cotton and wheat and to ½ of the production on the feed grain base.

Secretary Hardin in testimony before the Senate Committee on Agriculture and Forestry, March 23, 1970, indicated that under this program, in 1971 cotton and wheat producers probably would be required to set aside 50 and 75 percent respectively of their domestic allotment acreages, and feed grain producers 30 percent of their base acreage.

Secretary Hardin estimated government payments under this program would total $3.1 billion in 1971 as compared with $3.3 billion in 1969 and a projected $3.4 billion under the present program. He indicated he expected government payments to continue at about the same levels in 1972 and 1973 (p. 808, Senate Agriculture Committee Hearings).

U.S.D.A. analysts arrived at these estimates by assuming government non-recourse loan levels in 1971 at 18 cents a pound for cotton, 95 cents a bushel for corn, $1.10 a bushel for wheat, and market prices 5 percent above the loan rates.

EFFECTIVENESS OF SET-ASIDE QUESTIONABLE

ASCS records indicate the conservation bases on U.S. farms accounts for 100 million out of a total of 430 million acres of cropland. Each cooperator in the set-aside program would be required to maintain his conservation base in addition to setting aside additional cropland. Even though 63 million acres were set aside in 1971 and the conservation base acreage maintained, a total of 267 million acres would be available for cropping. This is 109 million acres more than was planted to cotton, feed grains and wheat in 1969.

The planted acreages of cotton, feed grains and wheat in each state in 1969, and the free cropland remaining after deducting estimated 1971 set-aside and conservation base acreages are shown in Table 1. The 1969 planted acreage of the controlled crops is also shown as a percentage of the estimated cropland available for use in 1971.

It is evident from this table that under a set-aside program there would be a wide variation from state to state in the ratio of free cropland to the acreage of the controlled crops planted in 1969.

In general, southern states would have a high proportion of free cropland in 1971 in relation to controlled crops planted in 1969. The acreage planted to controlled crops in 1969 as a percentage of estimated free cropland in 1971 in Alabama was 34, Arkansas 27, and South Carolina, 27. In the heart of the Corn Belt the percentages were, Illinois, 62, Indiana, 56, and Iowa, 52. The 1969 acreages of controlled crops were relatively high in relation to the estimated free cropland in Oklahoma, Montana and Washington, 89, 98 and 105 percent respectively.

Professor Luthur Tweeten of Oklahoma State University presented a paper entitled "An Economic Appraisal of the Set-Aside Proposal" at a seminar sponsored by Iowa State University in January, 1970. In this paper he concluded that if 58 million acres of cropland were set aside in 1971, equivalent to the acreage idled in 1969, an additional 12 million acres probably would be planted to feed grains and wheat.

Secretary Hardin estimated feed grain and wheat production in 1971 under a set-aside program at 187 million tons and 1.4 billion bushels respectively. Professor Tweeten, however, on the basis of his analysis concluded 200 million tons of feed grains and 1.5 billion bushels of wheat would be produced in 1971, under a set-aside program.

At this level of production Tweeten estimated the seasonal average market prices for corn and wheat would be $.90 and $1.10 a bushel respectively. Because of this drop in price he estimated the value of feed grains and wheat produced under a set-aside program in 1971 would be $0.8 billion less than under a continuation of the current program.

Professor Tweeten's estimate of cotton production, 12.6 million bales corresponds closely with Secretary Hardin's estimate of 12.8 million bales. Professor Tweeten's estimate, however, was based on a set-aside of 75 percent of the domestic cotton allotment acreage while Secretary Hardin's estimate was based on a 50 percent set-aside for cotton producers with permission to plant cotton on a part of the set-aside acreage.

The set-aside program eliminates mandatory marketing quotas for cotton and there is little basis for projecting the extent of the increase in cotton acreage in the more productive areas when penalties for overplanting allotments are removed.

Dr. Chappell of the U.S. Department of Agriculture, in an article published in May of last year, "Cotton Looks Good Against Other U.S. Crops", Cotton: International Edition, Meister Publishing Co., Memphis, Tenn. found that at the world price levels prevailing at that time cotton was a profitable crop without subsidy in the more productive cotton producing areas. In his words, ". . . one might conclude that about two-thirds of the nearly 15 million acres enrolled in 1968 (in the cotton program) can compete with other crops at world price levels for cotton. If this acreage were weighted by yields per acre, this proportion might rise to about 75 percent."

In recent weeks, however, cotton producers have expressed the fear that unless all cotton producers are given a direct subsidy they would not produce enough cotton to supply domestic needs and continue exports at recent reduced levels. It is clear that there is a sharp contrast between the expected response of cotton and grain producers in the United States to world prices. Although grain producers would expand production and cause a drop in prices if the voluntary adjustment programs were discontinued, cotton producers appear unlikely to do so.

When new program provisions, such as in the set-aside proposals, are under consideration analysts may be expected to differ in their projections of results. With 267 million acres of unrestricted cropland available in 1971 it is likely that producers would increase their acreage of the controlled crops 10 to 12 million acres beyond the 158 million acres planted in 1969 under the present program. Most of the additional acreage would be planted to feed grains. Sufficiently drastic adjustments in conservation bases to assure an effective grain acreage adjustment program probably would not be politically feasible.

It is probable that both grain and cotton production in 1971 would be higher than Secretary Hardin estimated. And production of both cotton and grains might well be larger than estimated by Professor Tweeten. The set-aside requirements are not sufficiently restrictive to project probable 1971 production with accuracy.

If larger acreages are planted market supplies might well be large enough to push prices 5 to 10 percent below the government non-recourse loan levels during the first 5 months of the marketing year. If this happened government payments would under the support floors proposed, set new records $400 to $500 million higher than the $3.1 billion estimated by Secretary Hardin and $200 million or more higher than in 1970. Government outlays also would be increased by the increased loan activities of the Commodity Credit Corporation. Under these conditions the value of the grain crops produced might be as much as $1 billion less than under a continuation of the present program.

The value of the 1971 cotton crop also would be lower but the larger supplies of cotton would only rebuild depleted stocks. Carryover stocks of grain, however, are at maximum desirable levels and if the larger grain supplies were converted into livestock products farm income would be depressed even further, perhaps another billion dollars.

House Agriculture Committee Print No. 7, April 8, 1970 includes authorization for the Secretary of Agriculture to limit the acreages planted to feed grains and wheat in 1971 and 1972 as he determines necessary to provide an orderly transition to the set-aside program. If this authorization is utilized and the major provisions of the feed grain and wheat programs are continued it should be possible to restrict grain production and maintain prices and incomes as under the present program.

It is of interest to note that almost all producers would comply with a set-aside program if acreage limitations for specific crops are not included. Producers who are not complying with the present voluntary wheat and feed grains programs because their allotments are too low in relation to current farming plans, would find the set-aside requirements easy to meet.

On a national average basis, using Secretary Hardin's estimates, cotton producers would receive $158 per acre set-aside if they set aside 50 percent of their domestic allotment acreage, (or $231 per acre if they set aside 33 percent of their domestic allotment acreage). Feed grain producers would receive $40 an acre (corn producers $45 to $50) and wheat producers $64 an acre. The higher acre payments for the cotton and wheat producers are income supplements not associated with achieving desired supply or resource adjustments.

TABLE 1.—CROPLAND IN EXCESS OF CONSERVATION BASES AND 1971 SET-ASIDE, TOTAL ACRES PLANTED TO COTTON, FEED GRAINS, AND WHEAT, 1969 AND ACREAGE OF THESE CROPS AS A PERCENTAGE OF ESTIMATED UNRESTRICTED CROPLAND IN 1971, BY STATES

State	Cropland in excess of set-aside and conservation base, 1971 acres (1,000)	Acres planted to corn, grain sorghum, barley, wheat, cotton 1969 (1,000)	Acres planted in 1969 as percent of "free" cropland
Alabama	4,237	1,456	34
Arizona	962	798	83
Arkansas	6,038	1,647	27
California	5,148	3,154	61
Colorado	5,400	4,626	86
Connecticut	31	46	148
Delaware	384	235	61
Florida	1,096	479	44
Georgia	5,644	2,265	40
Idaho	3,187	1,853	58
Illinois	18,775	11,548	62
Indiana	10,448	5,804	56
Iowa	19,732	10,334	52
Kansas	17,191	16,568	96
Kentucky	2,735	1,455	53
Louisiana	2,997	731	24
Maine	29	16	55
Maryland	947	801	85
Massachusetts	26	31	119
Michigan	7,096	2,375	33
Minnesota	16,047	6,453	40
Mississippi	5,713	1,853	32
Missouri	10,530	4,778	45
Montana	5,649	5,554	98
Nebraska	12,515	9,990	80
Nevada	105	37	35
New Hampshire	7	15	214
New Jersey	400	188	47
New Mexico	1,629	927	57
New York	2,563	1,009	39
North Carolina	5,038	2,027	40
North Dakota	16,302	9,757	60
Ohio	8,092	4,151	51
Oklahoma	8,252	7,359	89
Oregon	1,874	1,313	70
Pennsylvania	2,774	1,794	65
Rhode Island	4	5	125
South Carolina	3,460	949	27
South Dakota	11,567	6,225	54
Tennessee	4,122	1,489	36
Texas	25,580	17,735	69
Utah	644	431	67
Vermont	56	74	132
Virginia	1,844	945	50
Washington	3,188	3,355	105
West Virginia	176	108	61
Wisconsin	5,742	2,798	49
Wyoming	780	493	63
Total	266,761	158,063	59

ZENON C. R. HANSEN AND MACK TRUCKS, INC., ALLENTOWN, PA., "THE TRUCK CAPITAL OF THE WORLD"

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, this week—today through May 2—in Allentown, Pa., the home of Mack Trucks, Inc., and known as the truck capital of the world, and in Pennsylvania, marks the observance of "Mack Week" by formal proclamation of Gov. Raymond P. Shafer and Allentown's Mayor Clifford S. Bartholmew.

The significant occasion will mark the formal opening of Mack's multimillion-dollar world headquarters, as well as the 70th anniversary of the firm which has played a major role in transportation history in this great Nation of ours.

Also "Mack Week" will serve as a tribute to Zenon C. R. Hansen, Mack chairman of the board and president, who has revitalized Mack trucks and elevated it to record heights since becoming the chief executive officer a mere 5 years ago.

The ever-present bulldog on the hood of each Mack Truck is a familiar sight around the globe, and the words "Mack truck" are used by so many people in so many ways to denote strength, durability, and tenacity that the firm's name has, in effect, become a "part of the language."

Typical examples are the football player who "hits runners like a Mack truck," or the demolished building that "looks like a Mack truck slammed through it." A high Federal official, in fact, recently stated the Federal tax refrom bills "will hit banks like a Mack truck."

Mack Trucks Inc., as we know it today grew out of a wagon shop in Brooklyn, N.Y., operated by the original Mack brothers, who produced in 1900 America's first successful gasoline-poowered vehicle—a sight-seeing bus. It often has been said the first Mack was a bus—and the first bus was a Mack.

After 8 years of use in Brooklyn's Prospect Park, as though to signal what the future held for Mack, that first vehicle was converted to a truck and was driven an additional 9 years before it was retired after recording more than 1 million miles.

Mack business grew to the extent that the firm relocated in Allentown in 1905, where it continued to produce quality trucks, made the first hook and ladder fire engine in 1910 and also was widely acclaimed as a builder of rail cars.

The most famous older Mack truck of them all, the snub-nosed AC Mack, first was built in Allentown in 1914 and continued in production—although steadily improved—for 25 consecutive years. That American motor vehicle record stands today.

It was the AC's front-end appearance and its never-failing service on the battlefields of France in World War I that won the trucks the name of "Bulldog" by the doughboys and English tommies who drove them. Today, a Mack still is a bulldog—and bulldog means Mack.

Mack has had a pioneering role in the development of the motor vehicle and lists these "firsts" in the industry: Power brakes, rubber steering column supports, oil filters, power steering, air cleaners, rubber mounts for engine and transmission, unitized body and frame, valve seat inserts, directed waterflow, multispeed transmission with integral compounds, offset combustion chamber, and many others.

During World War II and the Korean conflict, as they are doing today during the Vietnam battle, Mack vehicles and Mack-made components played a major role in diesel-powered military vehicles. Following World War II, Mack awakened the country to the coming of the diesel in transportation with its 7½-month "diesel caravan," in which truckmen and trucking personnel were told about the diesel engine's advantages.

Mack continued its development of diesels and followed with its thermodyne engine in 1953, then introduced its revolutionary "constant horsepower" maxidyne diesel with maxitorque transmission in 1966.

In the motor truck industry, the accomplishments of Zenon C. R. Hansen, Mack chairman of the board and president, are almost as legendary as the company he directs. In the 5 years that he has served as chief executive officer, Mack sales jumped 94 percent, earnings per share rose 471 percent, production climbed more than 70 percent, and deliveries were up 57 percent.

An autonomous subsidiary of the Signal Companies, Mack Trucks accounted for 59 percent of pretax earnings last year in Signal's major divisions. Mack, which joined Signal in 1967, last year set records for sales volume, earnings per share, net income, production, and deliveries.

While known internationally for his many feats during almost 43 consecutive years in the truck business, Mr. Hansen also is famous for his never-ending efforts to help youth through such worthwhile activities as the Boy Scouts, and his constant attempts to accent America and make full-time patriots of all Americans. An Eagle Scout at 16 who earned the amazing total of 81 merit badges instead of only the required 21, he never has forgotten those who helped him appreciate America through various activities of the Boy Scouts. Today, he is the treasurer and finance committee chairman of the National Council of the Boy Scouts of America.

Mr. Hansen gained additional fame last February when the Freedoms Foundation at Valley Forge presented him the Free Enterprise Exemplar Medal—only the third time that award ever has been presented.

The coveted Gold Medallion of the Centennial Legion of Historic Military Commands was awarded him at a program in Philadelphia that same month, sponsored by the Old Guard City of Philadelphia, for his defense of the Michigan National Guard adjutant general, who was summarily dismissed, without cause or proper authority, by the Governor. Mr. Hansen took the case to court with personal and public donations, and just last year the Michigan Supreme Court ordered that general reinstated "under honorable conditions" retroactive to the date of dismissal.

Young and old alike who fail to pay proper respect to the flag of the United States quickly feel Mr. Hansen's wrath. Concerned that many people do not know how or when to properly salute Old Glory, he has had Mack Trucks distribute more than 300,000 flag folders telling when and how to salute the flag.

Mr. Hansen truly is a great American behind the prominent American industry of Mack Trucks, Inc., now observing its 70th anniversary during "Mack Week."

COUNCIL OF NAVAL EMPLOYEES

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, last week the National Council of Naval Air Station Civilian Employee Organizations met in Washington for their annual conference. At this meeting, a resolution was passed which expressed a growing concern over the contractual policies of the Department of Defense and particularly the Department of the Navy.

The Council of Naval Employees represents over 35,000 Government workers at seven air rework facilities located on

both the east and west coast. They are especially equipped to maintain our military air defense readiness yet the Department of Defense insists on continuing their policy of contracting out aircraft maintenance which in my opinion not only reduces our national defense readiness but also increases the cost of these repairs to the taxpayer.

It is my feeling that the Congress should examine this problem whether by way of appropriate standing committees or by the institution of a select committee. The time has come for a reappraisal of this practice.

Mr. Speaker, I submit at this time for inclusion in the RECORD a letter from the president of the National Council of N.A.S. Civilian Employee Organizations, Carl O. LaMunyon, to Secretary Laird and Secretary Chafee reiterating the council's concern of our present policy with respect to contracting out-of-house and asking for a meeting to discuss this matter:

APRIL 22, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.
Hon. JOHN H. CHAFEE,
Secretary of Navy,
Washington, D.C.

DEAR MR. SECRETARIES: The National Council of Naval Air Station Civilian Employee Organizations, representing over 35,000 government employees at seven militarily strategic locations, today passed a resolution indicating extreme and growing concern over recent indicated contractual and costing policy changes, which we feel, will:

(a) *Increase costs to the taxpayers*—by contracting out aircraft maintenance/rework regardless of the resultant higher "total cost." This in effect involves hidden subsidies to aircraft manufacturers.

(b) *Reduce national defense readiness*—by reducing number of mission ready aircraft commensurate with increasing the "in-work," in-process, inventory.

(c) *Cause the loss of the Navy's trained cadre* of highly skilled civil service industrial personnel and thereby reduce the Navy's efficient and effectively responsive Fleet Operation's support.

(d) *Destroy the emphasis and support* for employee action to further increase true effectiveness and reduce true "total costs."

(e) *Widen the credibility gap*—the growing lack of confidence in the integrity of the Federal Government.

Particular concern is expressed over the distortion of the true "total costs" to the taxpayers by failing to include aircraft pipeline "in-process" inventory values or costs. Contracting out of aircraft maintenance, for example, ties up more aircraft in the non-mission-ready condition and thereby reduces national defense readiness yet increases the "total cost."

We ask you to initiate positive action to reverse this policy and correct this condition through the time-honored and successful use of Federal employees to support directly the Navy's fleet operations.

We would welcome an opportunity to talk with you personally on some of the details of how, in our opinion, total defense costs to the taxpayer can be lowered; namely through optimizing the use of in-house maintenance capability and (if need be) give a direct retainer subsidy to the aircraft manufacturers in lieu of hidden, wasteful and ineffective subsidies under the guise of contracting maintenance rework.

With best wishes, I am
Sincerely yours,
CARL O. LAMUNYON,
President.

EMERGENCY HOME FINANCE ACT OF 1970

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, I am today introducing legislation identical to the Emergency Home Finance Act of 1970—S. 3685—which has come to us from the other body where it was passed by a 72-to-0 vote.

The title of the act includes the word "emergency," and it very well should. Our housing situation is critical. We do indeed face an emergency.

In the past 5 years, this Nation's total housing production has fallen more than 1.1 million units short of the volume needed to keep pace with population growth and losses of existing units. Vacancy rates are at the lowest levels in 20 years. This is an emergency.

Housing construction is in the doldrums. Mortgage money has all but disappeared from the market. And the average price of such new housing as is available has risen to such a point that the majority of our people are priced out of the market. The average man cannot afford a house, and he has trouble finding an apartment. All this adds up to an emergency.

The Emergency Home Finance Act responds to this challenge by fortifying the mortagage market and by making it possible for more people to become homeowners.

It authorizes a new subsidy program that will allow eligible middle-income families to purchase homes with mortgage loans at interest rates as low as 7 percent. Expenditure of $60 million per year for 3 years is authorized. This will allow for construction of about 150,000 subsidized homes each year, for a total of 450,000 units. This is a substantial number of new units. This program in itself will not end the housing emergency, but it moves in the right direction.

The bill also increases the availability of mortgage money by authorizing FNMA to purchase conventional mortgages as well as FHA and VA paper; authorizing a $250 million subsidy that Federal home loan banks can use to stimulate mortgage lending by savings and loan institutions; giving GNMA more flexibility in its use of $1.5 billion in special assistance funds that support the mortgage market.

These provisions of the act, together with its other provisions for increasing the flow of mortgage funds, will offer a much needed stimulus to our faltering home-construction industry, and they will open doors for many families who want to own homes but are priced out of the market. A section-by-section summary is included for the RECORD.

At this time, I must also express my deep concern over the fact that the House has not demonstrated any sense of urgency with respect to our housing problems. The Banking and Currency Committee held 13 days of emergency housing hearings between February 2 and February 25. The situation was so urgent that we held hearings on Saturday to hear from Chairman Burns of the Federal Reserve Board. Unfortunately, no action has followed and since the 25th of February there has been no concern shown by the committee for these acute housing problems.

We have before our committee numerous bills affecting housing in one way or another, many of which are extremely controversial, on which it is very unlikely we could take action any time in the near future. It is my view that we cannot delay action on the emergency housing bill until the problems associated with those other measures have been solved. This emergency housing legislation must be passed and promptly for appropriations must also be requested and enacted before its provisions can be made effective. It will not suffice for us to delay action until the late summer or the fall. Action to assist in obtaining housing is needed now and I urge all Members to join in cosponsoring this legislation and urging prompt action on it.

Both the housing industry and the administration support this legislation. Some have asked whether the appropriations requested are consistent with the President's program and I can assure you that they are and that this measure is fully supported by the administration and that we have been assured that upon its enactment, appropriations will be promptly requested.

The section-by-section summary follows:

SECTION-BY-SECTION SUMMARY OF THE PROVISIONS OF THE EMERGENCY HOME FINANCE ACT OF 1970

1. Title I authorizes $250 million subsidy for the Federal Home Loan Banks. It will be used to stimulate mortgage lending through savings and loan associations. Without this subsidy mortgage lending by these institutions is likely to be curtailed sharply this year (see attachment).

2. Titles II and III provide for a secondary market for conventional mortgages in FNMA and in the Federal Home Loan Bank System. This will help increase the fluidity of the mortgage market.

3. Title IV provides more flexible authority for $1.5 billion of GNMA special assistance funds. This will permit HUD to use these funds as necessary in its Tandem Plan operations to support the mortgage market.

4. Title V authorizes a new subsidized housing program to help middle income families obtain mortgage loans at interest rates as low as 7%. The Budget authorization is $60 million a year for the first three years. That should support construction of 450,000 housing units over a three year period.

5. Title IV authorizes:

(a) A dual market system for FHA–VA mortgages, giving more flexibility to the FHA–VA interest rate.

(b) Regulation and study of closing costs.

(c) Establishment of a special advisory commission on housing goals to report annually to the President and Congress.

(d) A few technical changes in statutes regulating commercial banks and savings and loan associations, that should be marginally beneficial to the mortgage market.

(e) A perfecting amendment to make good on the promise of Federal guarantees on loans authorized under HUD's New Communities program.

(f) An amendment to the public housing and urban renewal statutes removing a restriction which might have prevented continued sale of notes and bonds under those programs.

INTERSTATE COMMERCE COMMISSION SHOULD PROVIDE LEADERSHIP TO END TRUCKER DISPUTE IN CHICAGO

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I have today asked the Interstate Commerce Commission to provide the leadership in bringing to an end the lockout of truckdrivers in Chicago, which has created problems now being felt not only in the Chicago area but throughout the Nation.

This crippling lockout has lasted long enough, and I believe that the only way the impasse in negotiations between the truck operators and the Teamsters Union can be brought to an end is for the Interstate Commerce Commission to signify that it will take under serious consideration whatever applications are made by the trucking industry to adjust its rates to make up the differences in operating costs as a result of the settlement in Chicago. The trucking industry is a regulated industry and truck operators should have some indication what the Commission's attitude will be toward any settlement they may reach.

There can be no doubt that the key to resolving the Chicago dispute lies in some indcation by the Commerce Commission that it will recognize the need for the increased rates. On the best information that I have been able to compile, contracts now being signed by the Teamsters in Chicago calling for a $1.65-an-hour increase over the next 3 years and a $10 increase for the same 3-year period in health and welfare benefits would require an increase in rates totaling approximately 7½ percent for the truckers to meet their new operating costs.

There can be no question that sooner or later, the Commission will have to allow an increase in rates and while I do not believe that the Commission is in any position at this time to indicate how large the increase would be, surely, it would be in order for the Commission to assure the truckers that it will give sympathetic consideration to their request if, under the exceptional conditions which now exist in Chicago, they were to sign the contract with the truckers.

I say "exceptional" conditions because ironically, the trucking industry in Chicago made a huge mistake when it locked out the drivers and compelled the Teamsters Unions to negotiate separate contracts with individual trucking concerns. The Teamsters already have more than 2,000 trucking firms in Chicago involving almost 20,000 drivers signed up under the new contract providing $1.65 per hour over the next 3 years.

Once the Teamsters began negotiating individual contracts with trucking concerns in the Chicago area, they assumed a posture of "no turning back" and it is now literally impossible for the Teamsters to go back on those drivers already under contract.

Even if the Chicago Teamsters were to agree to terms lower than those negotiated with the 2,000 truckers, it is quite apparent that those drivers already under the new contract would never accept any reduced terms. Surely no one could seriously suggest a dual wage structure in Chicago.

In other words, Mr. Speaker, Louis Pieck, president of Teamsters Local No. 705, the principal negotiator for all the Teamster locals in Chicago, and Mr. Ed Fenner, president of the Independent Teamsters, cannot go back and renegotiate with those employers already under contract for the next 3 years, even if they wanted to. It occurs to me, therefore, that the only way the Chicago dispute can be brought to a successful conclusion is for the remaining truckers to sign up and seek their relief from the Interstate Commerce Commission.

In evaluating the validity for any new rate increases, the Commission obviously will have to take into consideration whether the Teamsters new pay scale in Chicago is excessive and out of line. In the light of recent other wage developments in the Chicago area, the Commerce Commission may well conclude that the Chicago Teamsters demands are not excessive.

Mr. Speaker, the operating engineers in the Chicago area recently negotiated a contract which gives them a $4.50 increase an hour over the next 41 months.

The carpenters received an increase of $2 an hour over the next 2 years.

The Machine Movers, another Teamster local, received $2.10 an hour for each of the next 3 years.

I wish that we could find some better way to meet the needs of the workingman than through these periodic raises, but if you realistically look at the situation today, you cannot draw any other conclusion than the fact that any further delay in bringing the trucking dispute in Chicago to an end will only add to the Nation's problems.

I recently said that unemployment in this Nation may reach 5 percent by the end of May. I have additional information which indicates that by spring of 1971, unemployment could reach 6½ percent in this country.

Mr. Speaker, I do not believe this is any time to further endanger our economy with needless and prolonged lockouts and strikes. It is for this reason that I hope the Interstate Commerce Commission will assume the leadership by indicating to both sides in the trucking dispute in Chicago that it will give sympathetic consideration to the legitimate needs of the trucking industry for adjustment of its rates. The Commerce Commission does not want to drive anyone out of business, and therefore, it is reasonable to assume that the Commission will grant the rate increases necessary to keep the trucking industry going after settlement of the Chicago dispute.

WESTINGHOUSE LAWSUIT BY DEPARTMENT OF JUSTICE

The SPEAKER. Under a previous order of the House, and with the permission of the gentleman from Louisiana (Mr. BOGGS), the Chair recognizes the gentleman from Pennsylvania (Mr. DENT) for 30 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DENT. Mr. Speaker, a recent news story called attention to a preposterous lawsuit against the Westinghouse Corp. by the Department of Justice. An antitrust suit charges Westinghouse with a restraint of international trade because of a restrictive covenant in a licensing agreement between Westinghouse and two Mitsubishi companies in Japan. It appears that Westinghouse has granted Mitsubishi a license to manufacture, under Westinghouse patents and designs, certain heavy equipment—probably earth-moving equipment—as well as certain consumer items. The suit stems from the restrictive clause in the agreement whereby Westinghouse forbids the sale in the U.S. market of products manufactured under the agreement. Westinghouse properly argues that this would open up its domestic market to like products produced in Japan at the lowest possible wages, thereby destroying not only Westinghouse's ability to sell in the United States, but thousands of American jobs. This is not an isolated situation. Many American companies protect their markets both here and abroad with limited licensing agreements. While all details are not available, it would appear that the Japanese will have a worldwide market if this suit is won by the Government. The question then follows, whether or not under the favored-nation clause of our trade agreements, every other nation would be able to produce Westinghouse products not only for their own markets, but would dump the same into the U.S. market. Under the same trade agreements, buttressed by a favorable decision of the State and Justice Departments, all quota laws, voluntary or legislative, would be subject to the same interpretation, making a farcical use of the so-called voluntary agreements that we seek with Japan in textiles, steel, and other import-sensitive U.S. industries.

When one considers that we have lost between 10 and 75 percent, even more in some cases, on a great number of American competitive goods and products there must be serious concern for the future. Check if you wish, on shoes, glass, steel, clothing, textiles, umbrellas, small tools, electrical equipment, televisions, transistors, pianos, ladies handbags, leather goods, fish products, motorcycles and bikes, and very shortly, the automobile industry; tires, tennis balls, tool steel, cookware, tableware, earthenware, fine china, select tile, and hundreds, even thousands of other items, many of which have disappeared completely from the U.S. production lines.

Two notable events took place in the last 60 days. On March 1, the largest single steel company went into business in Japan, passing U.S. Steel by 250,000 tons a year capacity. The second event was the closing down of the last malleable iron plant, H. A. Byers of Pittsburgh, leaving this U.S. market completely without producers and dependent upon imports. While talking about manufactured products, let's not forget imported mushrooms, beef, strawberries, mellons, tomatoes, dairy products, and canned soups and fruits, that have taken thousands of U.S. jobs from our agriculture industry.

Even without the proposed "open-doors" to all countries, we are in serious trouble. Hundreds of thousands of clothing workers took a 1-day holiday to protest imported clothing and its serious effects upon their jobs. The dangers to the U.S. job economy cannot be immunized by any pro forma free trade arguments. The day for sophomoric trade economics is long gone. That day is past, and U.S. job opportunities are in the twilight of our needs. This decision could well bring on the darkness of midnight of our power, our leadership, and our growth as a nation.

Only a mule skinner has the proper vocabulary to describe our blindness or stupidity, or both. I have a few choice adjectives of my own, but they are wholly inadequate to express by disgust and discontent with our State Department and the continuing blindness in Congress and the administration. The danger is not in the future, it is already here. If Japan gets the right to manufacture under U.S. corporation patents and specifications, then the same right will automatically be given to every other nation under GATT because of our favored-nation clause. The Nixon plan, supported by Congress, is twofold: First, to provide a market for all countries—unrestricted or partially so—by voluntary agreements that aren't worth the paper they are written on. Ask the tableware manufacturers, the steel makers, the oil producers, the textile industry, the shoemakers, the bakers, and even the candlestick makers. Second, the Nixon family maintenance plan will be used to create jobs. This will give industry, business, and agriculture a way out. Instead of laying off workers to maintain a full week's work for fewer workers in our import crippled industries, they can reduce workweeks to less than 40 hours. The Nixon administration will then pay the difference between what the worker earns and what is considered to be his needs for the size of his or her family. Pennsylvania has such a law and there are a few cases under the Pennsylvania law from the records of the department of public assistance.

And now I call upon the State Department and the eager free traders in that State Department to answer these questions. If Westinghouse is guilty of anti-trust and restraint of trade, what is the State Department guilty of in the Pronaf Mexican border trade agreement? This agreement was made under section 807 of the 1954 Eisenhower amendments to the Reciprocal Trade Act—a questionable interpretation at best. Under the agreement, U.S. industry is free to cross the Rio Grande for an 11-mile-wide area along the whole border of the Rio Grande, plus all of Baja California. In Mexico, the U.S. plants can produce anything from textiles to automobile motors, but are prohibited from selling any of their finished products in Mexico. They must export all products back to the United States for further sale internally or externally. The latest information places jobs in Pronaf at 50,000 with wages from $1.70 to $3 a day. The American worker in any of these runaway industries earns more than this an hour. These jobs were created in less than 3 years. The footer being poured for new industry will create a boom in at least one industry—cement.

Being 62 years of age has some compensation. I will not have to live to see my seven grandchildren, and yours, being in a job hungry economy depending upon our industrial colonies created all over the world. In my generation, the most important single item in our lives was a job; doing something, producing something, and getting paid for it. Maybe the new generation can get along without working, but we may end up in the best educated, most underworked people in the world.

I do not know whether we are just plain stupid, whether we are blind to the facts, or whether we just do not care.

Mr. Speaker, I predict, as the gentleman from Illinois, who is on his feet at this moment, said before our committee the other day during a committee hearing in which we had the Secretary of Labor as a witness, that he definitely believed that the unemployment would reach five percent before the middle of this summer.

At this point I would like to ask the gentleman from Illinois (Mr. PUCINSKI) whether the prediction has been made by someone who has made a great study of the unemployment prospects in this country.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield, we are not only concerned about the prospects of 5-percent unemployment, but rather, the most authoritative studies on the labor trends in this country, indicate that by early spring of 1971 we may have a 6.7 percent—not we may—we will have a 6.7 percent unemployment in this country.

Mr. Speaker, I believe that the statement being made by the gentleman from Pennsylvania (Mr. DENT) is one of the most historic and one of the most significant statements made in this House in many years. The gentleman deserves the credit of all of us for calling attention of the House to the lawsuit which is now pending, and the devastating effects and ramifications of this legal action.

The gentleman is absolutely correct, that indeed, if the Japanese Government wins this case it will mean total and complete chaos in the ranks of the American labor forces all over this country. I further believe that the gentleman is underestimating the impact of the Westinghouse situation if this lawsuit should be won by the Japanese Government.

I say this: The gentleman in the well has been sounding the alarm in this House and in this Chamber for many years. I remember when the gentleman first began warning us of the trend and the damage that it was doing to the American industrial environment. There were those who ridiculed the statements made by the gentleman. There were those who threatened his political career. There were those who even withheld support for the gentleman because he had the courage to stand here and tell us what was happening.

Today the predictions that he has been making in the Chamber have become stark and grim realities.

Mr. Speaker, I say that what the gentleman is saying today is of the most profound interest and concern to every American. I congratulate the gentleman from Pennsylvania for calling the attention of the House to the legal action that is now pending. This is a landmark case, and could have profound effects not only on the international relations of this country with other countries of the world, but on the economic stability of the United States.

I do not believe that we can put too much emphasis on the statements the genleman is making here.

Mr. Speaker, I am proud to be able to serve under the gentleman on the Committee on Special Labor.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I want to join in commending the gentleman in the well for his patient persistence, and I know that his persistency will continue in the future. I am glad the gentleman is concerned, and primarily it may be because the dangers he speaks of are general throughout the country, but specifically because we have 15,000 to 16,000 employees in the Westinghouse Air Brake Co., and in the Westinghouse Electric in Mon-Yough who are affected. I have discussed this matter with the gentleman on several occasions, and I would like to ask the gentleman to expound a little and to explain and call attention to the dangers involved, and that they are not only limited to the machinery that he has suggested, but that there are other implications. Is that not correct?

Mr. DENT. That is true.

We have before us here a press release from an organization known as the American Retail Federation.

It is typical of the type of propaganda fed to this Congress every time there is action contemplated on the Trade Agreements Act, it is the kind of propaganda published in my daily newspapers at home as the truth. It is the greatest pack of untruths ever published to fool the American Congress and to lull the American people to sleep.

This is signed by a Eugene A. Keeney, president of the so-called American Retail Federation.

This is what he says in part. He said:

> There is no doubt if Pennsylvania passes this bill dealing with clothes, shoes, and textiles, that foreign countries will retaliate by limiting shipments of exports to their own markets.

Then he proposes to show the growth of exports from my State of Pennsylvania. Everyone of you will receive this detailed report concerning your State. I warn you now—it is the most exaggerated piece of falsehood I have ever had the opportunity to dissect, and to find out the truth about.

Let me give you just a little illustration as to how these foreign agents, following the internationally oriented State Department, get away with propagandizing our daily newspapers in the country—and they foolishly follow it without checking—because mine have written editorials on this particular information—he says:

In 1966 exports from the State of Pennsylvania amount to $1,167,000,000.

Seven years later, at the end of 1966, the exports were $1,342,000,000—or a gain of $70 million in value—which means that at least 25 percent of the volume of exports was cut down, but the increased cost of exports brought it up to that figure.

Now in 7 years, from the factual figures that the Department of Commerce gives you and gives me and gives to this agent, we find that there was about a $7 million increase in the money volume of exports.

Then he goes into 1969, and he says that the increase from January 1967, until October 1969, rose from $1,342 million to $2,239 million.

So I searched, and I received this reply to my question as to where the authority for this figure came from. This is the answer:

The 1969 figures are estimates based on a projection of 1966 figures, assuming that the growth rates in Pennsylvania exports in specific areas are parallel to the national growth rate of these particular products in the United States of America.

There is not any proof whatsoever that 1 dollar's worth of these products were sold. When I look over the list, I find that glass is supposed to have climbed from $29,000,000 worth of glass exports in 1960 to $48,000,000 in 1967.

Well, I want to remind this gentleman that just 2 months ago one of the three remaining glass plants in Pennsylvania where we had 46 of them not over 10 or 15 years ago closed down and 650 more workers were put out of their jobs.

The glass industry is impacted by 58 percent of the total volume of glass sold in the United States. This man says we sold $48,000,000 worth in Pennsylvania. He claims that we sold nonelectric machinery totaling $500,000,000 or twice as much as we sold in 1960. He says that we are selling instruments, electric machinery, fabricated metal products, and transport equipment, but what he does not tell the people is that most of these items are part of an economic-aid effort of this country, paid for by the American taxpayers. If anybody can export it for you, buy it yourself and give it away. That is what the vast majority of the volume of exports from Pennsylvania amounts to.

I have a few choice adjectives that I use when there are no ladies present, but they are wholly inadequate for me to describe my contempt for this gentleman and the organization which he represents, and my contempt and disgust with our own Government, which is trying under our antitrust laws an international situation which is one-sided, to open up the markets of the United States, and in no way can we open up the markets of foreign countries for our products because our State Department negotiated the contract with the Mexican Government which forbids products made in Mexico by American manufacturers to be sold in Mexico.

The gentleman from Massachusetts I know is vitally interested in electronics. I want to give you a little story about electronics, sir. The first industry that moved across the Rio Grande River was the electronics industry. They now have 18,000 American jobs shipped over to Mexico to make the products that we were making in my State, and that were being made in your State, in Maryland and in Illinois. They are paying from $1.70 to $3 a day against an American wage averaging $3.28 an hour. Now all of these products are flowing back into the United States and taking the jobs of Americans.

We can pass all the relief laws we want; we can pass all the family maintenance bills we want; we can pass all of the legislation on manpower training that we want, and all we will do is succeed in impoverishing this Nation and destroying the greatest industrial complex that was ever created on the face of the earth.

I include at this point in my remarks a press release from the American Retail Federation:

PENNSYLVANIA'S BOOMING EXPORT SALES, ESTIMATED AT $2.3 BILLION, THREATENED BY DRIVE TO IMPOSE SHOE, TEXTILE IMPORT QUOTAS

WASHINGTON, D.C., January 1970.—Pennsylvania's booming export sales, which have soared to an estimated $2,239 million from $1,137 million in 1960, are threatened by a drive to impose restrictive quotas early in 1970 on imports of shoes and textiles.

"Quotas on shoes and textiles would inevitably result in a strong backlash against U.S. exports by foreign countries, and would be particularly costly to big exporting states," says Eugene A. Keeney, President of the American Retail Federation. Pennsylvania stands to be particularly hard hit, since the state is the nation's sixth exporter, and Philadelphia is fourth in importance among industrial centers producing for foreign markets, as well as being one of the country's biggest exporting ports—a major producer of income directly and indirectly from foreign trade.

Pennsylvania is also a large producer of shoes, and its shoe manufacturers claim to be seriously threatened by imports (see attached research). But the objective danger to the shoe injury is slight compared to the threat to Pennsylvania's huge export interests if the nation reverses its 35-year foreign trade policy. Yet apparently for lack of public awareness of the state's enormous stake in export trade, and of how its foreign sales would be endangered by import quotas, the state's political weight in Congress is preponderently protectionist, particularly as concerns shoe quotas.

MACHINERY, STEEL TRANSPORT EQUIPMENT BIGGEST EXPORTS

Pennsylvania's machinery and metal products alone account for an estimated $1,446 million in exports. Nonelectric machinery by itself now reaches an estimated $500 million in foreign sales, made up of a wide variety of construction, metal working and industrial machinery, plus engines and turbines. Electric machinery accounts for another estimated $225 million in exports; these consist largely of electrical distribution products, electronic components and communications equipment.

The phenomenal jump in steel exports this year brought Pennsylvania's foreign shipments of primary metal products to an estimated $365 million, while its foreign sales of fabricated metal products amount to about $156 million. Chemicals and pharmaceuticals sold abroad for an estimated $210 million, while exports of transportation equipment (mostly road vehicles, railroad equipment and aircraft) accounted for an estimated $252 million.

In addition, Pennsylvania exports some $95 million of instruments, $50 million of food products, $48 million of apparel, $34 million of stone, clay and glass products, $21 million of paper products. The state also exports substantial amounts of printed matter, tobacco manufactures, wood and leather products.

Finally, the state exports an estimated $65 million of farm products, consisting largely of wheat, tobacco, feedgrains, fruits, and dairy products. Its coal exports add another estimated $53 million to the state's total.

PITTSBURGH, ALLENTOWN, ERIE, YORK BIG EXPORT CENTERS

Following Philadelphia, Pittsburgh is the most important export center in the state, shipping large amounts of nonelectric machinery and electric machinery abroad as well as its major export, primary metals. Other key areas producing substantially for export are Allentown-Bethlehem-Easton area, Erie, York and Lancaster.

PENNSYLVANIA'S CUSTOMERS WOULD BE HIT BY SHOE, TEXTILE QUOTAS

Foreign buyers of Pennsylvania's big exports are principally the countries of Western Europe, Japan and (to a lesser degree) Asia—countries substantially dependent on their sales of shoes and textiles to buy U.S. products. Countries selling us shoes include Italy, France, United Kingdom, Spain, Japan and Taiwan. Big foreign suppliers of textiles include these same countries plus West Germany, Belgium, Holland, Israel, Korea, Mexico and Colombia. All these countries would be hurt by U.S. restriction of their sales, and would predictably retaliate by limiting shipments of U.S. exports to their own markets, and notably of those which represent the bulk of Pennsylvania's foreign sales.

In sum, whatever advantages quotas might bring to Pennsylvania's shoe industry they would be paid for many times over by loss of its profitable export trade, which encompasses the state's most efficient, dynamic and best-paying industries.

EXPORTS FROM PENNSYLVANIA, 1960-69

[In millions of dollars]

Products	1960 [1]	1966 [1]	Estimate 1969 [2]	Percent increase
Total	1,167	1,342	2,239	92
Nonelectric machinery	242	387	500	107
Primary metal products	208	215	365	75
Chemicals and allied products	105	166	210	100
Transport equipment	128	137	252	197
Fabricated metal products	62	134	156	150
Electrical machinery	83	159	225	170
Instruments, related products	43	73	95	116
Miscellaneous manufacturers and ordnance	39	49	60	54
Food and kindred products	30	42	49	63
Petroleum, coal products	27	31	40	49
Apparel and related products	24	29	48	100
Stone, glass, and clay products	21	26	34	62
Textile mill products	17	21	21	23
Rubber and plastic products	11	17	22	100
Paper and allied products	10	17	21	110
Other manufactures	30	35	63	110
Agricultural commodities	53	74	65	22
Coal	(3)	41	53	

[1] As compiled and reported in "Survey of the Origin of Exports of Manufactured Products" by the Bureau of the Census, issued Jan. 17, 1968, and "Foreign Agricultural Trade of the United States," issued by the Department of Agriculture.

[2] 1969 estimates are based on a projection of 1966 figures, assuming that the growth rates of Pennsylvania's exports in specific categories (such as electrical machinery) are parallel to national growth rates from 1966 through October 1969. While subject to later refinement, this permits a valid estimate of the present level of the State's exports.

[3] Not available.

Source: Material prepared by Scott, Runkle, & Associates for the American Retail Federation.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. I want to compliment the gentleman from Pennsylvania on the statement he is making today before the House. This is a matter which the great majority of the Members of the Congress are interested in and have been interested in over the years and, as the gentleman has indicated, there is some relief provided in the laws of this Nation, particularly with respect to manpower training. But that really is not the answer, is it, to the problem that faces textiles, shoes, electronics, glass, and a host of other industries in the Nation. What do you think is the most important problem that faces this country with respect to the importation of products from foreign countries?

Mr. DENT. The most important subject matter before us at any time in an industrial and agricultural complex is the opportunity to work and to be paid for working, and the most important and serious matter that this Congress is facing today is the question of the destruction of job opportunities in this country.

Mr. BOLAND. I think the gentleman hits the point precisely on the head. If you will listen to some of the editorial writers, they say that industries which cannot compete with foreign-made products ought to go and we ought to retain the workers for some other jobs. What kind of jobs, I ask the gentleman from Pennsylvania?

Mr. DENT. In the committee chaired by my good friend from Louisiana—and I thank him for allowing me to precede him because I have a very serious date—in the Joint Economic Committee in 1960, I believe, in your meetings, Mr. BOGGS, a witness before you said that this country's solution to the problem of imports coming into America made by cheap labor would be for this country to get out of the unsophisticated industries, which would be textiles, shoes, and things of that nature.

Mr. BOLAND. And put them where?

Mr. DENT. And put them into industries like the Steuben Glass. What he does not know is that 10 makers will make all of the Steuben glass this country will consume in a month.

Mr. BOLAND. The gentleman mentioned that over the past few years we have received increasingly severe complaints about the expanding import competition in the electronics industry. I would like to say in 1968 the electronic industry testified before the House Ways and Means Committee that nearly 100,000 jobs were lost because of expanding imports of like or competitive electronic products and components. In 1967 imports rose to more than double the total of 1964. And, at the end of the first quarter of 1968, imports of consumer electronic products expressed as a share of the U.S. market were even more alarming: TV, 11 percent; radios, 78 percent; phonographs, 30 percent; tape recorders, 85 percent.

So the gentleman does well to call attention to this very serious problem now affecting American workers, not alone in New England, which is a highly industrialized part of the Nation, but also across the whole United States.

Again I commend the gentleman for taking this time and calling to the attention of the House this very important problem.

Mr. DENT. Mr. Speaker, I thank the gentleman from Massachusetts.

The gentleman from Louisiana has been very kind to allow me to step in, but he also has a very important engagement, but I would like to say just a few words in addition.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it seems to me we have to protect the American market, but it seems to me we have to get back to the issue of protective tariffs.

Mr. DENT. I am not so sure about that. I think we must develop a compensating factor at the customhouses or at the ports of entry that will make up the difference between a mandated labor cost in this country, caused by the Labor Standards and Fair Labor Acts and so on and apply that to the imports.

Mr. GROSS. Against the import trade?

Mr. DENT. On the imported products.

Mr. GROSS. That is the same.

Mr. DENT. It is a form of it, but it is a form which is used by Germany and which is used by Italy and which is used by Japan and by every other country, and they call it everything but a tariff.

Mr. GROSS. If that will do it, I am for it, but when can we, does the gentleman suppose, get the Ways and Means Committee to do this, because this comes within their purview, as we know. When can we get them to do something toward saving the markets in this country?

Mr. DENT. I know the Ways and Means Committee is going to work on it. The chairman has announced that. But I suggest it ought to be carried in the RECORD at this moment that I will fight with every ounce of my strength to fight against a closed rule when it comes out of that committee.

Mr. GROSS. We have on the floor of the House a member of the Ways and Means Committee, and we can take it up with him.

Mr. DENT. I will take it up with the gentleman when I can talk to him about that.

Mr. Speaker, the dangers to the U.S. economy cannot be minimized by pro forma free trade arguments. The day for sophomoric trade economics is far gone. The day is past when the U.S. job opportunities can be treated in that light. We are in the twilight of our needs. This country will be led into darkness or midnight as far as its power and leadership and growth as a nation. Only a really seasoned muleskinner has the proper vocabulary to describe our blindness and our stupidity—or both.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, we have all heard the adage: If something looks like a duck, walks like a duck, quacks like a duck, and runs around with other ducks, chances are that something is a duck. But we have also learned that is not necessarily true.

For instance, early this year I became quite concerned over reports the administration was weighing the possibility of liberalizing quotas on imported steel. If this were so, I felt such a policy would destroy the woefully weak protection the steel industry and its employees now have under the voluntary restraint arrangement with Japan and ECSC.

I wrote the administration for an official confirmation or denial of the reports. Two months later I received an answer which said absolutely nothing. I was left in the same state of puzzlement over the administration's plans as I had been previously.

Therefore, you can imagine how relieved I felt late last month when I read a release by a high-ranking member of the administration which indicated the threat from foreign imports, along with the dangers they posed to American industries and workingmen, was recognized by the White House. I read the statement of Secretary of Labor, George P. Shultz, with considerable interest.

In it, Mr. Shultz boldly declared no American worker can be allowed to suffer while the Nation reaps the rewards of foreign trade. He advocated steps to be taken whereby adequate protection is given those whose livelihoods are endangered by import competition. The proposed Trade Act of 1969, Mr. Shultz said, would provide that protection by giving adjustment assistance to more workers dislocated by import competition through broadening the eligibility criteria.

Secretary Shultz explained:

For a worker to receive assistance, the rise in imports wouldn't have to be related to a prior tariff cut. Under the proposal workers could be certified as eligible for assistance when increased imports—regardless of their reason—are found to be a substantial cause of actual or potential injury.

At first glance, Mr. Speaker, I thought I had found an ally in the administration's cabinet; an official who did, indeed, share my fears, as well as those of many of my colleagues, over the import problem.

Then, I realized, while the statement looked like a duck and quacked like a duck, it was not a duck at all. It was horse feathers. Once you got down to the nitty-gritty, you found a plug for an industrial welfare program or work-fare program.

There was no protection offered to the industry or the worker from foreign imports. Instead, there was an offer to pay him once he got hurt. Nowhere did I read anything calling for strong protective measures to prevent the worker from getting hurt in the first place. All it said was: "If you do get hurt, we'll pay you for the injury." You bet we would pay—and through the nose.

I have the gnawing thought now, Mr. Speaker, that the Shultz statement goes hand-in-glove with the earlier reports concerning doing away with or lowering existing quotas. The idea, of course, is to combat inflation by driving down domestic prices.

But, as I have said before, I visualize chaos if imported products are released,

uncontrolled, upon the American market. The articles, produced by cheap labor and low production costs, would sell far below their American counterparts, driving thousands upon thousands of our workers in a variety of industries into the ranks of the unemployed.

These men, even if compensated for their imported injury, would have to stretch any check they receive to make it go as far as possible. That means, in many cases, the American worker would be forced into buying imported items of necessity simply because they were cheaper. For every foreign-made article he buys, another American worker in another industry may feel the pinch. Ironically, he might even be forced into buying the product he used to make until he lost his job to an overseas competitor.

I can see the sales of imported goods zooming sky high, creating additional pressure on domestic industries in the fight for survival. Others might succumb to the pressure, close their doors and throw their employees into a stagnant labor pool.

Of course, these nonworking workers are to be compensated under the proposed Trade Act of 1969. But where will the money come from? The taxpayer? What taxpayers? Most of them, I fear, will be waiting for the assistance check. And how long will those fortunate enough to have a job be able to support an ever-increasing industrial welfare roll? In the end, the working taxpayer will try to stretch his salary. He, too, will turn to purchasing cheaper foreign-made goods over the more expensive domestic item, thereby taking another whack at a reeling American economy.

Mr. Speaker, I submit the American worker, in this battle against foreign imports, does not need or want pity or a payoff. He wants and needs protection, not a mad money merry-go-round.

Mr. Speaker, in recent months I have found myself involved in three incidents dealing with foreign imports. The incidents may have been humorous to some but not to those colleagues who represent districts where industries and workers have been hurt by overseas competition.

If you recall, the first occurred in January during lunch at the cafeteria in the Longworth Building. While toying with my food, I discovered the knife I was using was stamped "Made in Japan." I was appalled to learn imported silverware was used in a cafeteria utilized by representatives of this Nation's Government.

A few weeks later I was informed a novelty shop in Pittsburgh, Pa., near the Federal Building where my district office is located, was advertising another imported produce—unemployment. The shop was selling automobile bumper stickers with the message: "Unemployment—Made in Japan."

The latest incident happened last week in the cafeteria of the Federal Building in Pittsburgh. One of my staff had taken a guest to lunch and told him of my finding the Japanese knife in the Longworth Cafeteria. The guest chuckled at the story but promptly checked his own silverware.

You have guessed, I am sure, at what he found. Stamped not just on the knife, but on every piece of silverware checked, was the legend bold as brass: "Stainless Steel, Made in Japan."

Mr. Speaker, I cannot understand why any Federal building with cafeteria facilities cannot use American made silverware, utensils and appliances. Perhaps we do not manufacture such items anymore; perhaps those industries already have gone down the drain.

I do not believe the Federal Government would ever permit the use of foreign steel in the construction of its buildings. Why, then, should it be stocked and supplied with foreign made equipment and supplies.

I am curious to know how widespread this practice might be. Are all Federal cafeterias equipped with foreign silverware and china? Is there other foreign made equipment and material used in their operations? What about Federal buildings without cafeterias? What inroads have foreign products made in their operation? Did we get a good buy on the articles? More important, what did it cost in American jobs?

A partial answer to the last question can be found in a report on a conference held in Pittsburgh last month by Cutlery, Hand Tools and Tableware local union representatives of the USWA.

At the 2-day meeting delegates were told by USWA Director Mitchel F. Mazuca of district 4, conference vice chairman, "the cutlery industry will be disappearing from the scene if we don't do something about imports—If we do not do something soon, we won't have any members in this industry."

A union local president said his plant cut employment from 700 to 300 in 4 years due to imports of stainless steel. Another described the industry's situation as "living in a house of straw held together by a few defense contracts which could terminate at any time."

Mr. Speaker, I fear many of those who advocate liberalization of import quotas to fight inflation, who feel American workers will not lose their jobs as a result, may have to eat a lot of crow and they will eat it using imported silverware.

OFFSHORE LEASE SALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana is recognized for 30 minutes.

Mr. BOGGS. Mr. Speaker, I have supported without exception the acts passed by the Congress to clean up our environment and to protect all forms of life.

Some of these laws were the Accelerated Public Works Act of some years back, the Clean Air Act, and a very important act just signed by President Nixon this month, the Water Quality Improvement Act. I am one of the principal cosponsors of the proposed Joint Committee on Environment and Technology.

Mr. Speaker, off the coast of Louisiana nature has been very generous. We have enormous deposits of salt, sulfur, oil, and gas. We are one of the principal producers of shrimp, oysters, and fisheries of all types.

For over 20 years the oil and gas industry and the marine-life industries have lived together in complete harmony.

Mr. Speaker, the adverse economic impact of recent administrative actions directed by the Department of the Interior against the offshore oil and gas industry has reached such proportions that it deserves the attention of this body. These actions, taken in the name of environmental control, have consisted of a suspension of offshore lease sales, the shutting in of entire fields, and the overly harsh enforcement of new, stringent regulations and orders that are seriously curtailing routine day-by-day operations. The new restrictions not only are having a devastating effect upon the State of Louisiana and its citizens, they are causing, and unquestionably will result in, substantial loss of revenue to the United States.

My remarks are applicable to offshore drilling and production in all coastal States. I shall restrict my factual data to offshore Louisiana, however, since I have ready access to the statistics relating to the operations in my State.

Current production from offshore Louisiana totals approximately 1 million barrels of crude oil and condensate per day, or 10 percent of the total domestic rate. Both oil and gas production offshore have been growing at an annual rate in excess of 15 percent. Presently about 3.4 million acres of the Continental Shelf are under lease. At the major sale in June 1967, industry leased 158 tracts covering about 744,500 acres and paid a bonus of $510 million. This is $685 per acre.

Since offshore operations started, the oil industry has paid $2.8 billion in lease bonuses and rentals to the State and Federal Governments, and $1.8 billion in royalties and production taxes. If we consider State royalties and production taxes on remaining reserves, the total amount returned to the public will be about $1 for every barrel of oil produced offshore.

It is estimated that industry has invested a total of $8.3 billion in offshore Louisiana. For the past 15 years, an average of more than $1 million per day has been spent in offshore Louisiana for capital investment. An amount one-third to one-half as large has been spent each day operating the properties that have been previously developed. The return on this tremendous investment has been $4.6 billion. The current payout status is $3.7 billion in the red.

Based on all available facts, the following points are indisputable:

First. The governments of the United States and the State of Louisiana have realized huge sums of money from the prior orderly and periodic leasing of offshore Louisiana lands, and that leasing practice should be restored and continued.

Second. The oil industry under the free enterprise system has invested tremendous moneys in a high-risk venture in a hostile area for an average rate of

return below that expected from the normal manufacturing investment.

Third. National security has been strengthened by the additional reserves added by offshore exploration. The importance of adequate domestic reserves was graphically illustrated by the closing of the Suez Canal.

Fourth. The Interior Department, while justified in tightening its supervisory regulations to prevent and control oil spills and other offshore accidents, should administer its new regulations in a calm and businesslike fashion and avoid the emergency shutting-in of entire fields wherever possible.

I would be the last to advocate that the oil and gas industry be given free and unbridled rein to conduct their operations without regard to possible damage to marine and aquatic life or to the beaches of our coastal areas. No one, not even the industry itself, advocates this. This Congress, through its recent enactment of the amendment of the Federal Water Pollution Control Act, has taken cognizance of the need to impose a greater measure of liability for damages resulting from the pollution of our offshore waters. But what is not generally known is that the oil and gas industry is devoting a tremendous effort to self-police its offshore activities and to reduce oil spillage to an absolute minimum.

In Louisiana, the oil and gas industry is represented by an organization known as the Offshore Operators Committee, which is composed of representatives of over 90 percent of the companies operating there. That committee has in the past and currently is evolving systems and plans for the improvement of its offshore techniques and for the prevention and control of pollution. One example can be found in the recent oil pollution of the fishing resort town of Grand Isle in my congressional district. Without waiting to determine the cause of this pollution, the Offshore Operators Committee, acting through one of the companies with facilities on the island, immediately cleaned up the beach and restored it to a condition better than existed prior to the accident. Industry was publicly commended by the officials of the town for its prompt action. Moreover, it was later determined by governmental officials that the offending oil did not come from any offshore operation at all, but rather was refined oil that apparently escaped from a damaged tanker.

Another example of industry's effort was the recent adoption by the Offshore Operators Committee of a plan of joint air surveillance and a program of reporting and cleaning up of any accidental oil spillage found in the Gulf of Mexico or in the bays and estuaries of the State. This program, which will entail a substantial expenditure, should do much to keep to a minimum and under control any accidental spills in this area.

Mr. Speaker, the environmental issue is a comparatively new one. Public interest in it commenced with the *Torrey Canyon* incident in England and has been heightened by the Santa Barbara and Chevron incidents. But what is completely overlooked by many is the fact that the oil and gas industry has operated in offshore Louisiana waters for more than 20 years. More than 10,000 oil and gas wells have been drilled and some of the Nation's most important reserves have been established. During this entire 20-year period, the shipping interests, the commercial fishing and oyster industries and sports fishermen have been utilizing the same area and have prospered. All have contributed heavily through taxation to the welfare of both the State and Federal governments. All interests have learned to operate in such a manner so as to respect the rights of each other. To me, Mr. Speaker, this represents an outstanding example, based on proven facts occurring over many years as contrasted with one or more single incidents, of the multiple use of a natural resource without significant damage to the natural environment or ecology.

I must say to you that in an operation of the magnitude that I have described, some accidental oil spillages are inevitable. My investigation establishes, however, that reports of the damages caused by these spills have been magnified out of all proportion. The recent Chevron Oil Co. blowout and fire, which occurred off the coast of my State, was described by the news media as a disaster of major proportions. The facts do not bear this out at all.

The Chevron fire started on February 10, 1970, and continued to burn until March 10, 1970. During this interval very little oil spilled into the gulf because virtually all of the oil coming from the wells was being consumed in the fire.

In order to gain access to the burning wells so that they could be capped, it was necessary, on March 10, 1970, to extinguish the fire. Although oil from the wells did spill into the water from March 10 until March 31, 1970, Chevron during this interval used all possible means to contain and to skim the oil, an effort which cost approximately $3,000,000. At the same time, the extremely dangerous job of capping the wells was being accomplished at an additional cost of some $4,000,000. Again this company was aided to the maximum extent possible by all other offshore operators.

Despite the public outcry about the major damage caused by the Chevron blowout, the true facts are these: only a very small, almost minute, amount of oil settled on the beach of one uninhabited island. That oil was promptly cleaned up by a competent crew employed by Chevron with no residual damage. In addition, there has not been the slightest bit of evidence produced that the oil spillage from the blowout resulted in any harm whatever to marine or aquatic life.

A comparison should be made of the quantities of oil which escape from an accidental blowout such as that occurring to Chevron to the loss of oil occurring in exactly the same area of the Gulf of Mexico during World War II.

In 1942 and 1943, the Gulf of Mexico was a happy-hunting-ground for German submarines, and the area just offshore of the mouth of the Mississippi River was designated by the Navy as "torpedo junction." A total of 92 cargo vessels were sunk in the gulf during this period. Many, if not a majority, of these were oil tankers.

Using estimates of the U.S. Geological Survey of the rate of spillage from the Chevron wells—approximately 500 barrels per day—the total oil spillage from the Chevron accident was approximately one-third the amount of oil that was discharged into the gulf by a single 10,000-ton torpedoed tanker. It is easy to see, therefore, that the total amount of oil released in gulf waters during World War II was of astronomical proportions as compared with the Chevron blowout. Yet the fact remains that, immediately after the war, the oyster, shrimp, and fishing industries resumed full-scale operations with no indication of damage from the prior oil spillage.

In my opinion, the continued suspension of offshore lease sales will result in a devastating economic crisis to the State of Louisiana and its people. The offshore oil and gas industry is served by literally hundreds of related industries who employ thousands of people. The oil companies have already commenced curtailing their operations and this has resulted in a noticeable decline in employment among these service industries. This will continue and greatly accelerate unless future leasings are announced so that the companies can plan new exploration programs in the gulf.

The second adverse effect of a continued suspension of leasing is far more serious since it relates to the public interest of the United States. Offshore Louisiana exploration is conducted through the use of expensive platforms and drilling rigs. These cost millions of dollars. Their owners cannot possibly stand by and allow these rigs to remain idle. The only alternative is to move them to foreign waters where no drilling restrictions exist. The trend toward this move has already commenced. If it is continued, there will be a serious decline in the discovery and development of new domestic reserves in the offshore waters of the United States. This definitely would be harmful to the national interest.

I submit to you that the Secretary of the Interior immediately should resume and announce in advance an orderly program of future offshore leasing. He should combine this with a continued strict and reasonable supervision over offshore drilling and producing operations. In this manner, the future multiple use of the natural environment in this area can be utilized to the maximum extent.

SUPPORT FOR THE PRESIDENT IN THE CAMBODIAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington (Mrs. MAY) is recognized for 30 minutes.

Mrs. MAY. Mr. Speaker, last year in his inaugural address to this Nation the President of the United States, during that talk, expressed a hope that we in this country—and this is somewhat of a quote of his words, I believe—would

stop shouting at one another and listen to one another.

I have thought of that statement often in these last few days as the political dialog on Cambodia seems to be peaking to a screeching decibel strength.

My concern is that the general public is not going to be able to hear the facts because of the noise. Even before the President has had time to evaluate and assess each change in the Cambodian situation, political detractors from all corners start shouting their criticism of or their opposition to a Presidential policy that has not even been determined, much less announced.

In this fast-moving and serious Cambodian crisis, I just wish everyone would remember that the President of the United States has every bit of knowledge on Cambodia at his command as anyone in this Nation can have. We also must remember that the President, above all others in this country, is tuned in to the potential dangers on every alternative decision and military move. This tuning in is based on recent years of grim experience with regard to Vietnam. Can we not remember that and hopefully keep our vocal cool for awhile? Except, of course, for that man or woman among us who is omnipotent. Let him or her speak up immediately. To that one we will listen. Meanwhile I know one thing for sure. There is no one in this country more dedicated to world peace than the President of the United States. There is no one more seriously concerned for America's security than the President of the United States. On this I base my confidence in President Nixon's ability to make the right decisions in the crucial Cambodian situation.

Mr. ADAIR. Mr. Speaker, I think we are all aware of the tremendous burden that President Nixon carries as he studies the request of the Government of Cambodia for arms. Any informed thinking person must realize the great responsibility connected with finding an answer to this problem. We desire to assist the people of Cambodia in their efforts to resist Communist aggression, but certainly must not take steps which would involve us further in combat in Southeast Asia.

We can find assurance in the fact that the President has access to all available sources of information, that he receives advice from those most competent to provide it, and that he is giving this matter the most careful and, I am sure, prayerful study possible. Thus, whatever the decision, I am confident that it will be the best possible one.

Mr. RHODES. Mr. Speaker, few of us know with certainty what future course of action the North Vietnamese communists have in mind with regard to the government of Cambodia.

We do have certain facts before us. We know that there are at least 40,000 North Vietnamese combat troops in Cambodia at the present time. We know that just last weekend, at a top-level strategy session held in Red China, former Cambodian Chief of State Prince Sihanouk, Pathet Lao leader Prince Souphanavoung, North Vietnamese Premier Pham Van Doung and Vietcong officials called for an Indochinese Popular Front to overthrow the governments of South Vietnam, Laos and Cambodia. We also know that the developments in Indochina cannot be viewed in isolation; what happens in Cambodia affects the future of South Vietnam.

The decision that our President must make regarding the request of the government of Cambodia for limited arms assistance is difficult and agonizing at the very least. I take reassurance in the fact that President Nixon is subjecting this matter to the closest scrutiny and analysis with a view toward the far-reaching consequences of his decision. Whatever that decision may be, I am confident that the President will act with wisdom and dispatch in the interest of all Americans.

GENERAL LEAVE TO EXTEND

Mrs. MAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

END THE WAR IN INDOCHINA BY NOT GETTING INTO IT IN THE FIRST PLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 10 minutes.

Mr. FARBSTEIN. Mr. Speaker, the surest way to end a war is not to get involved in it in the first place. And the administration in weighing the Cambodian request for military assistance, no doubt with American advisers going along to train the Cambodians on how to use the weapons, is in effect deciding whether it will widen the war to an all-Indochina war or pursue a policy of gradual withdrawal of American forces from Vietnam.

Some of the arguments we are hearing for American military involvement are quite reminiscent of the period immediately preceding American entry into the Vietnam war, which no one wanted either.

Some Pentagon officials are arguing that an all-out allied attack in Cambodia could win us the war in Vietnam—if only we would expand it.

Five years ago, we heard these same arguments being used about driving the Communists out of Vietnam. If only we committed American forces, we could save Vietnam from Ho Chi Minh.

When, in spite of American commitment in Vietnam, the Communists were not routed from the country, we were told, if only we bombed the Northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

In spite of the presence of massive numbers of American troops and the expenditure of thousands of lives, military victory could not be achieved.

In spite of the massive and intensive bombing of the North, the spirit and determination of the North Vietnamese could not be broken.

Ironically, our military position began to improve after we stopped the bombing and began to withdraw some of our forces.

Now we are hearing the same "we can win the war if only we expand it" logic applied to Cambodia.

We also hear another argument reminiscent of 5 years ago that we have to intervene to save the people from an oppressive and tyrannical regime.

We intervened in South Vietnam so that the South Vietnamese might continue under the rule of the Diem regime, which was responsible for the deaths and imprisonment of thousands of non-Communist citizens. We remained in Vietnam to protect the Thieu-Ky regime which closes newspapers, and jails political opponents.

Now we are being asked to come to the aid of the Lon Nol regime, which has massacred hundreds of innocent Vietnamese civilians because of their race, and whose armed forces are using unarmed Vietnamese civilians as an advance guard to draw enemy fire.

The administration faces a siren appeal to win the war by escalation. There is no excuse for the President or any of us to accept any enlargement of the war without anticipation of the consequences.

THE FEDERAL RESERVE MONOPOLY—COSTLIEST OF TAXPAYERS' SUBSIDIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, the American people are fed emotional jargon about "special interests" being granted tax dollar subsidies and preferred treatment. The military defense system is attacked as a monster military-industrial complex, absorbing funds which the liberals feel might otherwise go into urban and social welfare projects.

The space program has also experienced financial setbacks. The farm program can anticipate vote-getting support only by severe limitations on subsidies. Each is accused of power lobbies and pressures on the Hill.

Yet, these attacked programs are infinitesimal compared to the tax subsidy going to the Federal Reserve and international bankers. We hear of no efforts to limit or control the Federal Reserve subsidy—nor of suggestions of conflict of interest.

This is why I have introduced H.R. 17140, a bill to vest with Congress the control over our money.

A most informative dissertation by Gary Allen, on the Federal Reserve appeared in the April edition of American Opinion and I include it along with a statement of Dr. Russell Lee Norburn entitled "The Federal Reserve System after 50 Years":

FEDERAL RESERVE: THE ANTI-ECONOMICS OF BOOM AND BUST

Gary Allen, a graduate of Stanford University and one of the nation's top authorities

on civil turmoil and the new Left, is author of Communist Revolution in the Streets—a highly praised and definitive volume on revolutionary tactics and strategies, published by Western Islands. Mr. Allen, a former instructor of both history and English, is active in anti-Communist and other humanitarian causes. Now a film writer, author, and journalist, he is a Contributing Editor to American Opinion. Gary Allen is also nationally celebrated as a lecturer.

On October 30, 1969, Mr. Mobley Milam, who until the nineteenth of that month had been Chief Assistant U.S. Attorney for the Southern District of California, walked into the Los Angeles Branch of the Federal Reserve Bank of San Francisco and asked to redeem a fifty-dollar bill in "lawful money." Mr. Milam was received with courtesy, taken into a large vault, and shown great stacks of paper currency. He was told he could have his choice of any other fifty-dollar bill, or of any combination of smaller bills totaling fifty dollars.

Attorney Milam pointed to the contractual guarantee printed on his fifty-dollar Federal Reserve Note. It read: "This note is legal tender for all debts public and private, and is redeemable in lawful money at the United States Treasury, or at any Federal Reserve Bank."

Since this was a note redeemable in lawful money, it was obviously not itself lawful money. The bank employee said he was very sorry, but he had no lawful money to give Mr. Milam and again offered him his choice of identical paper bills. "That," the former Assistant U.S. Attorney objected, "is like saying green stamps can only be redeemed in green stamps." It is somewhat like presenting the claim check for your automobile at a parking lot and being given your choice of any other claim check, the parking lot having sold your car at a wholesale price to a used-car dealer.

Attorney Milam proceeded immediately to file suit to force the government and the Federal Reserve System to redeem Federal Reserve Notes in gold or silver. Mobley Milam explained:

This suit strikes at the root cause of our basic problems of inflation, the public debt. . . .

The law specifically states that Federal Reserve notes shall be redeemed in lawful money (Title 12, United States Code, Section 411). The Treasury Department's contention that Federal Reserve Notes shall be redeemed in themselves is illogical, contrary to the plain meaning of ordinary English, and in fact is ludicrous. . . . Federal Reserve Notes, until they were recently changed by bureaucratic fiat, specifically promise to pay the bearer on demand so many dollars. A "dollar" has throughout our history been defined by statute as so many grams of silver or gold and nothing else. It is still so defined by law (Title 21, United States Code, Section 314 and 316). The only other thing ever defined by the statute as "lawful money" is United States Notes (Civil War "Greenbacks").

The Milam suit, which comes to trial in June 1970, places the Federal Reserve in a very serious situation. It cannot give gold because, since 1933, it has been illegal for Americans to own gold bullion. And, what little of our once enormous supply of silver is left, including the melt from our once plentiful silver coins, is being sold. The Federal Reserve, the law notwithstanding, no longer has any "lawful money" with which to redeem Federal Reserve Notes. It has thus deleted the "promise to pay in lawful money" from new currency. The once redeemable Federal Reserve Note is now treated as fiat money unbacked by anything of value.

By challenging the Federal Reserve, Mr. Milam is confronting what may be the most powerful body in the country—already in complete control of the American economy. It is a matter of considerable concern.

The prototype for our Federal Reserve, and for central banking in all modern nations, was created in 1716 by one John Law. A Scotsman forced to spend most of his years on the Continent because of a conviction for murder in England, Law made his living as a professional gambler. That is, until he discovered the Bank of Amsterdam was operating a racket that beat working the tables at Monte Carlo.

The Bank of Amsterdam had begun as a warehouse for safe storage of gold belonging to merchants. A merchant would deposit his gold for safekeeping, and the banker would give him a warehouse receipt with which he could reclaim his gold just as you reclaim your car at a parking lot by presenting your claim check to the attendant. The banker made his money by charging a fee for providing safekeeping. Soon, however, merchants found it more convenient to exchange the warehouse receipts than to go to the bother of physically withdrawing and exchanging gold.

It was not long before the bankers observed that only about ten percent of their customers wanted liquid use of their stored gold at any one time. They decided to go into the loan business. But they did not loan out gold; rather, they printed mere receipts for gold and loaned these at interest—literally manufacturing money out of thin air. It all depended on only a small percentage of customers wanting to redeem their certificates in gold at any one time.

After studying this system, the mountebank John Law developed a monetary theory quite similar to that propounded over two centuries later by John Maynard Keynes, the English dandy. Political economist John T. Flynn wrote of Law's plan in *Men Of Wealth* (Simon and Schuster, New York, 1941). He explained:

This theory was that the economic system of that day was being starved because of insufficient supplies of money. And, using the Bank of Amsterdam as a model, he had a scheme for producing all the money a nation needed.

For nearly two decades John Law tried unsuccessfully to sell his scheme to the various governments of Europe. Then he found his pigeon. Louis XIV had spent France into bankruptcy; desperate, Louis XV welcomed Law's plan and gave him full rein. In order to provide this fountain of financial youth, Law established the Banque Generale with himself as the chief stockholder. Soon it became the Royal Bank, with a monopoly on issuing money. John Law had become the financial dictator of France.

The issuance of bales of paper money triggered a boom in the economy. Like all booms created by inflation (an increase in the supply of money) rather than production, it was a fraud. But, fraud or not, booms are a heady champagne. As the printing presses began to run, Law was the hero of the hour. Flynn says:

It is not to be wondered that for a few brief months Paris hailed the magician who had produced all these rabbits from his hat. Crowds followed his carriage. People struggled to get a glimpse of him. The nobles of France hung about his anteroom, begging a word from him.

The basis of John Law's "new economics" was the accumulation of all gold and silver in the hands of his Royal Bank. For a while it worked. "Economics for a modern age," it was said, had made of silver and gold relics of a barbarious past. Then, quite suddenly, Frenchmen recovered their taste for silver and gold. Law's problem was now to stop speculative hoarding and check the flow of gold out of the country. This became ever more difficult as the little inflation which had been considered by the "new economists" of that day to be such a healthy sign began to become a big inflation.[1]

Law did what every such financial dictator since his day has done; he arranged to outlaw public ownership of gold. In the end, of course, it was to no avail. The French counterparts of Mobley Milam, demanding gold, assessed the situation correctly. The economy of France collapsed beneath the weight of worthless paper, debt, and devaluations. John Law fled the country in 1720, with the mobs which had once hailed him as a financial wizard calling him to be hanged. Through he died nearly penniless, a victim of his own charlatanry, his legacy is all about us today. John Flynn observed in 1941:

As a New Dealer he [Law] was not greatly different in one respect from the apostles of the mercantilist school—the Colberts, the Roosevelts, the Daladiers, the Hitlers and Mussolinis . . . who sought to create income and work by state-fostered public works and who labored to check the flow of gold away from their borders. He introduced something new, however, that the Hitlers, the Mussolinis, the Roosevelts, the Daladiers, and the Chamberlains have imitated—the creation of funds for these purposes through the instrumentalities of the modern bank. Law is the precursor of the inflationist redeemers.

While John Law's scheme was based on the eternally false premise that governments can create something for nothing, he was but a conniving opportunist, a mountebank and fraud. In his wake, however, genuinely sinister conspirators have adopted the essentials of his scheme, relying on the fact that the public can be made to believe it too complicated to be understood. According to Congressional Hearings, the Rothschild Brothers of London, pushing the National Banking Act of 1863, wrote to a firm of New York bankers on June 25, 1863:

"The few who can understand the system [checkbook money and credits] will either be so interested in its profits, or so dependent on its favors, that there will be no opposition from that class, while on the other hand, the great body of people mentally incapable of comprehending the tremendous advantages that capital derives from the system, will bear its burdens without complaint, and perhaps without even suspecting that the system is inimical to their interests."

As we have noted in these pages in our earlier discussion of this matter, central banking has been promoted both by international financiers and international socialists. These may seem like strange bedfellows, but they have worked closely together for over 150 years. Both groups desire that power reside in the executive of a socialist State, which plans to control.

Central banking, of course, was literally a case of life or death with the goldsmiths who as warehousers of gold eventually evolved into the major bankers of Europe. Loaning out ten times as many warehouse receipts as they had gold was enormously profitable, but it was also risky. If the word got out that there was not enough gold to cover outstanding receipts, a run on the banks developed. The first depositors to get to the warehouse emptied it, and the rest were left holding worthless receipts. Judge Lynch often presided over the ensuing hasty "trial," and many a money lender suffered an acute case of rope burn!

In order to avoid these circumstances, which choked off commerce, central banking systems after the fashion pioneered by John Law were established so that funds could be pumped from the central bank to any bank in trouble. This allowed the bankers to institutionalize their subterfuge. The risks were diminished while the bankers continued "creating" money with pen and ink

Footnotes at end of article.

entries in their books, supported by the issuance of unbacked currency. The international bankers used their control over European central banks (a license to create money with pen and ink) to finance acquisition and capitalization of vast industries and natural resources around the world.

For their part, the international socialists saw the central bank as a method to establish Communism by using it to create and enforce an economic dictatorship. One remembers that Karl Marx, who was hired to write *The Communist Manifesto* by a group calling itself "The League of Just Men" (which, one notes, included international financiers), enumerated ten prerequisites to a successful revolution pursuant to a socialist State. Point Five reads: "Centralization of credit in the hands of the State, by means of a national bank with State capital and an exclusive monopoly." And it cannot be overemphasized that Lenin concluded the establishment of a central bank meant a Communist revolution was a good ninety percent toward success.

Our own central bank, the Federal Reserve System, was as we know created in 1913. The man most responsible for its creation was Paul Warburg, the scion of a powerful international banking family in Europe with close ties to international Communism. We provided a detailed report on Warburg's role in establishing the Federal Reserve System, and in promoting the Communist Revolution in Russia, in the last issue of AMERICAN OPINION. To recap: Warburg had come to America from Germany in 1902 and became a citizen in 1911. After playing the key role in creation of the Federal Reserve, modeling it after the privately owned European central banks with which he was so familiar, Mr. Warburg relinquished a $500,000 a year job with the international banking firm of Kuhn, Loeb and Company to accept appointment as the first Governor of the Board of Directors of the Federal Reserve Board at a salary of $12,000 per year.

We are asked to believe that Mr. Warburg was a *very* public-spirited citizen.

The appointment of Paul Warburg to the Federal Reserve Board should have exposed as a hoax the idea, still pushed in American classrooms, that the creation of the Federal Reserve was a great triumph of democracy, having stripped the Wall Street barons of their power. The fact is that the entire "monetary reform movement" was instigated and financed by the very international monopolists it was supposed to be bringing to heel. As Professor Gabriel Kolko writes in his monumental work, *The Triumph Of Conservatism:* "the banking reform movement was initiated and sustained by big bankers seeking to offset, through political means, the diffusion and decentralization within banking."[3]

The appointment of Warburg to the Board was considered by many Senators as the modern equivalent of putting Teddy Kennedy in charge of a harem. Warburg refused to submit to public Hearings where he could be questioned about his European connections, and finally got by with a closed conference with a Senate Subcommittee, the minutes of which were never published. Nonetheless, despite his radical commitment and incredible conflict of interest, Paul Warburg's appointment was approved.[4]

By May of 1918, in the midst of World War I, it was made public that Warburg's brother Max, the head of the family banking firm of M. M. Warburg and Company of Hamburg, was not only in charge of Germany's finances but was a leader of the German espionage system. Paul Warburg resigned his post with the Federal Reserve Board without a peep of protest, and civic-minded Kuhn, Loeb and Company welcomed him back at his former salary.[5]

Footnotes at end of article.

One Warburg was running America's financing of the War, and another Germany's. Max Warburg was also responsible for transporting Lenin and his crew of cut-throats from Switzerland across Germany (in the famous sealed train) to instigate the Communist Revolution in Russia. And, Max provided financing for Lenin and Trotsky through the Nye Banken in Sweden.[6] And, while brother Max was financing the Communist Revolution from Germany, Jacob Schiff—Paul Warburg's partner in Kuhn, Loeb and Company and the father-in-law of his brother, Felix—was financing the Russian Reds from New York to the tune of $20 million. Both Paul and Max Warburg attended the Versailles Peace Conference as representatives of "their" respective governments.[7]

World War I was a catastrophe of such magnitude that, even today, a healthy imagination has difficulty grasping it. The War changed the historical foreign policy of this nation, established the Bolsheviks in Russia, destroyed the old balances of power in Europe, and set the stage for World War II. International bankers in New York and London maneuvered America into entering that fray. Thanks to the progressive income-tax and the Federal Reserve Act—both passed in 1913, and both contained in the Ten Points of *The Communist Manifesto*—Woodrow Wilson was able to spend nearly twice as much in eight years as all the American Presidents before him had spent in 125 years. (See *U.S. News & World Report,* February 16, 1970.) Cordell Hull, one of the original backers of both the income tax and Federal Reserve, remarked in his *Memoirs*:

The conflict forced the further development of the income-tax principle. Aiming, as it did, at the one great untaxed source of revenue, the income-tax law had been enacted in the nick of time to meet the demands of war. And the conflict also assisted the putting into effect of the Federal Reserve System, likewise in the nick of time.

Alexander Noyes observes in his book, The Market Place:

Exactly how our own participation in the war would have been financed, without this statute and without the constitutional amendment, ratified in 1913 and authorizing a practicable federal income tax, will always remain a matter of conjecture.

Oh how convenient, and (as Hull said) just in the nick of time. Had we stayed out of that war, it would have ended in the same stalemate as most other European wars, the Communists would never have seized Russia, and there would have been no World War II.

During the War to end all wars, an international banker named Bernard Baruch was made the absolute dictator over American business when President Wilson appointed him Chairman of the War Industries Board, where he had control of all domestic contracts for Allied war materials. Baruch made lots of friends while placing tens of billions in government contracts, and it was widely rumored in Wall Street that out of the War to make the world safe for international bankers he netted $200 million for himself.[8]

While international banker Paul Warburg controlled the Federal Reserve, and international banker Bernard Baruch placed government contracts, international banker Eugene Meyer, a former partner of Baruch and the son of a partner in the Rothschild's international banking house of Lazard Freres, was Wilson's choice to head the War Finance Corporation, where he apparently made a little money. According to Congressman Louis McFadden, then Chairman of the House Banking Committee:

I call your attention to House Report No. 1635, 68th Congress, 2nd Session, which reveals that at least twenty-four million dollars in bonds were duplicated. Ten billion dollars worth of bonds were surreptitiously destroyed. Our committee on Banking and Currency found the records of the War Finance Corporation under Eugene Meyer, Jr. extremely faulty. While the books were being brought before our committee by the people who were custodians of them and taken back to the Treasury at night, the committee discovered that alterations were being made in the permanent records.

Even so shady a background did not prevent Eugene Meyer from being appointed to the Federal Reserve Board, nor from being named Chairman of the Reconstruction Finance Corporation.[9] Such cases, alas, are no rarity.

When the Federal Reserve Act was passed it was touted as a guarantee of ending inflation and deflation, boom and bust, forever. The Act was also supposed to emancipate small business and farmers from manipulation by the international bankers of Wall Street. Yet, in 1920 the Federal Reserve Board engaged in a deliberate conspiracy to create a depression. So successful was it that commodity prices fell fifty percent, and industrial production thirty-two percent. During the War, farmers had been encouraged by the government to borrow heavily and expand their production. And, thanks to this contrived depression, the farmer who had borrowed the equivalent of two thousand bushels of wheat had to pay back to the banker the equivalent of four thousand bushels plus interest. Thousands of farms were foreclosed in 1920–1921. Called before the Senate Silver Hearings in 1939, Senator Robert L. Owens, Chairman of the Senate Banking and Currency Committee and repentant co-author of the Federal Reserve Act, testified concerning the conspiracy which created the "Panic of 1921":

In the early part of 1920, the farmers were exceedingly prosperous. They were paying off their mortgages and buying a lot of new land, at the insistence of the Government, had borrowed money to do it—and then they were bankrupted by a sudden contraction of credit and currency which took place in 1920.

What took place in 1920 was just the reverse of what should have been taking place. Instead of liquidating the excess of credits created by the war through a period of years, the Federal Reserve Board met in a meeting which was not disclosed to the public. They met on the 18th of May, 1920, and it was a secret meeting. . . . Only the big bankers were there, and their work of that day resulted in a contraction of credit (by ordering banks to call-in outstanding loans) which had the effect the next year of reducing the national income fifteen billion dollars, throwing millions of people out of employment, and reducing the value of lands and ranches by twenty billion dollars.

Writing of the panic of 1921 in his book, The Economic Pinch, the late Congressman Charles A. Lindbergh noted:

Under the Federal Reserve Act panics are scientifically created; the present panic is the first scientifically created one, worked out as we figure a mathematical problem. (Page 95.)

This contrived policy of The Fed broke over 5,400 banks. Countless Americans lost their savings, homes, and businesses. Of course, one man's loss is another's gain. The giant banks picked up the assets of the broken ones—in many cases at five to seven cents on the dollar—and many of the larger bankrupt businesses were acquired by corporations owned or controlled by the same Insiders.

Using a central bank to create alternate periods of inflation and deflation, and thus whipsawing the public for vast profits, has been worked out by the international bankers to an exact science. A corollary is to drive countries deeply into debt during wartime, using paper money, and then to revert to hard money when the war is over. Thus their debt bonds, acquired with cheap money, are redeemed in gold.[10]

After recovery set in from the Panic of 1921, the Federal Reserve began laying the inflationary groundwork for what became the greatest whipsaw operation of all time—the "Crash of 1929." In "America's 60 Families," Ferdinand Lundberg reveals:

[D.R.] Crissinger [Comptroller of the Currency] came under the influence of Benjamin Strong, a Morgan deputy, who began counselling from the New York Reserve Bank that the Reserve system buy government securities in large volume thus flooding the banks with liquid funds that demanded profitable release in credit channels.

The Federal Reserve Act permitted this, but only as an emergency measure. There was no emergency in 1923 when the Federal Reserve System began buying "governments," so the scheme was obviously predicated upon other considerations. For three years the Reserve System maintained this new policy, and the speculative boom was well started. Between 1924 and 1929 loans, which were enormously profitable to the big banks, increased by ten billion dollars, all of the increase being devoted to stock-market paper, there was little variation in the total of commercial and industrial loans. At the end of 1922, for example, loans to brokers stood at $1,926,800,000; at the end of 1929 they totaled $8,549,338,979.[11]

At the same time that enormous amounts of credit money were being made available, the mass media began to ballyhoo tales of the instant riches to be made in the stock market. According to Lundberg:

For profits to be made on these funds the public had to be induced to speculate, and it was so induced by misleading newspaper accounts, many of them bought and paid for by the brokers that operated the pools. . . .

Was the inflationary build-up which exploded in the "Crash of 1929" a result of mere stupidity, or of careful planning by the insiders who controlled the Federal Reserve and hence the engine of inflation? Many students of the era are convinced that the international bankers represented too many generations of accumulated expertise to have blundered into "the great depression." Writing in Year of Plunder, Proctor Hansl observed:

Unquestionably the virus had affected us and it found eager devotees both in Washington and Wall Street, but in banking circles at least there is little room to believe that the process was wholly one of delusion. It is difficult to believe that the Morgans, Bakers, Schiffs and other financial leaders of long experience both in Wall Street and in the money markets of the world were ignorant of the consequences that were sure to follow such unbridled inflation as came to be forced upon the country during the Twenties and was maintained for seven long years without protest from the big banking interests. . . .

From time immemorial every period of inflation has ended in panic and depression. Were the minds that ruled Wall Street so obtuse that they failed to recognize this fact? Were bankers so swept away by the new school of thought that they deliberately ignored the experience of centuries? It is to be doubted. . . .[12]

To which historian Ferdinand Lundberg adds:

Various governmental investigating bodies have heard copious confessions to "mistakes" and "errors of judgment" from the executive representatives of the multi-millionaire dynasties. But there were really no mistakes or errors of judgment. Except for the culminating debacle of 1929–33, everything happened according to plan, was premeditated, arranged, sought for.

Congressman Louis McFadden, the scholarly Chairman of the House Banking and Currency Committee, commented:

It (the depression) was not accidental. It was a carefully contrived occurrence. . . . The international bankers sought to bring about a condition of despair here so that they might emerge as the rulers of us all.

Of course, the free enterprise system in general has been blamed for the "Crash of 1929," and this has been the excuse for much radical legislation, including the further centralization of control of our money in the Federal Reserve. Actually the Federal Reserve, whose proponents had guaranteed to make depressions as obsolete as ankle-length skirts, provided the tools to create the Crash. Had the Insiders not had a Federal Reserve by which they could control and manipulate inflation, the depression would not have occurred. As Professor Murray Rothbard, the nation's top expert on economic depression, notes:

. . . Central banking works like a cozy compulsory bank cartel to expand the banks' liabilities; and the banks are now able to expand on a larger base of cash in the form of central bank notes as well as gold.

So now we see, at last, that the business cycle is brought about, not by any mysterious failings of the free market economy, but quite the opposite; by systematic intervention by government in the market process. Government intervention brings about bank expansion and inflation, and, when the inflation comes to an end, the subsequent depression-adjustment comes into play.[13]

The House Hearings on Stabilization of the Purchasing Power of the Dollar disclosed evidence in 1928 that the Federal Reserve Board was working closely with the heads of European central banks. The Committee warned that a major Crash had been planned in 1927 at a secret luncheon of the Federal Reserve Board and heads of the European central banks. The international bankers were tightening the noose.

Montagu Norman, Governor at the Bank of England, came to Washington on February 6, 1929, to confer with Andrew Mellon, Secretary of the Treasury. On November 11, 1927, the Wall Street Journal described Mr. Norman as "the currency dictator of Europe." Professor Carroll Quigley notes that Norman, a close confidante of J. P. Morgan, admitted: "I hold the hegemony of the world." Immediately after this mysterious visit, the Federal Reserve Board reversed its easy-money policy and began raising the discount rate. The balloon which had been inflated constantly for nearly seven years was about to be exploded.[14] The Federal Reserve Bank of New York raised its rate to six percent on August 9, 1929. The following month European investors began deserting the American stock market. Professor Quigley recounts:

At this critical moment, on September 26, 1929, a minor financial panic in London (the Hatry Case) caused the Bank of England to raise its bank rate from 4½% to 6½%. This was enough. British funds began to leave Wall Street, and the overinflated market commenced to sag.

On October twenty-fourth, the feathers hit the fan. Writing in *The United States' Unresolved Monetary And Political Problems,* William Bryan describes what happened:

When everything was ready, the New York financiers started calling 24 hour broker call loans. This meant that the stock brokers and the customers had to dump their stock on the market in order to pay the loans. This naturally collapsed the stock market and brought a banking collapse all over the country because the banks not owned by the oligarchy were heavily involved in broker call loans at this time, and bank runs soon exhausted their coin and currency and they had to close. The Federal Reserve System would not come to their aid, although they were instructed under the law to maintain an elastic currency. The Federal Reserve was a great aid and comfort to banks owned by the oligarchy. They had no trouble drawing cash out of the Federal Reserve banks. Many thousands of the other banks had to close their doors.

The investing public, including the vast majority of stock brokers and bankers, took a horrendous blow in the Crash, but not the Insiders. They were either out of the market or had sold "short" so that they made enormous profits as the Dow Jones plummeted. For those who knew the score, a signal from Paul Warburg had provided the warning to sell. That signal came on March 9, 1929, when the *Financial Chronicle* quoted Warburg as follows:

If orgies of unrestricted speculation are permitted to spread too far . . . the ultimate collapse is certain . . . to bring about a general depression involving the whole country.[15]

Insiders like Bernard Baruch, escaped unscathed. "By 1928," he says in his memoirs, "I had begun to liquidate my stock holding and to put my money into bonds and into a cash reserve. . . . I also bought gold . . . [In September, 1929] I began to sell everything I could, in anticipation of the break I now felt to be imminent." Joseph P. Kennedy, who was to make millions in the early Thirties fronting for international bankers by selling "short" on huge quantities of stocks during any night that the market started to rally, was also out of the market in 1929. (See Dall. Page 119.) In the winter of 1928–1929, writes Richard J. Whalen in The Founding Father:

Kennedy . . . thought long and hard about what was happening to the stock market [and] decided to get out . . . The profits he took from the sale of his . . . holdings were not reinvested, but kept in cash.

We do not know the names of all the giants who escaped the Crash; such detailed information would obviously provide some strong clues as to who was on the "inside" and who was not. We do know, that, among others, international bankers Henry Morgenthau and Douglas Dillon cashed out in the nick of time. (See Hansl, Page 252.) In the next decade there would be excellent opportunities for reinvestment as stocks fell ninety percent from their 1929 highs, and were kept down by the economic policies of Franklin D. Roosevelt which prevented the recovery that normally follows such a depression.[16]

We have been told that the Federal Reserve was created to function as a common reservoir for the banks in times of emergency. In practice, when the emergency came, the tap was turned off and the banks were worse off than previously. At what seemed the height of the market panic the New York Times of October 30, 1929, carried the announcement: "Reserve Board Finds Action Unnecessary"—and the panic steepened. Economist William Bryan writes:

If the Federal Reserve System had been maintaining an elastic currency, they could have stopped the runs on the banks immediately and only those people who had purchased over-priced stocks would have been hurt. The speculative banks could have been "bailed out" with little or no cost to the Fed, but of course this was not the plan.

According to the House Banking Committee, "the Nation's total money supply decreased by about $8 billion, or one-third, between 1929 and 1933. Such a reduction in the money supply could not help but magnify if not initiate any crash in prices and output—and it did." [17]

While money was scarce in America, the Insiders of the Federal Reserve were making it available to Russia, even though the Soviet Government had not yet been recognized by the United States, Congressman McFadden revealed:

The Soviet government has been given United States Treasury funds by the Federal Reserve Board and the Federal Reserve Banks

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Footnotes at end of article.

acting through the Chase Bank and the Guaranty Trust Company and other banks in New York City. England, no less than Germany, has drawn money from us through the Federal Reserve banks and has re-lent it at high rates of interest to the Soviet government or has used it to finance its sales to Soviet Russia and engineering works within the Russian boundaries. The Dnieperstroy Dam was built with funds unlawfully taken from the United States Treasury by the corrupt and dishonest Federal Reserve Board and the Federal Reserve banks.

Open up the books of Amtorg, the trading organization of the Soviet government in New York, and of Gostorg, the general office of the Soviet Trade Organization, and of the State Bank of the Union of Soviet Socialist Republics and you will be staggered to see how much American money has been from the United States' Treasury for the benefit of Russia. Find out what business has been transacted for the State Bank of Soviet Russia by its correspondent, the Chase Bank of New York; . . . the Guaranty Trust of New York, the Central Hanover Bank of New York, the Chemical Bank and Trust Co., H. Clews & Co., Kidder Peabody and Co., Winslow Lenair and Co., and Lee Higginson and Co. . . .[18]

McFadden not only chaired the House Banking and Currency Committee for twelve years, but he had been president of the Pennsylvania Bankers' Association and was elected to office on both the Republican and Democratic tickets. He knew banking and the international bankers. And, he was not fooled by the propaganda about President Roosevelt being a great proletarian. McFadden told Congress on January 24, 1934:

All . . . the artful propaganda that has been thrown around the monetary policy of Franklin D. Roosevelt cannot disguise the fact that he was selected by the international bankers to carry out the work they started with the great depression; that is the pauperization of the masses and the seizure of American property for their own use and benefit, and that he has lent himself to their schemes by unconstitutionally demanding and assuming the dictatorial powers which enable him to carry them out.

While F.D.R. went through the motions of being a champion of the downtrodden masses, his fiscal and monetary policies served the purposes of the Insiders of international finance. As McFadden noted on May 4, 1933:

The week before the bank holiday was declared in New York State the deposits in New York savings banks were greater than the withdrawals. There were no runs on New York banks. There was no need for a bank holiday in New York or a national holiday. Roosevelt did what the international bankers ordered him to do.

A number of competitive banks were destroyed by this move. That was part of the game. When Paul Warburg was designing the Federal Reserve he made it clear he hoped that it would eliminate the small banks. (Kolko, Page 186.)

As President Roosevelt took to the airwaves to denounce the "malefactors of great wealth" he was making hundreds of millions for those same malefactors. For example, Bernard Baruch had mentioned to F.D.R.'s son-in-law that he (Baruch) owned five-sixteenths of the world's silver. One of Roosevelt's first actions in office was to double the government's price for silver—"to help out western miners." (Dall, Page 74.) The President even arranged to have these "malefactors" run the U.S. Treasury for him. Vice President John Nance Garner complained bitterly:

There is a condition in the U.S. Treasury which would cause American citizens, if they knew what it was, to lose all confidence in their government. That is a condition that Roosevelt will not have investigated. He has brought with him from Wall Street, James P. Warburg, the son of Paul M. Warburg, the Organizer and first Chairman of the Board of the Federal Reserve System.

He holds no office in our Government, but I am told that he is in daily attendance at the Treasury and that he has private quarters there! In other words, Mr. Chairman, Kuhn, Loeb & Co. now control and occupy the Treasury.

Warburg doubtless helped lay the groundwork for "the gold swindle." Like John Law, President Roosevelt called in gold from the American public ("to stabilize the currency") and promised that it would be returned when the emergency was over. As soon as the people's gold had been collected, F.D.R. made it un-lawful for Americans to own gold. But Insiders had already shipped more than $400 million worth of gold overseas to be held in the names of foreign relatives, partners, or in Swiss bank accounts. After the citizenry had surrendered its gold at twenty dollars an ounce, the price was gradually raised by F.D.R. to $35 an ounce—allowing the Insiders to sell their hordes of gold back to the government at an enormous profit.[19]

Although we have not had another depression of the magnitude of that which followed 1929, we have since suffered regular recessions. Each of these has followed a period in which the Federal Reserve tromped down hard on the money accelerator and then slammed on the brakes. Since 1929 the following recessions have been created by such manipulation:

1936–1937—Stock prices fell fifty percent; 1948—Stock prices dropped sixteen percent; 1953—Stock declined thirteen percent; 1956–57—The market dipped thirteen percent; 1957—Late in the year the market plunged nineteen percent; 1960—The market was off seventeen percent; 1966—Stock prices plummeted twenty-five percent; 1970—Currently the market is down over twenty-five percent.

Is this constant whipsawing of the economy the fault of the bank manipulators or of the free-spending politicians? The man in the best position to know is Wright Patman, for many years Chairman of the House Banking and Currency Committee. Chairman Patman noted in his newsletter of June 6, 1968:

Since the Federal Reserve System was established . . . the big bankers have maneuvered to gain more and more control of all monetary policy and to move the Federal Reserve completely out from under the government . . . they have enough control to absolutely carry out the policies of the bankers. . . .

The House Banking Committee's A Primer On Money explains:

Congress has delegated this power [the creation of money] in part to the Federal Reserve System and in part to private commercial banks. Furthermore, it has delegated to the Federal Reserve System the power to determine how much money shall be created [out of thin air]. . . . Although a creature of Congress, the Federal Reserve is in practice, independent of that body in its policymaking. The same holds true with respect to the executive branch. The Federal Reserve neither requires nor seeks the approval of any branch of Government for its policies. The System itself decides what ends its policies are aimed at and then takes whatever actions it sees fit to reach those ends. (Pp. 21–22.)

It is true that the President appoints the seven members of the Federal Reserve's Board of Governors, one every two years. But, as the Primer notes:

The 14-year term of the Board of Governors makes the board only slightly accountable to any single President. . . . (Under ordinary circumstances, a President can appoint four of the seven-man board by the end of his sixth year.)

Most students of money doubt that the President can make these appointments independently. It is nearly impossible for a man to become President over the strong opposition of the Insiders of the banking clique. In 1952, for instance, Robert Taft found that a number of his delegates were threatened with having business loans called by local banks which were being pressured by financial powers in New York. The super-rich international bankers in New York finance Presidential candidates from both Parties, and their financial control of the mass media insures vigorous attacks on such independent candidates as Taft, Goldwater, or Wallace. Those candidates subject to their influence are promoted.[20] Well aware of this, Presidents appoint men to the Board of Governors of the Federal Reserve who are congenial to the international bankers.

Professor Carroll Quigley makes it abundantly clear that, even in Europe, those who have run the central banks are not powers themselves, but pawns of the banking clique that put them there. (Quigley, Page 326.) Since the international bankers created the Federal Reserve for their own purposes, it is naive to believe that they would not build into it means by which they could always maintain control.

It must be admitted, however, that there is much we do not know, and cannot know, about the Federal Reserve. We can learn nothing of the private meetings which take place between the banking Insiders and the President, Secretary of the Treasury, and members of the Federal Reserve Board (or of its key Open Market Committee). The minutes of meetings of the Open Market Committee are kept secret, even from the President, for six years. Of course prior knowledge of changes in monetary policy could mean millions of dollars in profits. Yet, according to Congressman Patman, about three thousand persons, including international bankers connected with the Federal Reserve, are privy to this prior knowledge. We are asked not to suspicion that any of these people make use of such knowledge.

Another reason why there is much we cannot know about the Federal Reserve is that although it is fifty-six years old, it has yet to be audited. In 1967, Wright Patman tried unsuccessfully to attach a rider, to another bill, requiring an audit of "The Fed" by the Government Accounting Office. The headline in the New York Times of September 14, 1967, tells the story: "Federal Reserve May Face Audit: Threat To Independence Seen." In 1957, the Senate Finance Investigating Committee began looking into the Federal Reserve, but the inquiry was cancelled before its completion and two of the members of that Committee, William Jenner and George Malone, announced they would be unable to seek re-election. Many have questioned why the Federal Reserve so fears audits and investigations if it has nothing to hide.

The main power of the Federal Reserve, of course, does not lie with the Board. A Primer Of Money says "the board is not the crucial policymaking body. The Open Market Committee is." The Open Market Committee, says this government document, "determines in general the amount of Government securities the Federal Reserve shall buy and sell in the open market, primarily to determine the level of reserves. In essence, the Committee determines U.S. monetary policy."

It other words, "the central decision making body, which decides whether the System will press the accelerator or the brake [fabricating boom or bust], is the Federal Open Market Committee." This Committee is made up of twelve voting members. They include the seven members of the Board of Governors, who are appointed by the President. While the presidents of each of the Federal Reserve banks are members of the Committee

Footnotes at end of article.

(as far as the secret discussions are concerned), only five are voting members. The president of the New York Federal Reserve Bank is always one of the five permitted to vote. The conflict of interest here is absolutely fantastic, but most Congressmen and Senators are afraid to even broach the subject.

At stake with the decisions of this Committee are not only inflation or deflation, the mood of the stock market and interest rates—that is, the economy of the nation—but billions of dollars a year in interest which are paid to the international bankers who hold the government bonds on government debt. In 1968, $608 billions in government bonds were traded through the O.M.C. The majority of these bonds go to the giant banks in New York. As A Primer Of Money puts it:

It may appear that the Secretary of the Treasury is issuing these new securities to the general public, but, in fact, he must sell the bulk of any particular issue to a relatively small group of buyers—a few big banks and financial houses. Therefore, he calls on advisory committees of representatives of these banks or financial houses for advice about setting the interest rate on any new security he anticipates issuing.

This is where conflict often arises between the politicians and the international bankers. Both the politicians and the giant bankers like to see unbalanced Budgets, which must be financed by loans (bonds) from the banks. The politicians avoid raising taxes and use debt money to buy votes, and the banks collect the interest. Yet, the politicians want low interest rates on the bonds, and the Insiders who own the great private banks want high interest rates.

Guess who wins? The cost of government borrowing has gone up more than thirteen times since World War II. The Treasury is now paying 8.25 percent on some government securities, the highest since 1859. Since 1930, the government has paid out nearly $230 billion in interest on the national debt. Interest on the national debt has climbed from $9 billion in 1961, to $18 billion in 1970. While the debt was rising 24 percent, the cost of carrying it has gone up 100 percent. And the national debt (bonds held primarily by bankers) continues to climb even though the government is now announcing its third "balanced" Budget in as many years.

President Nixon, while hypocritically proclaiming a balanced Budget, has had to ask to raise the limit on the national debt to $372 billion. The total borrowing required for the "balanced" Budgets of 1969, 1970, 1971, will be (according to Congressman George Mahon) some $19.9 billion, including a $7.3 billion deficit in President Nixon's "bare bones" $200.8 billion Budget.[21]

The claims for the three "balanced" Budgets are based upon the fact that the Budget contains an administrative section plus the trust funds (Social Security, etc.). The trust funds show a surplus, but those monies cannot be spent in the administrative budget so the government is forced to borrow large sums while technically showing a Budget that is balanced. It is no wonder that the cost of living rose 6.1 percent last year and shows no signs of stopping despite an imminent recession.

The irony is that the giant private banks acquire the bonds (national debt) through John Law's system of creating money out of thin air—simple bookkeeping entries. A Primer Of Money explains:

However, it has long been one of the political facts of life that private banks must be allowed to create the lion's share of the money, if not all of the money. Thus there is little opposition to the Government's printing bonds and then permitting the banks to create the money with which to buy those bonds. . . .

The bonds are then used by the banks as the basis of printing currency. In other words, under this monetary system, if we had no debt we would have no currency.

Every dollar "Federal Reserve Note" you are carrying in your wallet is costing you a nickel a year in interest on the bonds that back it. This has got to be the weirdest money system ever designed, but it is great for the banking Insiders. They denounce as "funny money" any suggestion that the government print its own currency without going in debt, as Lincoln did with his "Greenbacks." The point is well made as long as the government does not back its money with gold or silver; but, it is no more "funny money" than the debt-backed currency now being issued. Printing-press "Greenbacks" are no more inflationary than a "Federal Reserve Note," and by issuing them the nation could save billions of dollars per year in interest to the Insiders of international banking.

Still, the argument over whether the socialist bureaucrat or the radical international bankers should have a monopoly on printing funny money is one of false alternatives. The only thing that will stop politicians and the Insiders of international banking from taking control of this country by destroying its economy with inflation and bust is to have a currency that is backed by tangible wealth—gold and silver. But the international bankers have claims on all of our gold (through dollars held by banks overseas), and the Johnson and Nixon Administrations have been feverishly melting all of our silver coins to sell the bullion to users and, apparently, to the international bankers. Soon these bankers will have a corner on gold and silver with which they can buy up industry and natural resources following a depression caused by inflation a la 1929. It is the same old swindle that has been played successfully over and over again.

A first step in getting out of bondage to these conspirators is for a sufficient number of Americans to understand the problem. That is where you come in.

FOOTNOTES

[1] Inflation is by definition an increase in the money supply. If the supply of money rises faster than the increase in availability of goods and services, prices rise. The economy is like a giant auction, and if the buyers at the auction are suddenly given more money, they will bid up the price of the goods being auctioned. Inflation, as commonly defined, is a rise in prices. The price rise is not the cause of inflation, but its effect.

[2] *National Economy And the Banking System Of the United States,* Document Number 23, 76th Congress, 1st Session, U.S. Government Printing Office, Washington, 1939.

[3] Gabriel Kolko, *The Triumph of Conservatism,* Quadrangle Books, Chicago, 1967, Page 253.

[4] We will not review the proofs supporting the fact that the appointment of Warburg, as well as most of the other members of the original Board, was arranged by the mysterious Edward Mandell House, an agent of the international financial clique who was referred to by President Woodrow Wilson as "my alter ego." See George S. Viereck, *The Strangest Friendship In History,* Liveright, New York, 1932, Page 47.

[5] Warburg was replaced on the Board by another "proletarian," Albert Strauss, partner in the international banking firm of J. & W. Seligman.

[6] See *Papers Relating To The Foreign Relations Of The United States-Russia, 1918,* House of Representatives Document No. 1868, U.S. Government Printing Office, Washington, 1931, Volume I, Pp. 374–376.

[7] Incredible as it seems, Max Warburg was later involved in the financing of Adolf Hitler. (See Stephen Birmingham, *Our Crowd,* Pp. 428–430.) Paul Warburg recovered from his pay-cut while with the Federal Reserve to become instrumental in Western Union, Westinghouse, Wells Fargo, Union Pacific, Baltimore & Ohio, American I.G. Chemical Co. (I.G. Farben). Afga-Ansco Corporation, National Railways of Mexico, International Acceptance Bank, Westinghouse Acceptance, Warburg Company of Amsterdam, and many other vast corporations. Yet the financier Warburg had no fear of socialism. He told the Commercial Club of Chicago in April 1917: "In the state of the future, particularly in Europe after the war, the most efficient Government promotion of industries in many lines will be held to exist in actual Government ownership and operation." (B.C. Forbes, *Men Who Are Making America,* Page 404.)

[8] Curtis Dall, *F.D.R. My Exploited Father-in-Law,* Christian Crusade Publications, Tulsa, 1968, Page 71.

[9] The Meyer family now controls the ultra Leftist *Washington Post* and *Newsweek* magazine—yet another curious tie between international banking and the Left. Jacob Schiff's granddaughter Dorothy owns the *New York Post,* which contends with the *Washington Post* for the epithet of "uptown *Daily Worker.*"

[10] Carroll Quigley, *Tragedy And Hope.* The Macmillan Company, New York, 1966. Page 316.

[11] Ferdinand Lundberg, *America's 60 Families,* Vanguard Press, New York, 1938.

[12] Proctor W. Hansl, *Years of Plunder,* Harrison Smith & Robert Haas, New York, 1935.

[13] Murray Rothbard, *Economic Depressions Causes and Cures,* Constitutional Alliance, Incorporated, Box 836, Lansing, Michigan 48904. In this highly readable forty cent booklet, Dr. Rothbard uses layman's language to povide a clear explanation of the economics of boom and bust.

[14] Since the stock market is an auction, if the money supply is deflated, the buyers have less money with which to bid for stocks and prices must fall.

[15] *American Heritage,* August, 1965, Page 90.

[16] For details see Hans Sennholz, "The Great Depression," *The Freeman,* October, 1969.

[17] *A Primer On Money,* Subcommittee on Domestic Finance, Committee on Banking and Currency, House of Representatives, 88th Congress, U.S. Government Printing Office, Washington, 1964, Page 83.

[18] Congressman McFadden's speech can be found in the *Congressional Record,* June 15, 1933. In 1967, the Rockefeliers' International Basic Economy Corporation merged with Cyrus Eaton's Tower International to take over the purchasing of patents in the United States for the Soviet's Amtorg. See *New York Times,* January 15, 1967.

[19] Congressman McFadden charged, correctly, that the seizure of gold was an operation run for the benefit of the international bankers. He was powerful enough to ruin the whole deal, and was preparing to break the full story when he collapsed at a banquet and died. As two assassination attempts had already been made against him, many suspected poisoning.

[20] Note that Richard Nixon began his political career in 1946, by defeating incumbent Congressman Jerry Voorhis. Voorhis was an ultra-"Liberal," but unlike other ultra-"Liberals" he had challenged both the international bankers and the Federal Reserve. Congressman Voorhis introduced bills in Congress calling for the repeal of the Federal Reserve Act, and had written a book titled *Out Of Debt—Out Of Danger* which advocated paying off the national debt, both anathema to the international bankers. Voorhis had to go. It is reported that giant New York bankers poured huge amounts of money into Nixon's campaign, providing a

high-powered Madison Avenue advertising agency (Batten, Barton, Durstine and Osborn) to run his Congressional campaign in California.

After his defeat for the Governorship of California in 1962, Richard Nixon moved to New York, took a $100,000-a-year apartment in a Rockefeller apartment building, went to work for the law firm of Nelson Rockefeller's personal attorney, John Mitchell (See the *Wall Street Journal*, January 17, 1969), and was made a wealthy man. In becoming President, Mr. Nixon incurred many political debts to the *Insiders* of international banking.

[21] L.B.J.'s 1967 Budget was $158 billion, and *candidate* Nixon was calling for that to be cut by $20 billion.

THE FEDERAL RESERVE SYSTEM AFTER 50 YEARS: HEARINGS BEFORE THE SUBCOMMITTEE ON DOMESTIC FINANCE OF THE COMMITTEE ON BANKING AND CURRENCY HOUSE OF REPRESENTATIVES

(Statement by Dr. Russell Lee Norburn, Asheville, N.C.)

Gentleman, thank you for the opportunity to make a comparison of the legal tender currency issued by the Treasury under the supervision of Congress and the Federal Reserve note currency issued by that regulatory agency.

It is my purpose also to bring for your consideration a proven plan which implemented by the Congress would bring under control the monetization of debts, Government deficit financing and inflation.

Supporting facts based on the highest authority will be as brief as the importance of this subject permits.

Legal tender has been used as far back as we have a history of a medium of exchange.

In our research, Alexander Delmar, "History of Monetary Systems," page 38, states that within the Roman Empire "there was no individual coinage. Within prudent limits it made no difference whether the coins were pure or impure, light or heavy, yellow or brown; no one could lawfully stamp them except the state." The record shows that for a period of nearly 900 years the empire had a more stable legal tender medium of exchange than the Federal Reserve has provided the United States during the past 50 years.

Private coinage began in Europe during the 16th and 17th centuries, with the gold standard, silver standard, and double standard. Delmar is the authority for stating that "so long as money was governed by law, it was the whole number of coins, reduced to one denomination that determined prices. When money ceased to be governed by law, as was the case after the legislation procured by the Dutch and English East India Cos., it was the whole quantity of metal that determined prices."

The fundamental cause of the American Revolution was the conservative policies of the privately owned and controlled Bank of England in failing to supply the colonies with money and because of their monopolistic system of financial exploitation of the British Government.

Practical Benjamin Franklin pioneered and printed legal tender note currency for the colonies. Among the reasons for this "continental currency" not being worth a "continental" was the ease with which it could be counterfeited. (Exhibit sample.) It was struck off on commercial paper of nonuniform size. The British Army used the counterfeit money as a weapon and flooded the country with the currency. The economic chaos it produced nearly caused General Washington to lose the war. It may have been the reason he finally approved Hamilton's plan of placing the issue of money for the new government under the control of vested interest like the Bank of England and other established European banks of that day.

It might be said, in passing, that after the Revolutionary War the new Government paid the continental issues at par—not to the soldiers who had received it as pay, however, but mainly to speculators.

Washington was worn out by war. Authorities state that he wanted peace and considered the first U.S. bank only an expediency and its 20-year charter a time during which a monetary system in keeping with a republican form of government could be implemented. Washington, of course, could not foresee that while winning the revolution, the people had lost their hard-won economic freedom which is just as basic as freedom of speech, religion, or any other freedom.

The unfortunate experience of the continental currency was used by special interest and international bankers as propaganda against the United States using its legal tender as a medium of exchange. Thus, the newly formed Government lost the control of its hard-earned economic freedom to predatory financiers. This is exactly what was done when the French money was destroyed at the time of the French Revolution.

Counterfeit money was printed in England and was injected into the French monetary system. It has been reliably stated that 17 printing presses and 400 men were employed in England at that time to manufacture and carry on the traffic in this counterfeit money. By this means the French revolutionary government's money (assignats) was destroyed. Later, the private bankers and financiers regained control of the new money system and acquired possession of most of the property of France.

On the return of Thomas Jefferson from his office as Ambassador to France, to become Secretary of State, he found the first U.S. bank an established fact.

He was bitterly disappointed and opposed the bank as being unconstitutional, saying that it was an expediency and not a paramount necessary. Later Jefferson used stronger language and denounced the institution as "one of the most deadly hostilities existing against the principles and form of our Constitution."

Some have said that Jefferson did not favor a strong central bank. What he did not favor was the delivery of our monetary system into private hands to be run for private profit as he had witnessed in England and France. He was in favor of a U.S. legal tender note currency and died protesting the evils of our banking system. "His purpose was, instead of an aristocracy of wealth, to make an opening for an aristocracy of virtue and talent."

Andrew Jackson, too, saw the advantages of the Government having full control of the issue of legal tender note currency. He said: "If Congress has a right under the Constitution to issue paper money, it was given them to be used by themselves, not to be delegated to individuals or corporations." Jackson's veto message for renewal of the second U.S. bank is a classic. The real U.S. bank that Jackson wanted was not established and a long period of disaster followed.

It is not within the scope of this paper to follow all the vicissitudes of our country's banking system. It is, however, necessary to relate in somewhat more detail the circumstances surrounding Lincoln's issuance of the U.S. legal tender notes.

In 1858 there were listed 5,400 separate descriptions of counterfeit notes. In 1862 there were about 1,600 banks chartered in the 29 States, together issuing 7,000 different kinds of banknotes of varying value. Payment in gold had been stopped by all banks. Bankers were demanding 28-percent interest for money loaned to the Government.

Into this confused atmosphere, and in order to finance the Civil War, Abraham Lincoln, with the approval of Congress, ordered the Treasury to issue inconvertible U.S. notes to be used as legal tender. Lincoln's foresight at this critical period of our history not only enabled him to finance the war but also showed the way to free mankind from economic slavery. When issued, this currency was accepted at face value as a medium of exchange. It gave a boost to the economy, and some historians believe it enabled Lincoln to save the Union.

Woodrow Wilson, referring to this period in his history, states:

Money was once more easy to get . . . and could be used at its face value as well as gold itself to pay the mortgages off which the older times of stress had piled up. The "greenbacks" of the Government became for the agricultural regions of the North and West a symbol of prosperity.

It may be added that when the farmers are prosperous, others in the main are prosperous. In any event, there has been at least one time when the people were not accumulating interest-bearing debts faster than property. That time was when Lincoln was issuing legal tender nonconvertible notes.

When special interest in control of banks and the gold found that the Treasury was encroaching on their own profitable monetary system, they used their great wealth and propaganda—the gimmick of gold—to sabotage the new currency by prevailing upon those in charge to put crippling wording upon the notes and by persuading the people to refuse to accept it.

We see today that the crucial issue was the determination of special interest to continue to usurp the prerogatives of State and regain control of the Nation's money. The man who led and won this fight for the bankers were Salmon P. Chase, Lincoln's Secretary of the Treasury. Chase was a lawyer like Hamilton and worked hand in glove with the financial interests. In 1863 he succeeded in establishing the national banking system, returning the privilege of the issue and control of currency to private hands.

The National Bank Act which may have been drawn up by the British Banking Association "became law by an act of a servile Congress over President Lincoln's strong protest." Lincoln's primary interest at that time, however, was to save the Union, and he could not at the same time fight the Confederacy, the international bankers, and financiers like Jay Gould, who owned the gold and controlled the banks.

Due to all this—to the fortunes of war which threatened the Government itself—the value of the U.S. legal tender notes bearing the words "—legal tender—except for duties on imports and interest on the public debt," which had to be paid in gold, depreciated to a value of 35 cents on the dollar when Lee invaded the North. Those notes were not the only ones that fell. Most private bank notes of the time became worthless and were never redeemed.

In 1869 the Supreme Court declared the issue of legal tender currency by the Government unconstitutional, but only by a single vote. Changes in the Court's personnel occurred almost immediately, and in 1870 the decision was reversed. Despite this, the owners of the national bank retained their control of the issue of the people's money. Money remained scarce and times hard.

In 1874 a small group of patriotic and farseeing men attempted a real reform of our monetary system. Unable to interest existing political parties, they formed a new party, the American Independent National Party. This party advocated increasing the volume of Lincoln's U.S. notes, and with these paying all Government bonds not expressly payable in gold coin. The new party also advocated the suppression of all issues of currency by private banks.

In 1878, after fusing with certain labor parties, the name was changed to the Greenback Labor Party. This symbol was chosen because the U.S. notes were printed with green ink, so they might be readily distinguished from the yellow-colored gold certificates. In that year its members cast more

than a million votes and elected 14 Congressmen.

Alarmed at the threat to their privileged position, the bankers rallied to the fight. Such misrepresentation of facts, vilification, and ridicule has probably never before nor since been used in American politics. These attacks aroused old superstitions and new fears in the minds of men who had since childhood been taught that gold coin was the only real money; who could, between panics, take paper money to a bank and exchange it for gold. The party's following decreased and soon after the 1884 election, passed out of existence.

The next year Congress firmly reestablished the Government's promise to redeem the U.S. notes, whereupon they went to par and the speculators who had bought up the currency made their enormous profit. Three hundred and forty-six million dollars of these "greenbacks" are still in circulation—the soundest money on earth because they are as sound as our Government. In over 2,500 years there is no official record of legal tender currency having caused inflation where a responsible, strong government was in full control of the issue of all its money.

The country was on a rigid gold standard when it ran head on into the severe panics of 1893 and 1907. In the panic of 1907, banks being unable to supply the people with money, many industries, banks, and large companies printed small slips of paper tokens which were accepted by workmen and merchants as money in the exchange of goods and services.

The Nation's discontent with the defects of the privately owned and controlled national banking system caused Congress to talk of monetary reforms.

Senator Norris and other men of vision felt that the Government should issue and handle its own currency and wished to establish a true U.S. bank which would be owned and controlled entirely by the Government. Their views were cried down and a powerful machine-picked Senate committee appointed.

The Aldrich Commission, after months abroad visiting European banks, reported in favor of what amounts to a privately controlled system, eminently satisfactory to creditor interest. A prototype of the Reichsbank was approved by Congress December 23, 1913. It was named the Federal Reserve Act. The word "Reserve" indicated its 40-percent gold requirement which was claimed to be its very cornerstone.

The Federal Reserve was a banker's bank. Despite some doubletalk as to who was to own the stock, it was provided that member banks had its refusal. They took all and still, today, own 100 percent of it. When I say "member banks" I mean bankers and those they represent. It is not as impersonal as it sounds. The provision that the Governors of the Federal Reserve should be appointed by the President with advice and consent of the Senate was not consistent with the Constitution which, in lising the duties of Congress, section 8, includes the words, "To coin money, regulate the value thereof, * * *." In fact, any participation by a Congressman was expressly forbidden by the act.

The small handbook printed by the Federal Reserve sounds fair enough but gives no idea of what is involved. "The Federal Reserve Act of 1913 With Amendments and Laws Relating to Banking" compiled by Gilman G. Udall, Superintendent Document Room, House of Representatives, shows that from August 4, 1914, to July 5, 1958, Congress approved over 200 amendments. These with the 27-page act make a volume of fine print with 487 pages, so complicated that the average citizen cannot understand it nor could the best meaning Board of Presidential Appointees administer the act in such a way as to give the same equality of opportunity to each kind of business as the banks enjoy.

We have no intention today of entering this veritable maze. We must say, however, that as confusing as this is, the mind is even more baffled when it attempts to fit reports from this institution into actualities. As this leads to our point, we wish to give an example:

The 45th Annual Report of the Board of Governors of the Federal Reserve System, covering operation for the year 1958, page 15, states:

The great bulk of the gold holdings of the United States (at the end of 1958, $20 billion out of a total $20.6 billion) is held in the Treasury as security against a corresponding amount of gold certificates issued to the Federal Reserve banks. These gold certificates, owned by the Federal Reserve banks, together with their holdings of the U.S. Government securities, advance to member banks and other assets, serve as backing for Federal Reserve liabilities. Under the Federal Reserve Act, holding of gold certificates must not be less than 25 percent of Federal Reserve notes and deposit liabilities; actually the amount held greatly exceeds this minimum.

This seemed a strange report. Knowing that the system's gold requirement had by repeated suspensions been virtually eliminated; and having read several articles indicating that the report was misleading in that the United States owed more gold than we owned; and that foreign currencies had been pyramided on the gold stored in our vaults, I came to Washington in June 1960 in an effort to learn the truth.

At the U.S. Department of Commerce I was told as a fact that we owed more gold to foreign interests than was stored in the Nation's vaults and that it only remained in the United States through "a gentlemen's agreement."

Thus it is seen that though the Federal Reserve banks have no "reserve," the gimmick of gold is still used. If this is not to confuse, what then? The truth is that we are not on a gold standard, and should not be. Such ideas have no place in our thinking. For over 30 years we have not been able to exchange a single paper dollar for gold coin. It may be said in passing that you can exchange paper dollars for all the gold jewelry you want. Conversion into silver is now being brought to an end. The new $1 Federal Reserve note omits the meaningless promise of redemption in "lawful money" and stands for what is and all the rest of our currency really is—fiat money, pure and simple. This is as it should be, but that is not the whole story.

The Federal Reserve notes are issued by the Treasury on the order of officials of the Federal Reserve System and enter the economy through a complicated, privately owned and/or controlled banking system.

In all our Government the Federal Reserve System is the only place where those in control are allowed to have a conflict of interest.

Fifty years have passed since the Federal Reserve banks took over our monetary system and the management of our Government bonds. Have the benefits accrued to the general public or have they accrued to the bankers and those they represent? Let us see.

In 1914 the per capita debt was about $12 and in 1963 around $1,600, although population had more than doubled. There have been more business failures made during the past few years than since the early thirties and there are relatively fewer homes free of debt than 50 years ago. We cannot gloss over the fact that under present economic conditions, more hospital beds are filled with mental cases than all other ailments, and that doctors' offices are swamped with emotional and nervous wrecks. In my work as a physician I have often traced illnesses to tensions due to economic strain. This is true of many of our most gifted and cultured citizens, as well as others in this land of abundance. Skyrocketing debts and crime increasing five times as fast as population are largely due to the evils of our monetary system.

The individual who buys Government bonds does so with hard earned dollars saved after taxes. Does this individual get the same value and protection that the banks receive? Of course he does not. If he holds his E bonds until maturity, his investment increases by one-third. In most cases inflation more than wipes out the increase as well as much of the value of the invested dollars. If he uses the bond as a collateral, he must pay the bank more interest than is accruing on the bond.

To banks, however, the bonds gravitate as naturally as water flows downhill. The Conference on Economic Progress explains it this way:

Further, the Treasury had to borrow about $200 billion during the war, of which only about $50 billion were loaned to the Government by individuals. The balance was loaned mostly by banks, which acquired these holdings virtually without cost to their stockholders. The banks "paid for" these bondholdings merely by setting up on their books "credit to the Treasury."

And again—Dr. Dean Russell of the Foundation for Economic Education, Inc., in his monograph on Money, Banking, Debt, and Inflation (How the Federal Reserve System Works), page 16 and 17, describes in detail the bewildering manipulations used by the banks in obtaining ownership of Government bonds and fully justifies his conclusion which is as follows:

Thus the $6 billion worth of still unsold bonds was absorbed as planned by commercial banks which, in effect, had been given the money by the Fed to buy them.

No matter how acquired, the interest the Government pays on these bonds is but a trifle compared to the profit from the manipulation of Government and other credit. From less than one-fifth in 1939, Government securities had become more than two-thirds of the earning assets of the banks by 1944.

In 1940 cash dividends declared by member banks of the Federal Reserve was $210,500,000 and $832 million in 1962. My inquiry as to whether new capital invested in the banks warranted this increase was answered by the spokesman of the Board of Governors of the System, as follows:

Average total capital accounts of member banks were $5,597 million in 1940 and $19,066 million in 1962. The ratio of dividends declared to total capital accounts was 3.8 percent in 1940 and 4.4 percent in 1962. Although many other factors were important, retained earnings of member banks have totaled $11,366 million over this period and accounted for most of the increase in total capital accounts.

The $11,366 million additional capital accruing between 1940 and 1962 represents earnings above published dividends paid out by these banks during this period. Was not the actual interest received on investment in 1962 10.8 percent? This example shows that the Federal Reserve System has grown into such a Frankenstein that the average citizen is misled by their financial reports as well as their manipulation of Government credit, and that any Government supervision is of little value.

Congressional Record, appendix 11, 1961, pages A6293 to A6296 show facts to prove that the annual Federal subsidies to commercial banks amount to over $5 billion, and that with capital of $23 billion banks have accumulated assets of $252 billion. The truth is that it is not practical for the Government to support each type of business and all individuals just as it does the Federal Reserve System and the financiers.

Our progress has been due to developing a part of our great inheritance of natural resources during a favorable period of history by the many divisions of our economy and

not to vested interest controlling the money created by the bankers. Our progress has indeed been great, but it is sobering—indeed a darkening thought to remember that it is not paid for—that we owe over a trillion dollars and that this amount continues to mount.

The result of 50 years shows that our present monetary system is merely a finesse for perpetuating financiers dedicated to maintaining the status quo instead of the public good. Their use of gold, Federal Reserve notes, and bank credit has resulted in exploitation of the Government and people and enslavement of these in astronomical debts.

This is the true state of the Union. No, the Federal Reserve System has not worked to the benefit of the Nation as a whole. It did not prevent the great depression of the thirties nor will it prevent another, a greater, and this time perhaps a fatal one. We have done some patchwork, but the fundamental causes of the great depression have not been solved. The inherent fallacy of the System will inevitably bring the day of reckoning. There is already the feel of the late twenties in the air.

Let us compare a U.S. note with a Federal Reserve note. (Exhibit notes.) Both were paid me for my services. These notes are identical except that at the very top the words "United States Note" has on one note been replaced with the words "Federal Reserve Note," and the seal of the Federal Reserve Bank has been added to our Treasury seal. Both notes are made legal tender by Government decree and both are obligations of the United States. Neither can be exchanged for gold.

The difference of these two notes lies in the fact that the U.S. note was issued by the Treasury and entered direct into circulation as a medium of exchange for goods and services. The Federal Reserve note was issued by officials of the Federal Reserve Bank upon authority delegated to them by Congress and enter circulation under the cloud of their monetary system. This authority has opened the door of the Treasury to special interest and their manipulation of bank credit and interest-bearing Government bonds.

The banks and bankers are already receiving interest on their promissory notes. That is enough. The Nation should not continue to favor this group by continuing to supply them with money on unequal terms. Nor should it continue a practice which, in exchange for bookkeeping, transfers to them enormous wealth in the form of interest-bearing Government bonds.

Government decree makes $30-odd billion of these Federal Reserve notes legal tender money.

Now let us examine the U.S. note. Though only a handful compared to the others $346 million in these U.S. notes are still in circulation. They were issued by Lincoln and have been used to pay for goods and services from that day to this. In the past hundred years these notes have not cost the Government 1 cent in interest, or added $1 to the public debt. Thirty years ago Congressman William Lemke, in speaking of these Civil War notes, said:

"Of all the money, these notes have rendered the greatest service to the American people. They helped to win the Civil War. They have saved the Nation more than $12 billion interest since issued."

These notes are the best currency in the world. Despite what we may have been told, you and I know they have no gold backing and need none. They are backed by the seal and might and all the wealth at the disposal of the U.S. Government. They are declared by it to be full legal tender for all debts public and private, and are accompanied by the Government's promise to redeem them by accepting them as taxes; which, in the last analysis, is the only way any government can pay its notes.

The official record shows that in our own day at a time of great stress, Congress acknowledged this as true; and turned to the U.S. note as our basic medium of exchange and the one way, except by repudiation, of bringing debts under control.

In "The Federal Reserve Act of 1913" U.S. Government Printing Office, Washington, 1958, on pages 150 and 151, under "(extract from) (Public No. 10, 73d Congress)" is found the following: "Title III—Financing: * * * and exercising power conferred by section 8 of article I of the Constitution: 'To coin money and to regulate the value thereof.'"

On May 12, 1933, Congress authorized the President to issue $3 billion of these U.S. notes and stated that they were to be the same notes as those approved by Congress February 25, 1862.

The President was persuaded by the financiers not to do this, assuring him that they were able to supply the money.

If, at that time, Congress had asserted the authority given it by the Constitution and had done its plain duty, Members of Congress would have seen to it that the $3 billion of this sound legal tender notes were issued and used. Instead of authorizing more interest-bearing bonds, the public debt and inflation would be much less today. Increasing the interest-bearing public debt is like fighting fire with gasoline. Keeping currency scarce forces the people to pay interest for bank credit. Bank credit now has increased to over $300 billion. Thus there is 10 times as much bank credit as there is currency to pay it.

Today's bank credit comes into existence every time the bank lends and disappears every time the loan is repaid to the bank. When thrifty people borrow from the bank for the production of goods and then repay their loans, the money (bank credit) disappears, leaving the consumer empty handed. In bad times when the banks will not lend, and when those who have deposits will not invest, there is no money with which to pay. This is what makes prosperity so dangerous. It destroys money just when it is most needed. Automation and unemployment will compound the danger. Less bank credit and more U.S. legal tender currency is the answer for the foreseeable future.

These non-interest-bearing U.S. notes, then—legal tender currency based on the economic freedom won by the American Revolution—are the best medium of exchange to move the goods produced by industry and the farms into the hands of the consumer. It was the note Thomas Jefferson had in mind, 170 years ago, when he said that if the people were able to regain control of their money and issue legal tender notes, the Government would never incur a public debt. All other currencies should be gradually retired and the U.S. note, and this note only, should be made the basis of our monetary system.

The principle of such a currency is so simple that a child can understand it; that it is a government's duty to furnish to all its people, on equal terms, a medium of exchange in sufficient quantity to meet their needs.

The present-day issue of U.S. notes would be as follows: The Government, needing goods or services, or to pay its obligations, issues its bonds in the form of small, non-interest-bearing notes, and declares these legal tender. The U.S. note should be paid directly by the Treasury (or, as checks mostly are used, send a check and credit the receiver's account). As the note is full legal tender money, the receiver may spend it in the nearest store, pay for services, invest it, save it, or lend it at interest. The note travels from hand to hand satisfying exchanges and debt. That is the history of the note I hold in my hand. The time for redemption is immaterial for it bears no interest. I or another will finally present it to the U.S. Treasury, as payment for taxes. The Government accepts it, thus satisfying the debt it made during the Civil War. The cycle is complete. This little bond has cost not 1 cent in interest. It may be retired or may be reissued.

The agency for handling legal tender currency and notes should be a department of the Treasury under control of Congress. It should be composed of well qualified and reliable men. Payments for services and goods for the Government and payment for the Government's other obligations should be made direct by the Treasury. The Treasury, too, may make under direction of the President, where authorized by Congress, long-term loans at low interest to distressed areas. All large operations should be handled by credit and debit on books, as at present. Circulating notes should be kept at safe levels by the use of computers, but the supply should be great enough so that interest-bearing bank credit is not forced upon the economy to the extent it is today. For general circulation the money might be loaned to banks at the proper interest so that the banks in turn might lend it to their customers.

Soon the Treasury should establish a school, somewhat similar to West Point, where personnel could be trained. These men, with the integrity of the postal employees or the Federal Bureau of Investigation, could advise and administer the system. They could also work out a method of foreign trade balances much superior to the present one. Japan, which has no gold, carries on extensive foreign trade.

As an example of the working of this system: the Secretary of the Treasury has now asked Congress to raise the Federal debt ceiling from $315 to $324 billion. (This money will not pay this year's interest on the public debt.) Instead of Congress authorizing the issue of $9 billion in additional interest-bearing bonds (at 4 percent) Congress should authorize the issue of $9 billion legal tender notes bearing no interest. (It cannot be said that this is irresponsible and inflationary financing with nonconvertible U.S. notes—we are going to increase credit this much anyway.) This would have $360 million interest during the current year and many, many billions in the years ahead.

To sum up: Our un-American monetary system should be replaced by one adequate to meet today's economy—one understandable to the average citizen.

Monetary stability is fundamental for a sound economy working within the law of supply and demand. The Government's fiscal as well as its debt policy must be coordinated by civil service economists in the Treasury who are dedicated to the public interest. It is the mandatory duty of Congress to assert its authority in seeing that U.S. note currency is issued by the Treasury and that it is used as a medium of exchange. All other paper money should be retired as fast as it wears out. This would be the first step toward freeing our people and economy from the control of financiers and international bankers who have used the Federal Reserve System as a tool for exploitation beneficial to creditor interest.

All Government bonds should be retired as fast as feasible with non-interest-bearing U.S. notes with the view of bringing to an end the issuing of interest-bearing Government paper.

A true American monetary system consistent with the Constitution and our republican form of Government would free the people and Government from astronomical debts, make for a strong economy, be a step toward peace, and become the standard of the world.

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M. E. EWING, PUBLIC SERVANT

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, it is always a pleasure to pay tribute to American citizens who unselfishly contribute their time and energy in service to their fellow man.

Such an individual is M. E. Ewing, who recently retired as president of the Polk County, Mo., selective service board. He has considered judgments from the grassroots point of view, which are well expressed.

The story, detailing Mr. Ewing's 22 years of service to his Nation recently appeared in the Bolivar, Mo., Herald-Free Press. The story, incidentally, was written by a young lady named Carol Rolf, who was spending a week working for the paper as part of her course in "community newspaper" at the University of Missouri School of Journalism, in Columbia, Mo.

I commend Mr. Ewing for the excellence of his public service, and I commend Miss Rolf for the excellence of her reporting. The account follows:

EWING RETIRES FROM BOARD—GIVES 22 YEARS OF HIS LIFE TO NATION'S SELECTIVE SERVICE

(By Carol Rolf)

After 22 years of dedicated service to his country, M. E. Ewing has retired effective March 6 as a member of the Selective Service Board No. 88. At the time of his retirement Mr. Ewing had served as president of the board for 19 years.

He will receive a Certificate of Appreciation personally signed by the President of the United States, Director of Selective Service, Governor of Missouri and State Director of Selective Service. A retirement lapel emblem also will be awarded.

No replacement has been named at this time.

Others members of the Polk County Board are John McReynolds and Robert Jump, both of Bolivar.

Born and raised in Morrisville, Mr. Ewing says he received little formal education. He entered the University of Missouri in 1915 but World War I interrupted his studies. He again entered in 1920 and left in June, 1921. He didn't receive a diploma until 1923. There was some question about his required hours and subjects taken, but because of his schooling in the service, he received a bachelor of science degree in 1923.

Mr. Ewing entered the Army in 1915. He says, "I didn't want to go, but my father brought me down here and told me I was going to fight for my country and my fellow man. That's not how it is today."

"When I brought my son down thirty years later, I didn't want to see him go and he didn't want me to enter the building with him."

During his service with the Army in World War II he taught heavy field artillery at Ft. Sill, Oklahoma. He taught G. I. trainees for both world wars and also taught World War II veterans.

Mr. Ewing has been involved with the armed services through World War I and II and the Korean conflict and now the Vietnam war.

"I don't know whether this war is right or wrong," he says regarding the Vietnam war. "All war is hell. It's not clear why we're over there and war has never been declared. I think if war had been declared, this thing would have been straightened out a long time ago."

He says the attitudes about war have changed, but that it's been a gradual change instead of a sudden one as many people believe.

"People have less respect for law and order, morality and respectfulness," he comments. "But it's been going on for a long time."

"I don't see anything wrong with the lottery," he says. "I can't see where it's going to be any more effective. There's not much change to it and I think it takes people a long time to get used to anything new."

Mrs. Virginia Johnson, clerk of the Board, said Polk County's highest draft number so far has been 99. There has been some local question as to whether Polk County has been operating under the lottery because of the few men going into service. Mrs. Johnson said there is no other way for them to operate. Mr. Ewing and Mrs. Johnson both think the lottery will take a lot of the blame off the local board.

Mr. Ewing began his job as a board member in October, 1948.

"I have nothing to do with the law-making," Mr. Ewing explains. "I've tried to make it just and equitable to all the trainees."

"I always figured that when one boy had had the chance to have four years of schooling that it was someone else's turn after he got back. Sometimes it's hard to be just."

Mr. Ewing believes the volunteer army is the only thing that will satisfy the public. "We're ruined if we start it," he believes. "They tried it at the beginning of the Revolutionary and Civil Wars, but it didn't work then and it won't ever work."

He says he's never received any pay for anything he's ever done in his life. The board members receive no pay for their work.

"I'm just a farmer," he says. "And now that I've had to retire (the government makes them retire at 75) I'll just keep on working.

"I don't apologize for two things: I've always worked with my hands and I've always lived on a farm."

Mr. Ewing is very active in Masonic and church work. Only two men in the state of Missouri are higher in the Masonic order than he is: Harry Truman, former U.S. President, and Forrest Donnell, former governor of Missouri.

"There's so much autocratic power in the government today. There's no leadership to it—it's a dog eat dog world and that's what's wrong with the country.

"People don't want to promote each other's welfare or enjoy each other's prosperity. They've forgotten about the good things and most people are in it, whether it be government or whatever, for what they can get out of it. 'The ins, they grin and the outs, they pout.' That's politics today."

CONDUCT OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

(Mr. CEDERBERG asked and was given permission to speak out of order, to revise and extend his remarks, and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, I include editorial comments from recent issues of Life magazine, the Northern Virginia Sun, and the Mansfield, Ohio, News-Journal on the conduct of Associate Justice William O. Douglas of the Supreme Court in the RECORD following these remarks:

[From Life magazine, May 1, 1970]

REVOLUTION, RANT, AND JUSTICE DOUGLAS

(By Daniel Seligman)

I picked up a copy of *Points of Rebellion* the other day to see if its author, Supreme Court Associate Justice William O. Douglas, had actually been promoting revolution as strenuously as his critics, some of whom want to impeach him, allege. I discovered soon enough (you can read the book in an hour) that his views on revolution are not what's mainly interesting about Douglas these days.

The real news is that he seems unable to think straight about *any* subject he brings up. He has become a ranter. His life-long concern for the rights of dissenters has now been translated into a near-paranoiac insistence that we have already lost our basic freedoms to an omnipotent and malevolent Establishment. According to Douglas, this Establishment demands conformity from all citizens: it relentlessly searches out "the ideological stray." It controls both major parties and makes independent political action difficult. It is itself controlled by a few insiders. At one point Douglas quotes from a letter sent him by a GI in Vietnam, who says that we have "moved from a government of the people to a government of a chosen few." These have achieved their position "by birth, family tradition or social standing"; they now have "all the wealth and power" and they "control the destiny of mankind." Douglas soberly characterizes all this foolishness as "bald truth." What his numerous fans, who have praised him for helping to preserve American freedoms. will make of his view that we've lost them I cannot imagine.

He has also stopped bothering to get facts straight: *Points of Rebellion* is a treasure trove of astounding statements that turn out to be quite untrue. Part of the problem seems to be that the author is living in the past. Carrying on about "goose-stepping and the installation of conformity as king," he refers to the loyalty and security hearings instituted by President Truman in 1947, and observes that: "anyone who works for the federal or for any state government must run the gauntlet." But these procedures, which were never adopted by most state governments, ended in 1953! As a current instance of the Establishment's ability to "brainwash us about Asia," he cites the activities of "the China Lobby, financed by the millions extorted and extracted from Americans by the Kuomintang." For younger readers it is perhaps necessary to add that the lobby in question, which supported

Chiang Kai-shek's Nationalist government, has been stone cold dead for years.

Even in talking about problems that are still real and still serious, Douglas does not use the current figures. He says that "two out of three Negro families have earned less than $4,000 a year" (the current proportion is about one out of three); and that "only one out of five Negro families has made $6,000 or more" (current figures suggest that almost half of Negro families make $6,000 or more). In talking about "the specter of hunger that stalks the land," he says that 11 million American families make less than $2,000 a year (the correct figure is 2,600,000 families) and that five million families make less than $1,000 (the correct figure is under a million).

By way of showing how easy it is for the Establishment to push us around, he says, "The electronics industry is firmly entrenched in the Pentagon and that industry will reap huge profits from ABM which started as a $5 billion item, quickly jumped to $10 billion and $200 billion and even $400 billion." This passage is one of several in which Justice Douglas uses language that blurs the difference between what has actually happened and what some people—in this case the most extravagant critics of ABM—say *might* happen in the future. In the course of demonstrating that the concerns of the young are legitimate, he notes: "German students are inflamed at our use of napalm in Vietnam, putting to us the embarrassing question, 'It's a war crime, isn't it?'" Now whatever one thinks about the use of napalm, the term "war crime" has a precise legal meaning. It refers to a variety of specified actions that were held, at Nuremberg, to violate the customs of war. And using napalm was not one of the actions specified.

The young, oozing relevance at every pore, are the heroes of Douglas' exercise. We have all, by now, been exposed to heavy doses of sentimental nonsense about the nobility of youth, but I can't recall reading anyone who lays it on as thick as Douglas does. The following is a fair specimen of the patty-cake prose and tone of voice he brings to the subject:

"Yet another major source of dissatisfaction among our youth stems from the reckless way in which the Establishment has despoiled the earth. The matter was put by a 16-year-old boy who asked his father, 'Why did you let me be born?'

"His father, taken aback, asked the reason for the silly question.

"The question turned out to be relevant, not silly.

"At the present rate of the use of oxygen in the air, it may not be long until there is not enough for people to breathe."

Douglas has a ready answer to those who inquire what the young really want. They want an end to the repression they suffer at the hands of the Establishment. They want a return of freedom—"the freedom of choice that their ancestors lost."

If they don't get it peacefully, they may of course be compelled to take it violently. The notion that those who use violence really have no choice about the matter recurs a number of times in *Points of Rebellion*. About violence in the schools, for example, it appears that "much of modern education fills young tender minds with information that is utterly irrelevant. . . . Students rightfully protest; and while all their complaints do not have merit, they too should be heard, as of right, and not be compelled to resort to violence to obtain a hearing." There is also an implicit argument for violent revolution in Douglas' analogy between today's Establishment and George III. ("We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution.") And there is again the notion that the outcome depends, not on the prospective revolutionaries, but on the Establishment; if it acts wisely and accedes to the just demands of the young, there doesn't have to be any trouble at all. What could be fairer than that?

Maybe it is, as Douglas' critics contend, a very serious matter indeed when a member of the highest court in the land suggests that violent revolution is appropriate in the United States today. But I suspect that many readers will find it imposible to take anything in *Points of Rebellion* very seriously.

[From the Northern Virginia Sun, Apr. 22, 1970]

E. M. K.'s DOUGLAS DEFENSE "NO SURPRISE"

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON.—Sen. Edward Kennedy's precipitate defense of impeachment-threatened Justice William O. Douglas was no surprise to intimates of both men.

The ultra-liberal peacenik jurist has been a close personal, legal and political adviser of members of the Kennedy family for some 35 years.

Similarly, it was no surprise to insiders that former Justice Abe Fortas rushed to the support of Douglas. They long were close friends before Fortas went on the Supreme Court, and he consulted Douglas repeatedly before deciding to quit to avoid impeachment.

Among insiders, Douglas has long been known as the "household attorney of the Kennedys."

As a young member of the faculty of Yale Law School, Douglas was brought to Washington by the late Joseph Kennedy, head of the family and at that time chairman of the newly established Securities and Exchange Commission. Several years later, Douglas succeeded him in that job through Kennedy's influence with President Roosevelt.

Years later, when John Kennedy became President and Robert Kennedy Attorney General, both frequently consulted Douglas on a wide range of problems.

It was at Douglas' urging that they launched the nationwide drive to ransom for $65 million in drugs and medical supplies the Cuban prisoners in the botched and disastrous Bay of Pigs invasion attempt.

Similarly, Douglas had a great deal to do with "Bobby" Kennedy's jumping into the Democratic presidential race in the spring of 1968. Douglas had wanted him to run before Sen. Eugene McCarthy announced. When the latter made an unexpectedly strong showing in the New Hampshire primary, Douglas resumed his prodding and this time "Bobby" heeded him.

After the latter's death, "Teddy" turned to Douglas for counsel and guidance.

Douglas was consulted during the still-sputtering Chappaquiddick affair, and on related matters since then. Last month, Douglas reportedly advised "Teddy" to discreetly revive his presidential aspirations with attacks on the Nixon Administration's handling of the tortuous Vietnam problem and domestic economy policies.

It is significant that in the last few weeks Kennedy has done a lot of talking, in the Senate and at political meetings, along these lines. Sources close to him indicate there will be more of these partisan attacks.

TALKING OUT OF TURN

"Teddy's" precipitate defense of Douglas backfired fast and stingingly in the Senate and elsewhere.

Senate Republican Whip Robert Griffin, Mich., sharply rebuked Kennedy for speaking out of turn and, in effect, disregarding his constitutional obligation to keep his mouth shut.

"A statement in the Senate," caustically pointed out Griffin, "questioning the motives of House members comes dangerously close to giving the appearance of prejudgement on the merits. In order for the Senate to be in a position to carry out its solemn responsibility under the Constitution, senators should be particularly aware at this time of the importance, not only of keeping an open mind, but also of refraining from public statements which give the appearance of having prejudged the case against Justice Douglas.

"If the House should vote to impeach Justice Douglas, then the Senate, under the Constitution, has the sole and solemn responsibility to sit as judges and jurors to hear the evidence and to determine the guilt or innocence of the accused. That is why each senator should realize that it would be a serious breach of his obligation under the Constitution to involve himself in public discussion of the merits or demerits of the possible impeachment of a Supreme Court justice. . . . Certain restraints are imposed upon senators under the Constitution in a situation such as this."

Since Griffin's forceful reminder, Kennedy has been publicly silent. Privately he has continued to berate the strongly bipartisan move in the House to bring about Douglas' impeachment.

Already there are backstage intimations that should the House vote impeachment and the case go to the Senate for trial and judgment, a formal demand may be made that Kennedy be required to abstain from participating on the ground of publicly voiced bias and pre-judgment.

Throughout the nearly 200-year-old history of the Supreme Court, only one member, Justice Samuel Chase, was impeached by the House and tried by the Senate. He was acquitted by the Senate. A two-thirds vote of that chamber is required to convict.

At a fund-raising reception in Montgomery County, Md., adjoining Washington, for Adlai Stevenson III, running for the Democratic senatorial nomination in Illinois, "Teddy" acclaiming him said, "I know what it is like to run on a famous name. But I am sure the voters will judge Adlai as they did me—on my achievement."

Kennedy gave no clue as to just what that "achievement" is.

[From the Mansfield (Ohio) News Journal, Apr. 15, 1970]

THE JUSTICE IS AN EMBARRASSMENT

Justice William O. Douglas could save everybody a lot of trouble by resigning his seat on the U.S. Supreme Court.

An investigation of his conduct as proposed by House Minority Leader Gerald Ford, will produce substantial embarrassment, if nothing more, for the whole country.

Some men at 71—which is Douglas' age—are full of natural dignity and an accumulation of experience which entitles them to general respect and even a certain amount of humoring with regard to their foibles.

There is a natural tendency to regard Douglas that way even though, in our opinion, he has foregone that privilege by trying to behave like a physical and mental creature a third his age.

As a member of the highest court in the land, his writings, if they had substance, would certainly be welcome in the nation's best publications. Indeed, Douglas has in the past contributed to the highly respected National Geographic as well as other magazines.

But his latest literary pullulation apparently could find a market only in a review that prints numerous advertisements for sex books and liberally sprinkles its pages with pictures of nude women.

This is just another example of Douglas' ridiculous quest for a youth long past. He is publishing like a college boy making his first inexperienced foray against the Establishment.

What Douglas has to say indicates some of the same juvenility—senility is not the word in this case.

Although he represents the very epitome of justice by legal process, Douglas advocates violence as an alternative to peaceable dissent.

He is of course entitled to that view as an individual and as a citizen; he is not entitled to it as a traitor to the position of trust which he was granted for life on the Supreme Court.

Perhaps Justice Douglas would relish whatever scandal an investigation and impeachment proceedings can produce.

Younger, more mature citizens of the nation will not relish it.

Douglas ought to take his juicy pension and get out of official life. What antics he may choose to continue as a private citizen will be his own business.

LENIN: ORIGINATOR OF COMMUNIST TERROR AND GENOCIDE

(Mr. DERWINSKI asked and was given permission to speak out of order, to revise and extend his remarks, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, on April 22, Moscow and its Red satraps inaugurated the Lenin centennial, the celebration of the totalitarian Russian's birthday. The propaganda surrounding this event already shows how desperate the totalitarian Red governments are in coping with the psychological resistance of the captive peoples and nations, particularly those in the Soviet Union itself where its effects have been witnessed for some time in the economy, Russian/non-Russian relations, and intellectual dissent. Among Lithuanians, Ukrainians, Latvians, Turkestani, and other captive non-Russian nations, the myths of Lenin and Leninism are a reservoir of subtle jokes that they can enjoy until the time arrives for the final elimination of the myths themselves.

On this occasion the Ukrainian Congress Committee of America has performed a valuable public service by publishing and distributing an incisive memorandum, titled "Lenin: Originator of Communist Terror and Genocide." Signed by the president of this national organization, Dr. Leo E. Dobriansky of Georgetown University, the covering letters to U.N. Secretary General U Thant, UNESCO's Director Alfonso de Silva and others indicate only in part the wide distribution given to this thought-provoking memorandum. The accompanying press release "Ukrainian Congress denounces UNESCO for honoring Lenin, founder of totalitarian system" also indicates the nature of the crimes committed by Lenin. The memorandum and this additional material make for productive reading and instruction at this time:

APRIL 14, 1970.

Hon. U THANT,
Secretary General of U.N.,
United Nations, N.Y.

DEAR MR. SECRETARY: We are taking the liberty of sending you a copy of the Memorandum dealing with the 100th centenary of Vladimir I. Lenin, which was issued by the Ukrainian Congress Committee of America today.

As you will note, the Memorandum deals with beliefs and policies of Lenin during his lifetime, and also with the political heritage he bequeathed to his successors, including the present leaders of the Soviet Union.

We trust the Memorandum will provide you with a new and different viewpoint on Lenin, not that accepted in the USSR.

Sincerely yours,
LEV E. DOBRIANSKY,
President Ukrainian Congress,
Committee of America.

APRIL 14, 1970.

Hon. ALFONSO DE SILVA,
Director General of UNESCO.

DEAR SIR: We take the liberty of sending you a copy of the Memorandum of the Ukrainian Congress Committee of America, which deals with the much-publicized centenary of Lenin's birth and which describes Lenin for what he really was.

The memorandum criticizes UNESCO and the U.N. Commission on Human Rights, which sponsored a Lenin Symposium, held in Tampere, Finland, over the objections of the U.S. delegations and others, and with a great number of non-Communist states either abstaining or not voting at the UNESCO Conference, which decided to honor Lenin on his 100th birthday under its sponsorship.

The Memorandum also depicts Lenin as the originator of Communist terror, advocate of total violence as the instrument of government and violator of human rights, particularly religious and political freedoms.

We shall be very grateful to you, Sir, if you would kindly forward the enclosed copy to your Government for background information, and ask it not to participate in any observances honoring Lenin.

Thank you for your attention.

Sincerely yours,
LEV E. DOBRIANSKY,
President, Ukrainian Congress
Committee of America, Inc.

[News Release from Ukrainian Congress Committee of America, Apr. 14, 1970]

UKRAINIAN CONGRESS DENOUNCES UNESCO FOR HONORING LENIN, FOUNDER OF TOTALITARIAN SYSTEM

NEW YORK, N.Y.—"UNESCO should take another look at its decision to help celebrate the birthday anniversary of a tyrant, who in his philosophy and his everyday life was the antithesis of everything which is inscribed in the enlightened Charter of the United Nations," stated the Memorandum of the Ukrainian Congress Committee of America issued today.

Dr. Lev E. Dobriansky of Georgetown University, President of the Ukrainian Congress Committee, asked in a covering letter that governments of the free world abstain from official participation in any observances honoring Lenin.

The Memorandum stated that UNESCO and the U.N. Commission on Human Rights, over strong protests of the United States and other members of the U.N., sponsored this month a Lenin Symposium in Tampere, Finland, at which Lenin was eulogized as a "great humanist" and a "promoter" of culture, science and human rights.

In fact, the Memorandum says that Lenin was the very symbol of everything contrary for which the U.N. stands. He was the founder of the notorious Cheka, which provided political and ideological foundations for succeeding Soviet secret police systems, such as the GPU, NKVD, MVD and the present KGB.

According to the Memorandum, Lenin was the originator of the phrase, "religion is the opiate of the people," and he was responsible for the destruction of all religions, such as Orthodoxy, Catholicism, Protestantism, Judaism and Islamism. Lenin also preached that the Communist government should adopt terror as the instrument of rule, and that all other parties should be eliminated. He also advocated the overthrow of the capitalist system, destruction of the Western-type democratic governments, and the imposition of his "dictatorship of the proletariat."

The Memorandum appeals to all governments of the free world not to honor Lenin "either in the U.N. or on their own soil," as he was responsible for the establishment of the Soviet totalitarian system, which destroyed millions of human beings and which remains a permanent threat to the free world today.

LENIN: ORIGINATOR OF COMMUNIST TERROR AND GENOCIDE

(A memorandum published by Ukrainian Congress Committee of America, April 1970)

INTRODUCTION

For almost two years the powerful Soviet Russian propaganda machinery has been set in motion to publicize, at home and abroad, the 100th anniversary of *Vladimir I. Lenin's* birthday, which falls on April 22, 1970.

Lenin, whose revolutionary alias was *Vladimir Ilich Ulyanov,* is being represented as a great "humanist" and benefactor of humanity. The Kremlin opinion-makers, more mendactious than ever, go so far as to depict him on a par with Buddha, Ghandi and Marx.

The main effort during these two years has been a reissue of Lenin's books, writings and speeches, accompanied by an outpouring of laudatory articles in Communist publications. In addition, on tap are international observances under the sponsorship of world leaders and organizations, calculated to shore-up Communist prestige and power, especially in the non-communist lands of the world. The Soviet system is exploiting the name of Lenin to create veneration approaching adulation, and therefore, as one Canadian journalist aptly points out, to feed the myth "new works and writings of Lenin keep being discovered" almost every day (Peter Worthington: "After A Century: Lenin," *The Telegram,* Jan. 10, 1970, Toronto).

This mythology depicts Lenin as a "lover of children," a believer in the dignity of man and his progress, and a staunch supporter of cultural development and humanism. In being ascribed Christ-like qualities, this exponent of force and violence is emerging as a deity of the Soviet system.

On December 23, 1969, *Pravda,* official organ of the Communist Party, printed the "Theses" of the Central Committee of the Communist Party of the Soviet Union, which have been serving as guidelines on how to observe and interpret Lenin's writings and deeds on the centenary of his birth.

While *Pravda* issues are destined for domestic consumption, the *Moscow News,* which appears in several international editions, has given the "Theses" world-wide dissemination.

As Soviet propaganda, these "Theses" are, to be sure, nothing new, but they merit attention because they labor points that the Russian Communist leaders think are important and timely.

The "Theses" should be studied by all who believe that Communist Russians have mellowed under the Brezhnev-Kosygin leadership. Therein we find that the "chief obstacles to social progress" are the United States and West Germany; that the capitalist system is about to die; that the Communists "highly appreciate the rise of the youth movement, including the student movement" and that they are actively "spreading the ideas of scientific Communism among the youth," and the like.

It should be important to every free man and every free country to know that the "Theses" advocate the abolition of private property and ownership of the means of pro-

duction. Furthermore, the Russian Communist leadership makes it clear that there will be no let-up in their support of "wars of national liberation." They give up only when they have no other real choice, as in the Korean War; they continue indefinitely when it is advantageous for them to do so, as in Vietnam. We learn that the role of the Communist party in the capitalist countries is to serve the aims of the world Communist movement, directed from Moscow, culminating in an over-all assult by the youth.

To be recalled on this occasion is an order Lenin sent to Russia during the 1905 revolution, which reads:

"Go to the youth. Organize at once and everywhere fighting brigades from among the students and particularly the workers. Let them arm themselves immediately with whatever weapons they can obtain . . . a knife, a revolver, a kerosene-soaked rag for setting fires. . . . Let the squads begin to train for immediate operations. Some can undertake to assassinate a spy or blow up a police station, others can attack a bank to expropriate funds for an insurrection. Let every squad learn, if only by beating up police."

Lenin was true to his beliefs, and above all he believed that *violence* and *force* are indispensable for the attainment of power. He derided democracy as a "bourgeois" invention. In comparing the Jacobins with the Bolsheviks, his chief lieutenant, Leon Trotsky, derided the former as "thoroughgoing idealists," in contrast with those "thoroughgoing materialists," the Bolsheviks. "Lenin would rather guillotine than convince . . ." (*C. Stalin: A Critical Survey of Bolshevism.* By Boris Souvarin, Longmans, Green, Co., New York, 1939, p. 65).

Yet the Soviet government would have all believe that Lenin was a saintly and outstanding "humanist." Indeed, it has imposed this twisted image of Lenin upon one of the most important agencies of the United Nations.

I. UNESCO AND LENIN SYMPOSIUM FANFARE

As far back as the fall of 1968 the Soviet Mission to UNESCO, with the assistance of the puppet mission of the Ukrainian SSR, presented a resolution that proposed a symposium on the theme "V. I. Lenin and Questions Relating to the Development of Education, Science and Culture." The Russian proposal read:

"The name of V. I. Lenin is included in the list of great personalities and events whose anniversaries the National Commissions propose to commemorate in 1969 or 1970. The proposal to include the commemoration of the centenary of Lenin's death in the UNESCO program in the form of a symposium attended by about eight experts would entail an expenditure in the region of $5,000.00." (Cf. UNESCO Circular, 15 C/DR. 38, Paris, October 23, 1968).

According to the October 12, 1968 issue of *Radyanska Ukraina*, official organ of the Communist Party of Ukraine, Prof. Peter E. Nedbailo, delegate of the Ukrainian SSR to the U.N. Commission on Human Rights, stated that the U.N. Commission on Human Rights has recognized Lenin as a "great humanist."

A resolution, adopted at the Convention of the American Legion in August, 1969, denounced the proposed Lenin Symposium to be held in April, 1970, in Tampere, Finland, stating:

"To honor Lenin for his supposedly having served the interest of humanity and justice is pure burlesque and is an insult to the millions of innocents who have died through Lenin's terror." (Cf. "UNESCO: A Vehicle for Soviet Propaganda?" Editorial, The Ukrainian Quarterly, Vol. XXV, No. 4, Winter, 1969).

In 1950, on the fifth anniversary of the end of World War II, *Pravda* thus eulogized the "Russia of Lenin":

"Russia became Leninism's homeland, that zenith of world science and culture. The Russian people gave humanity the greatest man of genius—Lenin. . . . The Russian workers' class has played an advanced role in the history of all humanity. First to achieve the Soviet revolution, with this it founded a new era." (Pravda, May 24, 1950, Moscow).

It is reliably reported that UNESCO and the U.N. Commission on Human Rights have endorsed the Lenin Symposium to be held in Tampere, Finland, this month. Lenin will be honored for the "historic influence of his humanistic ideas and activity in the development and realization of economic, social and cultural rights. . . ."

The Russians, it would appear, did not win their victory in UNESCO without opposition. In the roll call vote at the 15th Session of the UNESCO General Conference, 48 member-states of the United Nations, mostly Communist-bloc and African nations, voted for the Soviet proposal, but 21 member-states abstained from voting, while 47 member-states were recorded as absent, although many were in fact present but preferred to refrain from participation in the vote.

Firmly against the Soviet proposal to honor Lenin were the *Dominican Republic, Spain, the United States, South Vietnam, Argentina, Australia and the Republic of China.*

The head of the U.S. Delegation, in rejecting the proposal, stated:

"My delegation is of the opinion that it is exceedingly difficult to place the draft resolution before us—for a symposium on V. I. Lenin as a 'precursor of world science' and to study his relationship to the problems of culture, science and art within the same category. I must confess that as an historian my first reaction to the present proposal was to be overwhelmed by admiration for its audacity. I have no doubt that Lenin was a very great man. But his greatness was of the sort that puts him in the historical company of Bismarck or Napoleon, not of Gandhi or Buddha or Marx. Like Napoleon, Lenin led his nation through the later stages of a great revolution; like Napoleon, Lenin turned his revolutionized society to an aggressive international policy; like Napoleon, Lenin came to power promising freedom and became instead an innovator in what might be called the technology of the police state; just as Napoleon became the patron saint of military strategists in the nineteenth century, so has Lenin become the patron saint of advocates of violent revolution in the twentieth century. Certainly these were very great accomplishments, of profound importance to the people who experienced them; but are they the kind of accomplishments to which UNESCO wishes to lend its imprimatur? Do we really wish to commemorate a man whose whole political philosophy is perhaps best summed up in his statement: 'Every man must take either our side or the other?' Is it not in some way inappropriate that on this eve of the 50th anniversary of the establishment of the Czechoslovakian Republic, UNESCO considers an appropriation to commemorate the man whose declaration that all Communists must 'fight against petit-national narrowmindedness' is cited by Pravda to justify the recent unhappy events in that country?

"An international symposium on Lenin, and his relationship to the development of culture, science, and art—if held under conditions of free inquiry and free expression—might prove very embarrassing to this organization; I have no doubt at all that it would prove very embarrassing to the sponsors of this proposal." (Cf. Statement of the U.S. Delegation to the UNESCO General Conference Subcommittee for Social Sciences, Human Science and Culture, October 24, 1968).

Despite the U.S. opposition, however, the Lenin Symposium will be held under the sponsorship of the U.N. agency to the great shame and detriment of the prestige and standards of the United Nations.

II. LENIN THE TERRORIST

The U.N. Commission on Human Rights, under Soviet persuasion, has paid tribute to Lenin as "an outstanding humanist." Lenin was undoubtedly a lot of things; a "humanist" he was not.

It was Lenin who founded the All-Russian Extraordinary Commission, the *Cheka*, that dreaded symbol of the Russian revolution which provided the ideological basis for the succeeding Soviet security networks: *GPU, NKVD, MVD* and the present *KGB*. He advocated violence as a necessary step towards success:

"The revolutionary dictatorship is the power conquered and supported by the violence over the bourgeoisie, power which is not bound by any laws." (V. I. Lenin, The Proletarian Revolution and Renegade Kautski, cf. V. I. Lenin, Collected Works, Vol. 28, pp. 207–302).

Boris Souvarin in his *Stalin* pointed out that the Bolsheviks, led by Lenin, instead of establishing the "dictatorship of the proletariat," proceeded to organize the "dictatorship over the proletariat. . . ." Plekhanov saw Lenin as a "theorist vowed to isolation, dangerous because of his narrow and rigid interpretation of Marxism." He predicted the evolution of Bolshevism to the "final end, when everything would revolve around one man who will, *ex providentia*, unite all power in himself. . . ."

Only the premature death of Lenin in 1924 precluded the realization of Plekhanov's prediction. But his successor, Stalin, was able to fulfill the prophesy, succeeding in making himself the supreme ruler of the USSR and the despotic tyrant *over* the proletariat.

Lenin preached his conviction that man could be molded into a blind instrument of Communist power. His instructions are replete with suggestions of "brain-washing" and the "remolding" of men and society as a whole, because only after this "remolding of souls" could socialism, i.e. communism, be imposed upon a nation. He derided Russian socialists for their rejection of terror as a method of government, holding it to be indispensable.

In August, 1918, Lenin sent a telegram to the Soviet in Novgorod Nizhny, in which he stated:

"A mass terror has to be immediately applied. Execute and deport prostitutes who debauch soldiers and former officers. There should be no delay. Make mass searches and hold executions for found arms, and implement mass deportations of Mensheviks and all other unreliables." (V. I. Lenin, Collected Works, Vol. 35, 4th edition, p. 286).

Lenin considered as "unreliable" all priests and wealthy peasants and any other segments of society that were opposed to his methods of government. Conservative estimates are that during Lenin's rule of terror the Cheka, under Lenin's orders, executed 2,300,000 persons, half of whom were workers and peasants.

Lenin was himself faithful to what he preached and propagated. All opposition to his rule was physically eradicated, a trait which he bequeathed to his successor, Stalin. During the 50 years of communist power the Communists have killed over 40 million people, especially during the civil war in Russia, in the Ukrainian-Russian war originated by Lenin, the war against Poland, and later in the war against Finland. In Ukraine during the man-made famines (instigated by the Soviet government) in 1921–1922 and in 1932–1933 some 8 million Ukrainians died of starvation. Another 20 million perished in Soviet concentration camps, and still another 20 million during the German-Soviet war of 1941–1945.

American author John Reed (*100 Days That Shook the World*), himself a Bolshevik sympathizer and eye-witness to the communist takeover in Petrograd in 1917, wrote that Lenin propagated that it was the duty

of the Soviet government to subsidize all "revolutionary Communist movements" in the world, directed against non-Communist governments. This principle is being vigorously applied by the present rulers of the USSR, as evidenced in Cuba, South Vietnam, Laos and elsewhere. Of course, this Moscow-inspired subversion is euphemistically called "wars of national liberation" of the Asian and African peoples.

As the "father of Communist terrorism," Lenin also preached, and eventually practiced, another totalitarian principle, namely, that Soviet courts are not there to administer justice, but to serve as tools of the communist totalitarian regime. He recommended:

"The courts should not outlaw terror, and to promise that this will happen is to delude oneself: what must be done is to insure it as a matter of principle, clearly without falsity and embellishment" . . . (V. I. Lenin, Collected Works, Vol. 29, 2nd edition, p. 489).

Since the so-called "thaw" in the USSR which began in 1956 with the degrading of Stalin by his erstwhile henchman, Nikita S. Khrushchev, much has been written about the resurgence of "Leninist democracy" in the Soviet Russian empire. The question is: What kind of democracy did Lenin believe in? He made it clear there was no "contradiction between democracy and the application of dictatorial power by individual persons. How can the most severe unity of will be insured? By the subordination of the will of thousands to the will of one person . . ." (V. I. Lenin, *Collected Works*, Vol. 27, 4th edition, pp. 238–239).

Lenin was also the creator of "Soviet morality," whereby he preached that all means and methods are good for the attainment of communist power: treachery, deceit, betrayal, breaking of treaties and agreements, cheating. And he also was an ardent Russian imperialist and aggressor, for he coveted domination of his Russian communist rule over all other countries of the world.

III. LENIN THE AGGRESSOR

Perhaps Lenin's entire philosophy and political program of deceit, perfidy and aggression are best exemplified by his relations and policies vis-a-vis Ukraine.

The Communist rulers of Ukraine, ever fearful for the loyalty of the 46-million Ukrainian nation, have always done everything they could to depict Lenin as a "friend and liberator" of the Ukrainian people. Lenin did write many articles and brochures on the Ukrainian question, in which he recognized the injustices perpetrated on the Ukrainian people by the Russian Czarist regime. These writings were gathered and published, in Khrushchev's time, in one volume, entitled *V. I. Lenin on Ukraine*, in both Ukrainian and Russian (752 pages). In the preface of the volume, the Communist editors wrote that the "materials in the volume, despite their voluminousness, do not embrace all the Lenin literary heritage, all the works and documents of V. I. Lenin which contain reference to Ukraine. . . ." Evidently, all the negative comments of Lenin on Ukraine and on the aspirations of the Ukrainian people to freedom and independence were judiciously eliminated from the volume.

Like all other Russian imperialists Lenin knew well that without Ukraine the Russian empire could not fare well, much less be powerful. Lenin saw a menace in the Ukrainian peasantry, which was always conservative and always opposed to Russian domination, White or Red, and he was violently opposed to any Ukrainian political parties, socialist or non-socialist, as he knew, too, that all Ukrainian political groups aspired to freedom and national statehood. Lenin was extremely hostile to all separatism, say Polish or Finnish, but he was pathologically dead-set against Ukrainian independence. Although it was proper to protest against oppression of Ukrainians by Russian Czarism, the idea of Ukrainian autonomy, or of Ukrainian independence, for him was a "product of the bourgeoisie." Lenin was also an opponent of any national culture, because he believed in a strong centralized Russian state empire. He dismissed the Jewish national culture as being inspired by "foreign capitalists."

When in March, 1917, the Ukrainian Central *Rada*, as an all-Ukrainian national representative body, was established in Kiev, Lenin unleashed fierce attacks to destroy the *Rada* and establish a communist government in Ukraine. In December, 1917, the Bolsheviks made a supreme effort to take over the All-Ukrainian Congress of Peasants, Soldiers and Workers' Deputies, but the attempt failed miserably: only some 60 out of 2,500 delegates could be mustered in support of Lenin. It took Russian military aggression to subdue Ukraine.

But Lenin realized that the tide of nationalism that swept Ukraine, Finland, the Baltic countries, the Caucasus, Byelorussia and other parts of the Russian empire could not be stopped by Russian arms alone. He was cunning enough to forestall these movements.

In his "Summary of the Discussion on Self-Determination," Lenin wrote:

"We would be very poor revolutionaries if, in the great liberation war of the proletariat for socialism, we should be unable to take advantage of any national movement directed against imperialism, in order to sharpen and deepen the crisis." (V. I. Lenin: Collected Works, Vol. 19).

Following this principle, on November 3, 1917, the Central Committee, instigated by Lenin, issued its deceitful "Declaration of the Rights of the Peoples of Russia," providing for the right of self-determination, "including the right of complete separation from the Russian Soviet Federative Socialist Republic."

What Lenin actually thought of national self-determination is plainly explained in an article, "V. I. Lenin in the Struggle for Socialist Culture in Ukraine," by Y. Kurylenko, which appeared in the November 2, 1969 issue of *Kultura i Zhyttia*:

"In the Leninist concept of a nation's right to self-determination, the demand for equality of languages and cultures is subordinated to the principle of unifying the leading forces of society. . . . He adjured Ukrainian Marxists to 'preserve all opportunities for uniting with the Great Russian worker, with his literature and with his sphere of ideas'."

Lenin's further thoughts on self-determination speak for themselves:

"The propaganda of self-determination is of very great importance for the fight against the ulcer of nationalism in all its forms. . . . Recognizing the right of separation reduces the danger of the disintegration of the state. . . . The question of a nation's self-determination should not be linked with the problem of implementation or purposefulness of the separation of some nationality." (V. I. Lenin: Collected Works, Vol. 19).

On December 17, 1917, the Council of People's Commissars issued a special declaration, whereby it recognized the Ukrainian National Republic:

"Therefore, the Council of People's Commissars recognizes the Ukrainian National Republic and its rights to full separation from the Russian Soviet Federative Socialist Republic, and that it may enter into negotiations with the Russian Republic in the matter of federal and other relations." (Oleh Pidhainy: The Formation of the Ukrainian Republic, New Review Books, Toronto, 1966, p. 415).

This declaration was accompanied by an "ultimatum" that specified several demands to be met by the Ukrainian Central *Rada*. Failure to comply with these would mean war with Communist Russia.

The ultimatum was rejected. Lenin thereupon sent at least 50,000 fanatical troops into Ukraine under the command of Gen. V. Antonov-Ovsienko and Col. M. Munraviev. The latter, in his Order of the Day, No. 14, February 14, 1918, wrote:

"We bring this government from the North on the blades of our bayonets, and where we set up our rule, we support it with all means by the force of these bayonets." (Annals of the Revolution, No. 1, p. 162, Kharkiv, 1928).

The invading Russian communist troops were ordered to slay all Ukrainians without discrimination and without a shred of due process of law. One of Lenin's leaders in Ukraine, Communist V. Zatonsky, wrote, "Here (in Ukraine) they executed everyone who had any relation to the Ukrainian Central *Rada*. Ukrainians, men and women, wearing Ukrainian national dress were executed on the spot, because such was the order of Lenin."

In the confusion that followed Stalin's death, life in the USSR underwent a "thaw." The reins of terror temporarily slackened, raising false hopes that a greater measure of liberty was just around the corner. If Khrushchev relented on the use of violence, he made up for this by redoubling the threat of terror. Today, there is certainly no "new reign of law" in the USSR, despite what some optimistic writers in the West would have us believe. Even under Khrushchev a "people's militia" was created to act as a "parallel arm" of the dreaded secret police—KGB.

IV. LENIN AND HUMAN RIGHTS

Lenin, as the supreme dictator and advocate of terror as an instrument of government, stands guilty of violating and destroying human rights.

UNESCO and the U.N. Commission on Human Rights are supposed to be guardians of these cherished principles. Instead, they glorify the man who made a mockery of them.

The Universal Declaration of Human Rights insures for all mankind "all rights and freedoms set forth . . ." without distinction of any kind, *such as race, color, sex, language, religion, political or other opinion.* (Art. 2), and "the right to freedom of thought, conscience and religion" (Art. 18).

But it is Lenin who is the author of the phrase, "religion is the opiate of the people." It was he who ordered the destruction of the Orthodox Church, the Catholic Church in Russia and Ukraine, and, subsequently, the Protestant, Judaic and Islamic religions.

He persecuted the peasants as a separate class, the so-called *kulaks*, and in addition those liberal intellectuals who opposed his unbridled terror.

As a Russian imperialist, Lenin engineered the conquest of Ukraine, Byelorussia, Georgia, Armenia and Turkestan, followed by his policy of national genocide for the non-Russian peoples.

Such was Lenin, the founder of the Soviet totalitarian state.

Today, Lenin's successors are confronted with a Gordian knot: whether to compromise with the ever-rising opposition within the USSR or to re-impose full violence and terror. In Russia the advocates of freedom Yuli Daniel and Andrei Sinyavsky, Alexander Ginzburg, Andrey A. Amalrik and Alexander Solzhenitsyn—and in Ukraine Vyacheslav M. Chornovil, Ivan Dzyuba, Sviatoslav Karavansky, Valentyn Moroz and many others—all have been imprisoned for their intrepid stance on freedom.

The outlook is grim. The image of Stalin is again emerging in the USSR, while Felix Dzierzhinsky, Lenin's first chief of the dreaded secret police—the Cheka—is being glorified as a "great Soviet patriot." Scarcely less comforting is the fact that four members of the current Politburo—Suslov, Pelshe, Shelepin and Mazurov—each spent important years in secret police operations, and, moreover, the fact that Suslov and Shelepin enjoy much "greater respect" within the Party than either Brezhnev or Kosygin.

Perhaps Khrushchev spoke more prophet-

ically than he knew when he stated: "Our enemies are hoping that we will relax our vigilance, that we will weaken our state security agencies. No—this will never happen! The proletarian sword must always be sharp."

It remains as sharp as ever.

Anatole Kuznetsov, Soviet defector, predicts that large-scale purges will soon take place in the USSR.

UNESCO should take another look at its decision to help celebrate the birthday anniversary of a tyrant who in his philosophy and his everyday life was the antithesis of everything which is inscribed in the enlightened Charter of the United Nations.

It is our hope that no government in the free world will participate in the Lenin celebration—either in the United Nations or on their own soil.

For Lenin is responsible for the destruction of millions of innocent victims in Russia and Ukraine and elsewhere. They died simply because one obessed man deemed them unworthy and a threat to his tyrannical rule.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1968, Americans spent $15,825 million in charitable donations. This was more than the entire gross national product of 46 nations in the world.

DIAMOND POWER SPECIALTY CORP.

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, as a native and former mayor of Lancaster, Ohio, I have become well acquainted over the years with the Diamond Power Specialty Corp. and its parent corporation, Babcock & Wilcox.

As one eager to attest to the attributes and accomplishments of the Lancaster community, one immediately calls to mind the many contributions the Diamond Power Specialty Corp. has made to make this success possible.

In this vein, I would like to share with you today a recent article which appeared in the B. & W. periodical concerning the Diamond Power Corp. and its hometown of Lancaster. Once again this fine corporation is to be commended for doing its part to promote this outstanding community.

The article follows:

AT HOME WITH DIAMOND POWER, LANCASTER, OHIO

To B&W people, Lancaster, Ohio, is the home of Diamond Power Specialty Corporation. To the tourist visiting the Central Ohio town, it is the birthplace of Civil War General William T. Sherman; the headquarters of the largest producer of table glassware in the world; the location of the oldest county fair in Ohio in continuous annual operation; and a typical Midwest town, as American as a George M. Cohan song.

To residents, it a good place to live and work.

Lancaster was founded in 1800 by Ebenezer Zane, the man who built the first road through Ohio—Zane's Trace. Many of the predominantly German early settlers came from Lancaster, Pa., and one of the Pennsylvanians requested that the new settlement be named New Lancaster. In 1805 the Ohio Legislature shortened the name.

General William T. Sherman was born in Lancaster as was his brother John. John Sherman was U.S. Senator, Secretary of the Treasury and Secretary of State but is possibly best known as the father of the Sherman Anti-Trust Act. The house where the brothers were born is now a state memorial.

Before the town was founded, Standing Stone, another Lancaster landmark, was the setting for local history. The picturesque rock formation rises abruptly almost 300 feet above the surrounding valley. Word reached a nearby garrison that the Wyandot Indians and their Shawnee allies were gathering in force near Standing Stone to attack a nearby settlement. Two scouts were sent out to determine the Indians' strength and their probable point of attack. From the top of Standing Stone, the scouts observed the preparations in the valley below. One of the scouts was able to rescue a white woman who had been captured by the Indians, and brought her back to the hiding place on Standing Stone. When the Indians attacked, the two scouts and the woman held off the Indians all day and escaped down the Hocking River that night.

At the foot of Standing Stone—now Mt. Pleasant—is the Fairfield County Fairgrounds, founded in 1850. After a pocket of natural gas was discovered beneath the fairgrounds in 1889, pipes were sunk and the fair became famous for trotting races by gaslight, probably the first horse racing at night in the country.

Today, Lancaster has a population of over 34,000. It is the center of a rich agricultural region, and in recent years has been attracting many industries including food processing concerns.

The Penn-Central and Chesapeake & Ohio railroads service the town, and Columbus Airport is less than an hour's drive away.

Transportation is not the only factor in Lancaster's growth, however. Stability also helps to promote development. In the town, almost 85 per cent of the people own their own homes. These factors, including the availability of a reliable work force, motivated Diamond Power to move from Detroit to Lancaster in 1950. And Diamond people agree that Lancaster is a good place to live and work.

INFORMATION ON THE DRAFT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on April 23, we received a message from the President in which he stated that he supported the basic conclusions of the Gates Commission which recommend that the draft be terminated by July 1, 1971. In the meantime, the President has proposed that occupational, agricultural, and student deferments no longer be granted to individuals.

In the meantime, the draft goes on and because of the law's complexity many draft age men are not aware of their rights and the deferments available to them. Because of the lack of information readily available to draft eligibles, on February 12, 1970, I proposed by letter to Col. Paul Akst, director of the selective service in New York City, that a program be undertaken in the high schools informing the students of exemptions and deferments available to them under existing regulations. I received his response in which he stated his desire to provide such information.

I then advised all of the public, parochial, and private schools in my district of this opportunity to have a speaker from the selective service appear at schools and provide the students with basic information and answers to their special questions. A number of the school principals have written to Colonel Akst requesting such speakers. I am setting forth the exchange of correspondence with the thought that high schools in other districts would benefit from a similar program.

I recommend to our colleagues that they request a similar information service for their selective service headquarters.

Lastly, with the additional thought that an analysis of the Gates Commission Report supporting the termination of the draft would be helpful, I am annexing a copy of an analysis made by an ad hoc committee of citizens with the assistance of the National Council to Repeal the Draft.

The material follows:

FEBRUARY 12, 1970.

Col. PAUL AKST,
Director, New York City Headquarters, Selective Service System,
New York, N.Y.

DEAR COLONEL AKST: Due to the complexity of the Selective Service law, there has arisen a great need to have this law explained as clearly as possible to the registrants whom it affects. I would like to ascertain if you, as State Director of the New York City Headquarters, feel a responsibility to provide information on the draft law and on the exemptions and deferments available under the current regulations directly to high school students in the area. I would appreciate your informing me if there are plans for initiating a concrete program of this nature.

Thank you for your attention to this matter.

Sincerely,

EDWARD I. KOCH.

SELECTIVE SERVICE SYSTEM,
New York, N.Y., February 17, 1970.

Hon. EDWARD I. KOCH,
House of Representatives.

DEAR MR. KOCH: This is in reply to your letter of February 12.

I wish to assure you that as the New York City Director of Selective Service, I feel and have felt for a long time (at least the last 15 years) a keen responsibility to educate and inform the public on the many ramifications of the Selective Service Law and Regulations. It has been my policy to do this because I have always felt that a well informed public is our best ally. I do not intend to stop doing this in the future because this has been an ongoing program for my staff and me.

I don't know what you mean when you ask if we are going to initiate a "concrete program." We are always anxious to speak, not only in high schools where you think there is a dearth of information concerning the draft, but also, to associations, colleges, etc.

Sincerely yours,

PAUL AKST,
Colonel, U.S. Air Force, ret.,
New York City Director.

ROBERT LOUIS STEVENSON SCHOOL,
New York, N.Y., April 7, 1970.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR MR. KOCH: I am indeed interested in having a qualified member of the Selective Service Staff speak to our student body. Acting upon your suggestion I have sent a request for such a speaker to Col. Paul Akst.

I am in complete agreement with your position that draft-age high school students need a detailed explanation of Selective Service regulations, with particular emphasis upon individual rights and options.

You are to be commended for your efforts to have this necessary service provided to all high school students.

Sincerely,

ELIO BRUSCHI, Ph. D.,
Principal.

TRINITY SCHOOL,
New York, N.Y., April 7, 1970.

Col. PAUL AKST,
New York, N.Y.

DEAR COLONEL AKST: At the kind suggestion of the Hon. Edward I. Koch, Representative 17th Congressional District, I hereby write your office to request formally the pleasure of a member of your staff to explain to our boys nearing draft age an explanation of all the options among which they may choose with regard to their obligations.

Since the school term has only nine further weeks and our oldest boys begin independent work about May 1, I respectfully request action in this matter at as early a date as is convenient to you and your staff.

Sincerely,

———————.

APRIL 9, 1970.

Col. PAUL AKST,
New York, N.Y.

DEAR COLONEL AKST: At the suggestion of Congressman Koch, I am writing to request that you consider sending a qualified speaker from your office to address our seniors and juniors concerning Selective Service regulations, their rights and their responsibilities.

We have a regular ongoing program which is built into our regular schedule. Presently, we would be interested in having a speaker for Tuesday, May 5th at 10:00 a.m. He would have an hour with the boys, and the time could be used partly for presentation and partly for a question and answer period.

While May 5th, is our preferred date, it would also be possible to arrange the program on May 19th. Unfortunately, previous commitments limit us to these two dates; we are hopeful that you can accommodate us, since this is area of immediate concern to our students. We feel that we have a special obligation to provide them with accurate information, and we would appreciate your help in this regard.

Sincerely,

MICHAEL J. GUERRA,
Headmaster.

THE CITIZENS AD HOC COMMITTEE
SIGNATORIES

The Rev. Ralph David Abernathy.

Major General Leroy Anderson (Ret.).

Sam Brown, Co-Chairman of the Vietnam Moratorium Committee.

Representative Shirley Chisholm (D.-N.Y.).

Representative John J. Conyers, Jr., (D.-Mich.).

The Right Rev. William Davidson, Episcopal Bishop of Western Kansas.

Representative Leonard Farbstein (D.-N.Y.).

Senator Ernest Gruening.

David Hawk, Co-Chairman of the Vietnam Moratorium Committee.

Karl Hess.

Mrs. Martin Luther King, Jr.

Representative Edward I. Koch (D.-N.Y.).

Bishop John Wesley Lord, The United Methodist Church.

Senator George McGovern (D.-S. Dak.).

Rev. Channing Phillips, Democratic National Committeeman for the District of Columbia.

Dr. Benjamin Spock.

AN ANALYSIS OF THE GATES COMMISSION REPORT

INTRODUCTION

Less than a year ago the President appointed Thomas S. Gates, former Secretary of Defense, to chair a Commission of prominent Americans to review the problems and possibilities of returning the American military to a volunteer system of manpower recruitment President Nixon thereby took a first step in keeping his campaign pledge to end the injustice of the draft. On Feb. 21 the "Gates Commission" presented its final report to the President. It included thorough research on every aspect of the voluntary military, and proposals for implementing its findings this year.

It is the first public body to make such far-reaching proposals. Other commissions and study groups have dealt only with the Selective Service System and its inequities, or if they have treated the possibility of ending the draft, they have done so only in cursory and negative manner. Among these groups were the Marshall Commission, the Clark Panel, the Magruder Commission and several others in recent years. Their recommendations for various reforms were largely ignored or tabled. One such reform, proposed in 1966, was finally and then only partially, initiated in late 1969. This is the lottery for nineteen-year-olds. Even such belated attempts at reform have proven little help in improving a thoroughly unjust system. The lottery has in fact been poorly administered and has brought with it some new problems.

The Gates Commission proposals go far beyond any such reforms. They demand immediate attention from the President and the Congress. The situation of deep dissatisfaction with the draft and dissent among the young men who are draft eligible makes any attempt to delay a response intolerable. The exhaustive work of the Commission makes any tabling for further study wholly unnecessary. Action at this time must be focused not on reforms of the present system, but on means whereby the whole undemocratic system of conscription can be abolished.

The significance of the Commission Report is that it shows a goal, desired by most Americans as just, to be practical and immediately possible as well. It is most noteworthy that this body of established statesmen, educators, lawyers, military men and others has urged an all-volunteer force as practical, necessary to the defense, and required by our democratic tradition. Most compelling is the Commission's suggestion that the draft be ended next year. Many of us have urged an end to the draft for some time. We know it is a moral and political imperative. Now we have expert advice that it is also a realistic goal for this year.

The crisis produced by the draft, the growing number of those who resist or who flee abroad, and the lasting scars wrought by conscription demand immediate and full attention. No more delays and no amount of patchwork will suffice. It is the purpose of our own response to underline the full significance of the Gates report to generate wide public support for its recommendations, and to urge Congress to act to end the draft this session.

About two weeks before the release of the Gates report, Senator Edward Kennedy made public the findings on the draft of the Senate Judiciary Subcommittee on Administrative Practice and Procedure which he chairs. Although the Subcommittee may have gone beyond its normal jurisdiction, it gathered excellent testimony from many qualified sources on the practices of the present Selective Service.

Some of the proposals of the Subcommittee—such as ending student, occupational and most other deferments—go a long way to correct specific injustices of the present Selective Service Act. Other suggestions, if applied, would give rise to entirely new problems. Such is the suggestion that selective conscientious objectors be allowed, but that an appropriate percentage of the men so classified be subjected to comparable battle risks to those endured by their combatant counterparts. Besides the difficulties in determining percentages and degree or type of risk, such a plan confronts selective conscientious objectors with participation in the very war they oppose and would be unacceptable to many of them. The present trend in motivation and form of opposition to military service indicate that the most effective provision for modern conscientious objection will be an end to conscription. In dealing with these reforms, the Subcommittee has added confusion to the usage of "wartime" and "peacetime" by defining the present as "wartime." Such usage abets the erosion of the power of Congress to declare war, and erosion brought on in part by the Executive power to draft men for undeclared wars. All of these problems indicate the inherent contradiction in every attempt to make fair a defense system by compulsion of a few on behalf of many.

It is regrettable that the Kennedy Subcommittee has also suggested that "the draft will remain a part of American life," hinting at "social, economical and political costs" of a volunteer force "which are too great for the Nation to bear." Such remarks were premature and most unfortunate at a time when most Americans—including the President's Commission—were seeking ways to end the draft entirely. In the light of the findings of the Commission and the growing sentiment among the people for repeal, the Subcommittee's finding for reform are strangely out of date.

AN ANALYSIS OF THE IMPORTANT RECOMMENDATIONS OF THE GATES COMMISSION

The Report of the Gates Commission is a remarkable document. This is true not alone because of its conclusions, but because of its basic assumptions. The purpose of the Report was to find the practical and proper means to provide military manpower for America. Official reports are issued each year on every aspect of American defense. Most of them overlook the goals of that defense and begin with purely technical and tactical matters. The Gates Commission Report does not do that. It begins by reasserting the basic reasons for defense in the first place. These reasons are found in the Constitution, where Congress is charged to provide for the "common defense," and where the promise of "life, liberty and the pursuit of happiness" is given to all the people. It assumes that any means of manpower procurement must first be tested by these assumptions, and only secondarily by other standards. The means of defense must support "the aims of the Republic," they must not endanger or compromise them. Such a document on military policy is sadly unique in a time when so much money and so many lives are spent for military ends, yet so little thought is given either to the goals or to the effects of those policies.

Looking simply and straightforwardly to the Constitution brings into sharp relief the central issues. These are not the questions of cost and efficiency, nor even those of political expediency, but rather, "How is forced labor or a tax in kind of a few compatible with our democratic principles?" A second question follows, "Does the draft or the voluntary military provide a better guard against militarism and possibly tyranny?" The bulk of the Gates Commission Report deals with

these questions from the perspectives of history, ethics, politics and sociology. The remainder of the Report assumes that the "aims of the Republic" point up the urgent need to end the draft as well as the acceptability of a voluntary military in a democratic nation. This portion of the Report is a study in how to achieve an end to the draft and a transition to volunteers with few costs and fewer problems. The economic section of the book is outstanding for its thorough and concise data, but it is all the more remarkable that the well-known economists who wrote it have put the economic and feasibility factors into their appropriate place, dependent upon political, social and moral considerations.

Because of the clarity of our Constitutional tradition, the Commission assumes very early that it would *at least* be desirable to replace any compulsory service with a voluntary one. It then seeks to prove that this can be done (a) without great additional cost, (b) without endangering external defense, and (c) without creating new internal threats or political or social problems. The Report asserts that the voluntary force will actually bring economic savings, improve the excellence of the defence force, return us to a tradition of free choice to strengthen the integrity and legitimacy of our government, and force a public debate before major military adventures abroad. The Commission urges immediate implementation of its suggestions so that the draft can be ended in just over a year. It suggests that the draft not be reactivated without both Presidential recommendation and a joint resolution of Congress. This is to insure that the decision to raise a large army and involve the nation in conflict abroad will be left to the Congress as the Constitution requires, rather than determined by Executive initiative as the draft now allows.

In summary, we find these recommendations of the Gates Commission to be most important:

1. That voluntarism is preferable in our society to compulsion.

2. That a volunteer military will cause only a small budget increase, and will actually be cheaper in real economic terms than the draft. The costs for a volunteer force are much lower than any previous figures suggested by a government or other public source. That the present cost of the draft is hidden, and that an all-volunteer force would provide a more honest estimate of cost for public consideration of military expenditures.

3. That it is possible with a small budget increase ($2.7 billion) to move to an all-volunteer force this year while meeting existing and anticipated troop level requirements. That the all-volunteer force can be achieved by July, 1971, and that the draft can and should be ended then. That such a change can occur even during continued though slightly reduced involvement in Vietnam.

4. That a volunteer force is adequate to defend the nation, and that a peacetime draft is not required to protect the nation in case of sudden attack. That improved incentives and training for the Ready Reserves are far more important in case of emergency than application of conscription.

5. That a stand-by draft should be minimal, including computerized registration, and should be reactivated only by a joint resolution of Congress upon recommendation of the President.

6. That a volunteer military is not more isolated from society than the present mixed force. That military adventurism is fostered not by the volunteer force, but by a peacetime draft which requires no public debate or Congressional action for an increase in manpower. That an end to the draft will terminate the practice of "channelling" which provides the military and government with powers bordering on those of a dictatorship. That isolation of the military can be decreased in any case by civilianization of medical, housing, food and other services now provided by the military and by less salary in kind.

7. That a volunteer military would not vary greatly in makeup from the present mixed system, particularly with regard to the number of Negroes serving and the economic profile.

VOLUNTARISM IS PREFERABLE IN OUR SOCIETY TO COMPULSION

The primary proof of this is found in the Constitution. The draft deprives an individual of his freedom. The draft is a tax in kind which some, usually the poor, pay for the benefit of all. We reject the idea of taxation in kind elsewhere and should also do so in military service. Equality of selection (as in the lottery) does not mean equality of service—some must still bear an unfair burden while others go free. Random selection creates new injustices for the old ones under the varying and often arbitrary selection by draft boards. In short, the draft is not true to the spirit of our Constitution. Beyond that, however, it fosters attitudes which tend to destroy the fabric of our society and the legitimacy of our government. We agree fully with these conclusions.

COST OF AN ALL-VOLUNTEER FORCE

The Gates Commission has reached a definitive cost figure—both budgetary and social—for the all-volunteer armed force.

The Commission's research places the *additional budgetary expenditures* for an all-volunteer army, ranging in size from 2 to 3 million men, at $1.5 to $4.6 billion. These figures are encouragingly low. Yet, they probably *over-state* the expense of the volunteer army. In determining costs, the Commission consistently uses estimates from the high end of the scale for the variables involved. The savings inherent in employing a better motivated and more experienced army, while admitted, were not computed. Nor were the possible savings that would derive from a more efficient allocation of manpower within the military. An added appropriation of $2.7 billion for the fiscal year 1971 would seem to be the outside estimate for ending the draft and changing to an all-volunteer army, given presently anticipated levels of manpower.

The Gates Commission emphasizes that this additional budgetary expenditure is not the true cost of the volunteer military. The draft exacts its own hidden payments that mask its real economic cost to society. Not subtracted from the budget figure of $2.7 billion, for instance, is the extra tax, amounting to $3600 per year, that each unlucky man who is drafted into the army must presently pay to subsidize his own service. This is a tax that should be charged to society as a whole, both to be fair to the soldier and to make evident to all citizens the true costs of their military forces. And while the Selective Service System would be forcing ever greater numbers of unwilling men into the military, the more efficient volunteer army would be freeing them for productive jobs in the civilian economy.

The greatest costs of conscription lie in a different category, though. The Gates Commission talks of "distorted careers," "the infringement of freedoms," "the disillusioned youth," "government channelling," "denial of Constitutional rights and due process of law," "the weakening of a free society."

Ultimately, it is these costs, not directly monetary but much more real, that lead the Gates Commission to the conclusion that "the actual cost to the nation of an all-volunteer force will be lower than the cost of the present force."

ENDING THE DRAFT THIS YEAR

The Gates Commission foresees little problem in completing the transition to an all-volunteer military by July 1 of 1971. Previous studies by the Department of Defense and a number of other groups indicate that pay increases of about $135 a month for first-term enlisted men and $150 a month for first-term officers originating on June 1 of this year should be sufficient, almost by themselves, to make conscription entirely unnecessary a year later. (The Gates Commission would advocate this additional compensation on the grounds of equity alone.) The Gates Commission also calls for undeniable improvements in the condition of military service and a slightly more vigorous recruitment effort on the part of the various services. Discharge upon request, choice of military occupation, entitlements to moving expenses when transferred would seem to be the elemental rights of all servicemen. As far as recruitment, the Gates Commission rightly intimates that the military has justified the draft by deliberately continuing to use it even when the necessary manpower probably could have been raised by encouraging just a few more enlistments.

In sum, the total cost of converting to an all-volunteer armed force will be $2.7 billion. Given what we have to gain, economically, socially, and politically, this is really no price to pay at all.

DEFENDING AMERICA WITHOUT THE DRAFT

The Commission has found that a force of sufficient size to defend the United States in what passes as "normal times" in the atomic age can be raised by volunteers at little or no extra cost to the nation. Beyond that, the Report claims there is no substantiation to the claim that a continuing peacetime draft is necessary to provide for sudden emergencies. We find this point extremely important since the last Presidential Commission on the draft came to the opposite conclusion (though with no supporting evidence). The Marshall Commission used the fear of the inability of a volunteer force to meet sudden changes in international affairs as its chief and "uncontested" reason for not supporting the volunteer plan. A member of this Ad Hoc Committee, Major General Leroy H. Anderson, made the case in testimony for Senator Kennedy's Subcommittee:

"The military power of the United States is sufficient to make extremely unlikely a sudden or direct invasion. It is almost inconceivable that massive land warfare with a requirement for millions of soldiers will ever again develop. In modern warfare including nuclear attack or guerrilla and counterguerrilla engagements, sudden escalation of manpower is not a requirement at all. On the other hand, the kind of flexibility which allowed the Executive to steadily increase military commitment over a long period by using the draft is precisely that which should be avoided. Crises like those in the Lebanon, Berlin, The Congo and Suez do not involve a need for a sudden draft of men, but rather the need for already trained troops like the Reserves.

Even in a situation like World War II, the most immediate need is not a draft, but methods of procurement and training."

Beyond this, the Gates Commission suggests that improvements in salary and training for the Ready Reserves are crucial to provide for adequate defense in emergencies. The Commission could have gone much further in its criticism of the present Reserve system. The very fact that the Reserves have not been used in military emergencies like Vietnam indicates serious problems. It is generally agreed in military circles that the present Reserve is inadequate and insufficiently trained for such contingencies. These problems will not be increased by a

transition to an all-volunteer force, and the Gates Commission has suggested ways in which the Ready Reserve can be improved in that connection.

THE STAND-BY DRAFT: ENDING THE PRESIDENT'S POWER OF INDUCTION

As the Report itself notes, the crucial recommendation of the Commission is that the draft be reactiviated only after a joint resolution of Congress. This provision means that the Executive would no longer be able to increase military involvement rapidly without taking his needs to Congress. Future Vietnams might well be avoided if the public debate on their wisdom was necessitated *before* the involvement, not afterwards as in the present tragedy. Certainly, ending the draft is only one step in re-ordering national priorities and returning control of war-making to Congress, but it is an important one. To implement all of the other proposals of the Commission, but to leave the power to reinstitute inductions in the hands of the President would, in our opinion, be completely insufficient. In many ways it could be viewed as an attempt to gain the benefits of popular approval for "'ending the draft" without truly ending it. Uncertainty would hang even more heavy over the heads of our young men, with the President deciding when an "emergency" required the draft again. We look to President Nixon to approve this key recommendation of his Commission.

It must be added that even the need for a minimal stand-by draft, as advocated by the Commission, is questionable, since modern computers could register and classify much more rapidly than the primitive systems employed in the two World Wars. If the nation were clearly in danger of invasion or other dire circumstance, Congress would act quickly in the spirit of national unity. History shows that this has been so in the past, and democracy demands that we trust the representatives of the people to act accordingly in the future. The commonly held belief that in September, 1941, the draft was extended by only one vote is untrue. Actually the "Selective Service Extension Act" of 1941 did pass by one vote, but it extended only the period of required military service from 12 to 18 months. The draft itself had been instituted in 1940 for a five year period. A more comprehensive wartime draft was passed by an overwhelming majority immediately after Pearl Harbor. Since registration and the accompanying regulations concerning the carrying of a card and the advance notice of travel abroad are infringements on the privacy of the individual and could be used to restrict his freedom, much closer attention needs to be given to the possibility of repealing these measures as well.

THE THREAT TO DEMOCRACY OF A MILITARY ELITE

The Report has analyzed in great detail in chapters 2 and 12 all of the accusations that an all-voluntary force would produce militaristic trends in our society. The Report's initial point is entirely correct—that a volunteer force would be very little different from the existing mixed military, and hence the impact would not differ greatly. They also are correct in saying that the draftee has little or no democratizing effect on the military and that attitudes and trends in the military are determined by the make-up of the officer at higher ranks. This condition is not altered by ending forced labor at the lowest level. The Commission repeats its argument, with which we agree, that the draft has a dangerous impact on foreign policy.

The Commission has included studies of voluntary militaries abroad (particularly England and Canada) which show no tendency toward isolation or militarism. They mention, although do not cite the abundant evidence, that military *coups* in Europe and Latin America are at least as frequent in draft based armies as in mixed or volunteer forces. In Africa, hired mercenaries in dictatorships at the non-commissioned officer level are usually supplemented by forced labor below.

Although the draft has provided an avenue for dissent, the Commission rightly points out that it is not the primary cause of that dissent. A voluntary system, we would add, will allow objective dissent from military policy without the added confusion of the draft. The Commission has noted a reduction in the number of veterans in the society as a result of an all-volunteer force—from a present 13% to about 8% in the year 2000. The Commission indicates that there is no evidence to support conclusions that this reduction would be harmful in terms of attitude changes toward patriotism and support of the government against foreign threats. We would go further to note that veterans organizations today, with a few noted exceptions, tend to be most supportive of all military budget requests and other policies, and that a reduction in their numbers and power would increase the possibility of public control and criticism of these important matters.

Finally, the Commission has noted that it is important at all times for civilians to keep the military sector under control. They suggest one very important method for increasing that control: a reduction in the isolation of the military by reducing payment in kind. This in turn reduces the tendency for military personnel to become entirely dependent on the military for all their needs. Civilianization of medical facilities and employees, housing, food and clothing (the Commissary network) and the increase of lateral entry (use of civilian employees) are suggestions which we endorse. We would urge a further study to implement the rather general remarks of the Report on this subject. A report on these and other ways to control the military within a democracy is now being prepared by Karl Hess and others for the National Council To Repeal the Draft. It will be published in the fall by Random House, and a summary will be available for the Congressional hearings scheduled this spring.

We feel that the Gates Commission Report has made a wholly adequate study of objections to the volunteer army on grounds that it would be "mercenary." Such arguments overlook the fact that our present officer corps is well paid, as are the police and others who provide for security and defense—yet they are not called mercenaries by reason of their salaries. We would stress more strongly than the Commission that we now have a professional military which has some tendencies toward militarism and isolation, and which has gotten somewhat out of control. Ending the draft would not increase these dangers, but could be a first step in creating checks upon the power of the military establishment.

RACIAL AND ECONOMIC BALANCE IN A VOLUNTARY SYSTEM

The Commission Report deals at length with these problems and indicates that the increase of blacks in an all-volunteer force, given present trends, will be negligible. It points out that higher numbers of Negroes in a volunteer force is not an indication of racial discrimination, while the presently high number of Negro draftees (who die at a higher proportion than volunteers) is indicative of injustice. We concur in these findings and would add that recent changes within the black community may lead to a reduction of Negroes in the military. These include the increasing consciousness of black people of racial pride and a sense of community apart from the white community, and sometimes in opposition to it.

The parallel argument that a volunteer force would be made up primarily of the lower income groups is also refuted by the Gates Commission. Our present military men below officer rank include a very high percentage of men from lower income families—and these are often draftees. Such taxation of the poor is obviously wrong. A volunteer force would offer high wages and if the poor joined they would do so by choice. Members of middle income groups would be increasingly attracted to the higher salaries, and there would be a probable reduction of the percentage of poor in the services.

RECOMMENDATIONS OF THE CITIZENS COMMITTEE

We commend the members and staff of the Gates Commission for their excellent Report and we recommend that the Report be taken up at once by the Armed Services Committees in both Houses of the Congress. Hearings should be held, as promised, early in this session. At those hearings, the legislation already put forward to end the draft should be considered and reported to the floor. Three bills deal with these matters at present: S. 503, H.R. 10174 and H.R. 13379. They deserve immediate attention. Other recommendations of the Gates Commission should be incorporated into these bills as amendments, or new legislation should be formulated and considered by the Committees.

We recommend that the Congress move on this issue before adjournment this session. In addition to providing for a volunteer military along the lines suggested by the Commission, it is important that Congress set a date for termination of the President's authority to induct. We suggest that this termination be at the time that power is now scheduled to expire: June 30, 1971.

We suggest that the Gates Commission has presented ample evidence that draft repeal need not await the end of the Vietnam conflict. (Recent polls show a majority of the American people favor a voluntary military over any form of the draft). Young people, black people and many other groups are nearly unanimous in demanding an end to the draft now. The Gates Commission Report will add to their determination, and as its suggestions are unheeded or compromised, their dismay and distrust will grow as will the division in our whole nation.

We therefore urge the Congress to act to end the draft next year. A stand-by draft should be a minimal registration of eighteen-year-olds. Even this may prove an unnecessary infringement of privacy. Especially important is the recommendation that the draft be reactivated only by a joint resolution or Act of Congress, not by Executive order or decree. Under no circumstances should the President continue to hold the power of induction beyond June 30, 1971.

We are presenting our recommendation as an appeal to the President of the United States, his aide, Mr. Martin Anderson, and to Senator John Stennis (Senate Armed Services Committee), Congressman Mendel Rivers (House Armed Services Committee) and Senator Edward Kennedy (Senate Judiciary Committee).

CORRUPTION IN THE NEW YORK CITY POLICE DEPARTMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on April 25, 1970, the New York Times commenced a series of articles authored by David Burnham. Those articles deal with police corruption existing in the city of New York. A sordid picture, including protection of drug dealers and the gambling industry, and the charging of fees by po-

licemen to businessmen engaged in legitimate business operations, is revealed by this scathing series. The most distressing aspect of the articles is that reports of police corruption were brought to high officials in the city government but they refused to investigate because of their fear of investigating the police. The most redeeming aspect was the revelation that the corrupt activities of many policemen were brought to the attention of the public by a small group of dedicated young policemen who pursued this matter at the risk of their lives. When they saw no opportunity of having the city administration investigate the corruption they brought this intolerable situation to the attention of the New York Times.

I have no doubt that what has been revealed as taking place in the city of New York takes place in many other cities in our country.

The author of the series, David Burnham, deserves a Pulitzer Prize for his investigation and series of articles, and the police officers who brought these corrupt activities to the attention of the public through Mr. Burnham each deserves the city's medal of honor. I hope that the investigation finally commenced by the administration of the city of New York will culminate in a thorough top-to-bottom cleanup leading to criminal prosecution and dismissal from the police force of those who have betrayed the public trust.

I recommend that the articles which I am annexing be read by our colleagues:

[From the New York Times, Apr. 25, 1970]

GRAFT PAID TO POLICE HERE SAID TO RUN INTO MILLIONS

(By David Burnham)

Narcotics dealers, gamblers and businessmen make illicit payments of millions of dollars a year to the policemen of New York, according to policemen, law-enforcement experts and New Yorkers who make such payments themselves.

Despite such widespread corruption, officials in both the Lindsay administration and the Police Department have failed to investigate a number of cases of corruption brought to their attention, sources within the department say.

This picture has emerged from a six-month survey of police corruption by The New York Times. The survey included an examination of police and court records and interviews with scores of police commanders, policemen, former policemen, law-enforcement experts and private citizens.

The picture also is drawn from interviews with a group of policemen—including several commanding officers—who decided to talk to The Times about the problem of corruption because, they charged, city officials had been remiss in investigating corruption.

The names of the policemen who discussed corruption with The Times are being withheld to protect them from possible reprisals.

On Thursday, Mayor Lindsay announced the formation of a special five-man committee to review the city procedure for investigating police corruption. Corporation Counsel J. Lee Rankin was named chairman and Police Commissioner Howard R. Leary is a member of the panel.

The announcement followed a series of meetings held at City Hall and Police Headquarters during the last few weeks after the Lindsay administration learned The Times was conducting a survey of police corruption.

The policemen and private citizens who talked to The Times describe a situation in which payoffs by gamblers to policemen are almost commonplace, in which some policemen accept bribes from narcotics dealers, in which businessmen throughout the city are subjected to extortion to cover up infractions of law and in which internal payoffs among policemen seem to have become institutionalized.

"Police officials always talk about the occasional rotten apple in the barrel when corruption comes up," said Ralph Salerno, a recently retired New York police sergeant and nationally respected expert on organized crime. "They'd be a lot more honest if they talked about the rotten barrel."

Only a relatively few cases of corruption are successfully investigated by the Police Department. In a recent letter to State Senator John Hughes, chairman of the Joint Legislative Committee on Crime, Commissioner Leary said that in the 137 cases of police misconduct referred to the department in the last three years, seven policemen were dismissed.

During a recently tape-recorded conversation with a policeman that was made available to The Times, the top uniformed police official responsible for stamping out corruption in his department—Supervising Assistant Chief Inspector Joseph McGovern—was asked what he had accomplished.

"What have we accomplished?" he replied. "I think I have done a damn good job protecting the Commissioner against the onslaughts of outside agencies."

MAYOR'S ORDER CITED

An example of the department's reluctance to openly acknowledge corruption as a problem is its response to an order issued by Mayor Lindsay to all city agencies last May 12.

The order required that "all allegations or indications of possible corruption or wrongdoing" be reported immediately to the Investigation Department before any action was taken by the agency involved.

According to a source in the Investigation Department, the Police Department has refused to comply with Mayor Lindsay's order.

One of the policemen who came to The Times discussed the effect of the department attitude toward corruption on the individual policeman.

"I believe that 90 per cent of the cops would prefer to be honest," he said. "But they see so much corruption around them that many feel it is pointless not to go along."

PUBLIC'S FAITH AFFECTED

In addition to tarnishing the policeman's attitude toward himself and his job, students of law enforcement say, corruption also imposes a massive secret tax on the citizens of New York, dilutes the enforcement of many laws and undermines the public faith in justice.

Some of the assertions made by policemen in The Times survey follow:

Arnold G. Fraiman, now a State Supreme Court justice, and until January, 1969, head of the city's Investigation Department, refused to look into charges that Bronx gamblers were paying policemen between $800 and $1,000 a month.

Mr. Fraiman learned about the case during a three-hour conversation with two policemen in his Park Avenue apartment on May 30, 1968.

Just about a year later, with no known assistance from the Investigation Department, eight of the plainclothes men whom Mr. Fraiman had been told about were indicted as a result of an independent investigation by a Bronx grand jury.

Justice Fraiman said yesterday that there was a meeting with a plainclothes man who provided him with information, but he denied that he had ever discontinued an investigation of police corruption. He added that the information provided was extremely general and that "no specifics were ever given."

KRIEGEL OUSTED

Jay Kriegel, Mayor Lindsay's staff assistant for law enforcement, told a policeman early in 1968 that the administration could not act on charges of police corruption because it did not want to upset the police during the possibly turbulent summer ahead.

About a year before making this statement, Mr. Kriegel arranged for Mayor Lindsay to meet a group of policemen so he could get a realistic understanding of the problems of corruption. The meeting was called off at the last moment with urgent instructions from Mr. Kriegel to the policeman assisting him to forget that it had ever been scheduled.

Mr. Kriegel had no comment yesterday.

A detective with many years of experience in the narcotics division said one of his colleagues had arranged payoffs to the police from major heroin dealers of up to $50,000, in return for such favors as the destruction of evidence gathered on secret wiretaps.

Because the detective arranging the payoffs was shot under mysterious circumstances a few months ago, he now is under investigation.

Some aspects of police corruption in New York and the related costs were discussed recently in a report by the Joint Legislative Committee on Crime. The committee charged that gambling in the slums of New York "could not function without official tolerance induced by corruption."

"Testimony before this committee clearly reveals," it said, "that the ghetto residents are perfectly aware of the corrupt relationship between police racketeers and certain elements in the Police Department, and, for this reason, have a deep cynicism concerning the integrity of the police in maintaining law and order in the community."

Another aspect emerged in the anger of a Brooklyn bookmaker who complained that the plainclothes men he regularly bribed continued to demand payments even after they had been transferred out of gambling enforcement to the narcotics division. He said his payment was $1,200 a month, divided by four levels of the department including one unit at headquarters.

The bookmaker said in an interview that some of his busier colleagues paid the police as much as $2,400 a month and that the police imposed an extra payment if a bookmaker took bets on both the flat races and the trotters.

FOOD PAYOFFS

Putting an exact price tag on corruption is impossible. The Joint Legislative Committee on Crime recently reported, however, that the city's 10,000 small Puerto Rican grocery stores were estimated to give the police $6.2-million a year in small weekly payments and free food to avoid summonses on minor charges.

Numbers operators, according to Federal and state agencies and private researchers' estimates, make payoffs between $7-million and $15-million a year. Builders in Manhattan report they sometimes pay local patrolmen between $40 and $400 a month for each building site or renovated building.

One West Side liquor dealer said he paid the police about $2,000 a year in cash tips and free and cut-rate liquor.

Beyond the financial cost of corruption is its corroding effect on the self-esteem of the policeman.

"One plainclothes man got a bit philosophical about taking it," a policeman recalled recently. "He stated he was a poor boy and one of the minority groups and he never had any money and now was his big chance. He said, 'I don't care what they offer me, a thousand, a hundred, two dollars, I'll take it.'

"And I said, 'Oh, my God, think about it.' And he said, 'If I did, I'd blow my brains out.' "

This sort of corruption, according to many on the force, is woven into the very fabric of the policemen's professional life. The men assigned to enforcing the gambling laws, for example, are expected to give the precinct desk officer a $5 tip for each gambler that the plainclothes man arrests and the desk officer must process.

"Of course a gambling arrest is a lot of extra work for the desk officer," a senior police official explained. "But the real reason for the tip is that the desk officer knows the plainclothes man is making a lot of money—that the arrest usually is in some way phony—and he wants his share of the pie."

SOME DON'T GO ALONG

Some desk officers do not accept the tips to expedite the paperwork. "When I had a precinct," one unit commander said, "I had a desk officer that was not going along with this practice. I'd be in my office and I would hear him shouting: 'You put that back in your pocket! I get paid for this.' "

A plainclothes man agreed, in recalling an encounter with a desk officer, that the $5 tip was not mandatory. "I don't have a pad," he told the officer. "I'm not on the payoff. I'm not taking anything and there's nothing going out."

"And I was really surprised that this time I hit someone who was really impressed," the policeman added. "And he said, 'fine, that's O.K. with me.' "

In some precincts, policemen say, even to get a "good seat" in a radio car they must pay.

"I was recently a patrolman," a sergeant said. "In my precinct you were supposed to pay for getting a good sector on Sunday, for getting a good post. It's so systematized that the roll-call man actually would know in a dollar figure how many pickups were on your post, and you were supposed to kick in accordingly."

By "pickups," he said, he meant small weekly payments made by many businesses so they could operate on Sunday in violation of the state's sabbath law.

POLICY THE MAIN SOURCE

According to the Joint Legislative Committee on Crime and most law-enforcement experts, the numbers racket, or policy game, is the single most regular source of police corruption in New York. The numbers racket—a six-day-a-week lottery in which players can put down small amounts of money—is an enormous business.

One estimate by United States Treasury agents several years ago figured that the five major number operations, or banks, in New York were receiving $1.5-billion a year in bets. If this estimate is correct, the numbers operation's annual gross is bigger than that reported by one of New York's major industries—dressmaking.

Some experts estimate that 1 per cent of the gross of the numbers operation, of $15 million a year, is spent on payoffs at all levels of government.

Assigned to stamping out this popular, carefully organized and well-financed industry are 600 plainclothes men—patrolmen assigned to the uniformed force but who wear civilian clothes. The result, according to many knowledgeable sources, is corruption and the transformation of many of these units from law-enforcement agencies trying to suppress gambling to regulatory agencies licensing it.

Some policemen recalled that when they went to plainclothes school some of their classmates complained that going to the school was delaying them from getting out into the street and collecting graft.

Others asserted that the relationship between gamblers and policemen was so well organized that a special mark was put on the envelopes containing the number slips. The mark, they said, indicated to knowledgeable policemen that the "work" had been paid for and should be returned if possible.

CONTROLLER'S MARK

"These markings are put on by the controller (a top man in the numbers racket)," one policeman said. "If there's an arrest made in the meantime, and the plainclothes men are on this, work is supposed to go back because these people are paying for protection."

During the recent trial of a numbers operator who conducted his business in a hallway in the garment district, a policeman testified that he had stood in line and let 18 gamblers do business with the operator before he arrested him.

After the arrest, the special headquarters-level policeman testified he told the gambler, "You act as if you have a license."

"I do," the gambler was quoted by the policeman as saying. "You don't think I'd operate in the open like this without a license." The policeman testified that the gambler then showed him two old lottery tickets that apparently had been given the gambler by a lower-level policeman as a sign that would guarantee freedom from arrest.

HARASSMENT CHARGED

A plainclothes man working in Brooklyn said his Manhattan colleagues harassed him because he arrested every gambler he could, rather than the ones who failed to pay off.

"There were some who paid and seldom got arrested," he said. "It seemed like our real purpose was to beat down the competition of the gamblers who paid, to help them maintain their monopoly."

Shortly after this policeman was assigned to a plainclothes squad, another policeman handed him an envelope with $300 in it. "This is from Jewish Max," the policeman was told.

The policeman, disturbed by the corruption, took his complaint to Capt. Philip J. Foran, then commander of the police unit assigned to Commissioner Fraiman's Investigation Department.

"Well, we do one of two things," the policeman and a colleague quoted Captain Foran as saying. "I'll take you into the Commissioner and he'll drag you in front of a grand jury and by the time this thing is through you'll be found floating in the East River, face down. Or you can just forget the whole thing."

After a discussion about what he should do with the money, the plainclothes man said, he "gave the envelope to my supervisor, who was a sergeant of plainclothes, and he was very grateful for it—he snapped it out of my hand like he was an elephant and I had a peanut."

CONVERSATION IN A BAR

In another instance, this time in the Bronx, a young plainclothes man was taken to a bar by another policeman and introduced to the gambler.

"This guy reached into his pocket and took out some bills, and he peeled them off and he gave some to the other officer and peeled off some more and offered it to me," the policeman recalled.

"And I said to him, 'What's that for?' He says, 'Get yourself a hat.' And I said, 'Well, I have enough hats.' So he said, 'Go on, take it.' I said, 'If you have anything for me, give it to him,' and turned around and walked out."

The policeman explained that to have taken any action against the gambler would have violated all the "rules" of plainclothes men and possibly put his life in danger. He went on:

"I know the payoff was around—it would fluctuate from $800 to $1,000 a month per man. I would go around with them and at times I've even helped them count it. They would put it into neat little bundles for everybody.

"They would have meeting places and some of the guys would maintain private apartments. And they would allot double or a share and a half for lieutenants."

"I'LL KEEP IT FOR YOU"

The plainclothes man refused to keep any money for himself. "Well, it seemed that my partner told them that I was O.K. but he probably was keeping a double share for himself," he said.

He recalled one policeman who was "nice enough to say: 'I'll just keep it for you. Whenever you want it, I got it. And if you ever change your mind, I'll have it for you.' "

A lieutenant who did not know that the plainclothes man was not "on the pad" offered "to store my money—my share of the money—in his attic—he said he had a quite adequate amount of room in his attic."

The plainclothes man, appalled by what he saw, said he took the information about corruption in the Bronx to Cornelius J. Behan, now an inspector in charge of the Police Department's prestigious planning division, and to Mr. Kriegel, the mayoral assistant.

Both meetings took place in the fall of 1967 he said—one in a parked car and the other in Mr. Kriegel's basement office in City Hall.

Inspector Behan, according to the plainclothes man, said he would inform First Deputy Commissioner John F. Walsh. Mr. Kriegel said he would look into the matter, the plainclothes man said.

The plainclothes man said he went to Inspector Behan because he was a man of widely recognized integrity.

SIX MONTHS LATER . . .

Six months later, with no sign of activity from Police headquarters or City Hall, the plainclothes man and a policeman friend who knew Mr. Fraiman said they met in the then Commissioner's apartment.

"That night, his reaction you know, really, he was sitting on the edge of his chair," the friend recalled. "Then we started discussing technical things of how we were really going to handle it. And the decision was made that I was going to get a bug and we were going to meet and I was going to bug the surveillance truck."

The surveillance truck was used by Bronx policemen to secretly observe gambling operations.

According to the policeman's account, two days after the meeting in the Fraiman apartment, Captain Foran, the commander of the unit assigned to the Investigation Department, called the policeman informant's friend. He said he was told to "bring the bug back to the office forthwith."

A few days later, according to the account, Commissioner Fraiman was asked by the plainclothes man's friend why the investigation was called off.

"He literally would not discuss it," the friend asserted. "He wouldn't discuss it for months. Ultimately, after months, the only answer Fraiman would make was that he [the plainclothes informant] was a psycho and that they couldn't get involved and that he wasn't willing to cooperate. And that just absolutely was not the case."

After many months of no visible action from Headquarters police investigators, the Police Department learned that the Investigation Department had also been informed about the regular payoffs to policemen in the Bronx. Information about the case then was sent to police officials in the Bronx and to District Attorney Burton B. Roberts.

In February, 1969, a Bronx grand jury indicted eight policemen on perjury charges and numerous gamblers for contempt charges, including one who was revealed to

be an agent of Joseph (Bayonne Joe) Zicarelli. The case against one of the policemen now is being tried and the jury is expected to hand up its decision Monday. The cases against the seven other policemen are pending.

Police corruption in narcotics enforcement, according to all policemen interviewed, is nowhere near as carefully organized as corruption in gambling enforcement.

But because the potential profits are much larger, individual narcotics detectives are constantly tempted. In recent years, for example, three New York narcotics detectives, two Nassau County investigators and a Federal agent were arrested on charges of selling drugs.

Last year two detectives were arrested and accused of trying to bribe an assistant district attorney in the Bronx to go easy on a heroin wholesaler.

THREE CHARGED WITH EXTORTION

Only last month three detectives were charged with extorting $1,200 in cash, 105 "decks" of heroin and a variety of personal possessions from five New Yorkers.

But there is some evidence that a more regular kind of corruption is not entirely unknown. One policeman, with six years of experience in the narcotics division and its elite special investigating unit, said one of his fellow detectives arranged payoffs to policemen from the largest heroin dealer.

These payoffs, he said, ranged from $5,000 for changing testimony just enough so a drug-seller would not be convicted to $50,000 for the sale of a "wire"—the recorded conversation made by a police wiretap or bug.

The detective who allegedly arranged the payoffs recently was shot and seriously wounded in a gun battle near a Bronx hangout of major heroin importers. The case now is under investigation.

The detective who described the alleged incident to The Times said that, in at least one case he knew, several of his colleagues collected a great deal of damaging evidence about a major heroin dealer, let the alleged payoff arranger know they had the evidence and then waited for a bid from the criminals. The bid came and the money was collected, he said.

Several high-ranking police officials said in interviews that many narcotic detectives—because they are encouraged to meet a quota of four felony arrests a month and because so little money is available to pay informers—resort to stealing drugs from one addict and giving it to another to buy information.

In addition to the graft potential in the narcotics traffic itself, corrupt policemen are in a position to exert considerable pressure on the owners of bars and restaurants. This is because a narcotics arrest in such an establishment means the owner can lose his liquor license.

A detective with several years of experience in narcotics enforcement said he heard a top commander in the narcotics division chastising another official for not demanding and receiving regular payoffs from the bars in his jurisdiction.

But the payments to policemen by an unknown number of New York's 4,434 licensed taverns is only one of a variety of payments made by legitimate businesses and institutions in New York.

Some of the 2,232 licensed liquor stores, for example, also make various kinds of payments to the police. One busy West Side liquor dealer said:

"At Christmas time, the eight men working in the patrol car get $5 apiece, the five sergeants get $10 each and the two lieutenants get $50 each. Then there are the Christmas bottles—they usually want the most expensive brand of Scotch—for the traffic policemen, the mounted policemen and eight or nine precinct patrolmen who come in with their hands out.

"Then over a year, the guys will come in and say, 'Well, I'm going on vacation, how about a bottle?' or give some other excuse why they should get something for nothing. Finally, I'm expected to sell at cost—no profit at all—to all the cops in the area. I estimate that all of this costs me between $2,000 and $3,000 a year."

VALUE RECEIVED

The businessman knew he was acting in violation of state law, but said he got something for his money.

"First, I want my customers and suppliers to be able to double-park for a few minutes without getting a summons," he explained. "Second, I know that when I call for help the precinct will come pretty fast."

Construction companies are another vineyard for the police, although the amount paid seems to vary from borough to borough and even from precinct to precinct. A Manhattan architect said that it was his experience that the standard fee for the police was $400 a month and that the money usually was picked up by the sergeant.

A Greenwich Village contractor said in an interview that he recently paid the police $500 while he was renovating a brownstone.

"This guy came around and said. 'I've come to see you for the boys,' " the contractor declared. "I was amazed because he was so open. There were five laborers standing around watching. The job was pretty messy so I decided I better pay. I reached in my pocket and gave him $20. He said, 'That's not enough; it's $40 a month for the sergeant and $5 a month—$40 altogether—for the eight guys in the patrol car.' What annoyed me was that this payment didn't even stop the parking tickets."

Another contractor new to the city and on his first job—a Lower East Side renovation—said a policeman came around and told him he wanted to make "some financial arrangements."

"The sergeant told me the fee for his services would be $40 a month," the contractor said. "I asked him what the $40 would give me and he said something about there being 13 sergeants in the precinct and they would leave me alone.

"After I gave him the money he was very congenial and kept asking me whether all the financial conditions were satisfactory. He was very pleasant. Prior to that he was sort of demanding."

According to another contractor, the extortion of money from construction companies is so regular that members of the force in one precinct did not even hesitate when the contractor started building a new precinct house for them. "I was amazed; they came around and put the arm on me for $40 a week," he said.

Another source of illegal money is said to be the "reward" some insurance companies and other concerns pay detectives for the return of stolen goods.

A few months ago a lieutenant and detective on the Lower West Side were indicted on charges of extorting $5,000 from Montgomery Ward with the promise that with the money they would be able to find two trucks filled with radio equipment that had been hijacked.

Because such arrangements usually remain secret, it is not easy to estimate how frequently they take place. But one knowledgeable agent of the Federal Bureau of Investigation said he felt the payments of rewards was not unusual.

"It's a lot cheaper to pay a $5,000 bribe," he said, "than to lose $100,000 worth of mink coats."

The $25 finder's fee normally given by carrental agencies for the recovery of one of their stolen cars was described as another source of illegal income for policemen. "I don't see anything wrong with it—even though taking the dough is against regulations," a detective said.

Many policemen become lonely, despairing and frustrated because they feel there is nothing they can do about the continuing corruption they witness every working day.

"I remember one time we went on a call," a Brooklyn policeman said. "A girl had tried to commit suicide by taking an overdose of pills. Three patrol cars responded and there were six of us standing around this little one-room apartment, the girl lying there, just breathing.

"One of the guys walked over to her dresser and scooped up a large handful of subway tokens and dropped them in his pocket. No one said a word. It killed me, but there was nothing to do. There was no sense telling the sergeant because he was part of the club."

[From the New York Times, Apr. 26, 1970]

GAMBLERS' LINKS TO POLICE LEAD TO VIRTUAL "LICENSING"

(By David Burnham)

New York gamblers maintain an intimate and financial rewarding relationship with many policemen that at times perverts law enforcement into a system of "licensing" the city's vast gambling industry, according to some police sources.

This association between gamblers and many of the policemen assigned to the department's specialized anti-gambling units was described by police officials, policemen and former policemen in a six-month survey undertaken by The New York Times on the problems of police corruption.

A special committee set up by Mayor Lindsay to investigate corruption after he learned that The Times was planning to publish its survey said yesterday that it would hold its first meeting tomorrow morning. Citizens were urged to report any specific information they had on wrongdoing.

The names of the policemen who discussed corruption with The Times during the survey are being withheld to protect them from possible reprisals.

Although the Times survey showed there were many sources of police graft, virtually all knowledgeable experts agreed that the highly organized and superbly efficient gambling industry contributed the most.

There are two major kinds of illegal gambling in New York. One is the "policy game" or "numbers racket"—a six day a week lottery. The other is bookmaking, where individual citizens can place bets on events such as football games and horse races.

Estimates of the annual take of the gamblers vary. But two New York Treasury Department agents a few years ago set the yearly gross of the five major policy games in New York City alone at $1.5-billion.

Some law enforcement experts say in general only that those gamblers who pay bribes are allowed to operate.

As a result, the primary function of corrupt policemen in big cities "is not the enforcement of law, but the regulation of illegal activities," William F. Whyte wrote in his book about law enforcement, "Street Corner Society."

Many policemen, of course, are not corrupt. But interviews with policemen here suggest that large numbers of plainclothesmen—the policemen assigned to controlling gambling—become tainted.

"Each plainclothes unit has a regular monthly meeting to decide which gamblers to take on and which gamblers to drop—because they've become too hot," one plainclothesman explained.

"At this monthly meeting, they also talk about how much each gambler should be charged," he continued. "The decision is based on how much he takes in."

The plainclothes man said that numbers

operators sometimes tried to shortchange the police by lying about the number of "collectors" employed to pick up bets. "When they do this," a plainclothes man said, "they fine the gambler the amount he held back on them."

"At the same time," he continued, "if a plainclothes man arrests a gambler who is "on the pad" by mistake, he also will be fined—maybe a hundred bucks or so."

The plainclothes man also said that arrests sometimes were made by appointment. "Me and this other guy spotted this collector and we grabbed him and he said he was a cousin—paying the cops."

"The guy I was working with said he was sorry, but they had a complaint and had to make a collar. The gambler told him he understood, but 'please don't hold me up now, it's my busiest time.' "

"So the collector and the cop made an appointment—he agreed to be in front of the precinct house at the end of the business day," the policeman said. "And sure enough three hours later, he was standing there with a smile on his face and his made-up evidence—a few phony policy slips—in his hand."

On another occasion, several plainclothes men arrested a collector who was operating in a hallway.

"He said he was a cousin," the policeman said, and asked us to let him go. I said "no soap, we had to have a collar. He said he understood and would be glad to provide a flunkie to take the arrest."

Because the policeman telling the story wanted to make the arrest—and not be considered an enemy by his colleagues—he said he developed a little story.

"I told him I was sorry," the policeman recalled, "but that I thought internal security might be watching and I didn't want to get in trouble by bringing in a substitute."

A number of New York policemen agree that the basic payment to corrupt plainclothes men from gamblers was $800 to $1,000 a month—tax free—with lieutenants sometimes getting double.

But they agree that some plainclothes men make a great deal more.

"You really are limited only by your own initiative," one plainclothes man said. "Like you can go out and make your own scores. I heard one guy openly boasting that he made $60,000 in the past two years."

[From the New York Times, Apr. 27, 1970]

POLICE CORRUPTION FOSTERS DISTRUST IN THE RANKS HERE

(By David Burnham)

Corruption in the New York Police Department, which reportedly involves millions of dollars a year in graft, has created an atmosphere of suspicion, distrust and fear for many New York policemen, police sources report.

Threats of death are not unknown, police investigators make secret visits to the offices of even the highest commanders and secret tape recorders are almost commonplace, according to policemen and former policemen interviewed by The New York Times in a six-month survey of corruption.

Some effects of the publication of reports on the survey and the formation of a five-man city panel to investigate police corruption were already being felt.

The City Department of Investigation said some 80 persons had responded thus far to an appeal by Mayor Lindsay for confidential information on police corruption, and a spokesman said that many of the callers had provided "specific" and "useful" material.

In addition to instances of outright graft, the Police Department is troubled by a corrosive atmosphere and official inaction that, according to sources within the department, is affecting the lives of policemen who accept payoffs, the many who do not and the police officials charged with eliminating corruption.

On at least two occasions in the last two years, for example, one policeman with a reputation for being strongly opposed to corruption says that he has been threatened by other policemen who thought he was giving information to his superiors.

"I was in the Criminal Courts Building," the policeman recalled about one of the incidents. "One of the plainclothesmen pulled his gun out and put it in my belly—and he said 'You're a rotten kind of a guy, and if you ever involve me, you know what's going to happen.' "

The suspicion and fear reportedly extends to the highest ranks of the department. This was evidenced, police sources say, by a physical tussle between Chief of Detectives Frederick M. Lussen and the Assistant Chief Inspector Joseph McGovern, the top uniformed corruption investigator in the Police Department. This broke out last summer, the sources say, when Chief Lussen returned from lunch and unexpectedly found Mr. McGovern in his office.

The relations between some officers and their men is also reported difficult. One police commander said that when he was assigned to a new office, the men in the unit began to follow him secretly to see if he was trying to get evidence of corruption.

"One day I am driving around," he recalled in an interview, "and I suspect they're tailing me, and I had this guy along with me I know I couldn't trust and he kept looking behind.

"I'm driving, you know, and he's sitting alongside me, and I just said, 'Is my tail with me?' And he gave me a look. They were tailing me to find out where I was going and what I was interested in."

The policeman who said he had been threatened with a gun also told this story:

"I wasn't with this unit very long when I was approached by a plainclothesman I had worked with before. He approached me and said, 'Look, we got a phone call before you came up here and they said not to trust you.'

" 'But I don't care, I don't give a damn,' " the policeman quoted the plainclothes man as saying. " 'I know you from before, and I'm willing to take a chance.' He then took me right over to a bar and introduced me to a 'KG,' known gambler."

CODE NAMES USED

The warning phone call, the policeman said he subsequently learned, came from a police official specifically entrusted with reducing corruption.

Policemen often use code names to avoid security breaches with gossiping policemen assigned to various offices.

One policeman, when calling Chief McGovern, said that he arranged to be known as Mr. Mitchell. "But then McGovern told me not to use Mr. Mitchell, because he knew a real Mr. Mitchell, and that any time I called I should say it was Mr. James," the policeman related.

One police official with 30 men on his staff was asked how many of them he trusted to enforce the law properly. "I trust definitely four, possibly a fifth man," he replied. "The rest I don't know whether to trust or not. I couldn't definitely say how many are on the take. I would say, I'm pretty sure, that five aren't."

The officials said he did most of his own investigating because of his worries about the honesty of some of his men. He explained that since the changes made in the nineteen-fifties following the discovery that Harry Gross, a Brooklyn bookmaker, was paying the police millions of dollars a year, men in his position were assigned men rather than being permitted to pick them.

"These changes were pretty good in theory," the official explained, "but they didn't work. I think the gambling inspectors ought to be allowed to pick at least some of their own men, so they'll be loyal to them. In my personal opinion these changes were an administrative paper thing.

"They didn't want to stop it—it was too lucrative—and the money was going so high that they really didn't want to end it. But, however, they had to set up a new system to appease the public and appease the press."

Another policeman, reflecting on the fearful and suspicious ways of the department, said, "You know, it's just like something out of the movie 'Z'."

And oddly enough, Mayor Lindsay arranged a private showing of the film about political repression in Greece for about 10 top police commanders and their wives last Jan. 21 in a small auditorium of the Time & Life Building.

NATIONAL VOLUNTEER FIREMEN'S WEEK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am very pleased to announce that 42 of our colleagues are joining me today in the introduction of House joint resolutions to authorize the President to proclaim a "National Volunteer Firemen's Week," from September 19 to September 29, 1970.

At this point, 139 Members of the House are cosponsoring the resolutions. Forty-three of the 50 States are represented, and 67 Republican and 63 Democratic Members are among the cosponsors. You will also be interested to learn that a companion resolution will be introduced in the other body by the Honorable HUGH SCOTT, of Pennsylvania on Thursday, April 30, 1970.

Naturally, I am proud to point out that 22 of the 27 Members of the Pennsylvania congressional delegation have joined in urging passage of this tribute to our Nation's volunteer firemen.

The House joint resolutions follow:

H.J. RES. —

Mr. SAYLOR (for himself, Mr. BROTZMAN, Mr. SMITH of New York, Mr. SNYDER of Kentucky, Mr. STEIGER of Wisconsin, Mr. HAMMERSCHMIDT, and Mr. WOLD) introduced the following joint resolution; which was referred to the Committee on the Judiciary.

Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

H.J. RES. —

Mr. SAYLOR (for himself, Mr. ABBITT, Mr. BROWN of Michigan,, Mr. CRANE, Mr. DENT, Mr. FLOWERS, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. LUKENS, Mr. LUJAN, Mr. MEEDS, Mr. NIX, Mr. PEPPER, Mr. POFF, Mr. POLLOCK, and Mr. REIFEL) introduced the following joint resolution; which was referred to the Committee on the Judiciary.

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H.J. Res. —

Mr. SAYLOR (for himself, Mr. ANDERSON of California, Mr. BEVILL, Mr. BRADEMAS, Mr. BROCK, Mr. CAMP, Mr. CHAPPELL, Mr. DANIEL of Virginia, Mr. DAVIS of Georgia, Mr. EDWARDS, Mr. FRIEDEL, Mr. HAMILTON, Mr. HAYS, Mr. JONES of North Carolina, Mr. MCCLORY, Mr. PATTEN of New Jersey, Mr. PREYER of North Carolina, Mr. RAILSBACK, Mr. SYMINGTON, Mr. TUNNEY, Mr. WALDIE, and Mr. WHITEHURST) introduced the following joint resolution; which was referred to the Committee on the Judiciary.

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EXTENDING VOTING AGE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the President has written me a letter in which he discusses the vitally important question of extending the vote to Americans between the ages of 18 to 21.

The President favors conferring voting privileges upon 18-year-olds. I agree with him. I think a large majority of House Members feel likewise. Where some of us disagree is on how that objection is to be accomplished.

The President and I believe a Constitutional Amendment to be the only sure and safe route to making 18-year-olds throughout the Nation eligible to vote. We, therefore, believe the House should separate the 18-year-vote rider from the voting rights bill approved by the Senate and sent to the House.

There is good reason to believe that an 18-year-vote Constitutional Amendment could be readily approved. A resolution proposing such an amendment has been sponsored by two-thirds of the Members of the Senate. I personally believe the House is similarly inclined. That kind of support would be persuasive among members of the State legislatures.

There is danger in attempting to give 18-year-olds the vote by simple statute. How soon the law would be tested in the courts is doubtful. This poses the possibility that the outcome of thousands of State and local elections could be placed in question. And if an 18-year-vote statute later were declared unconstitutional, the impact on elections which had taken place could be catastrophic.

Mr. Speaker, I believe the only judicious course for the House to take is to separate the 18-year-vote rider from the Senate voting rights bill, send the voting rights legislation to conference and then accept the results of that conference. Meantime, an 18-year-vote Constitutional Amendment could be speeded through the Congress.

Mr. Speaker, I commend a reading of the President's letter to the Members of the House. The letter follows:

APRIL 27, 1970.

HON. GERALD R. FORD,
Minority Leader,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote. I strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, in a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE VS. CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: When the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections too place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous; but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise: within certain specified limits, this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amendment), or failure to pay a poll tax (the Twenty-Fourth Amendment); nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of *Katzenbach* v. *Morgan.* This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in *Katzenbach* v. *Morgan* authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not literate in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests: the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere. it is using the same power which was upheld

when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory *in a constitutional sense* is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before; it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision, because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the States but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To present this challenge to the Court would thus raise equal and opposite dangers: on the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth Amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a broad reading of *Katzenbach* v. *Morgan*, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved.

That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: Constitutional amendment.

Sincerely,

RICHARD NIXON.

VOTING AGE

(Mr. McCORMACK (at the request of Mr. ANDERSON of California) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, I include in my remarks the reply of Senator EDWARD M. KENNEDY to President Nixon's letter on voting by 18-year-old citizens of the United States. The reply of Senator KENNEDY is a sound presentation of the constitutionality of the Senate amendment to the extension of the voting rights bill relative to the vote at 18 years of age:

SENATOR EDWARD M. KENNEDY REPLIES TO PRESIDENT NIXON'S LETTER ON 18-YEAR-OLD VOTING

Yesterday's letter from President Nixon to leaders of the House of Representatives, questioning the constitutionality of the Senate's action in lowering the voting age to 18 by statute, offers no new arguments on this issue. The same constitutional argument against acting by statute was made on behalf of the Administration, not only in testimony before the Senate Subcommittees considering the issue, but also during the floor debate in the Senate. These arguments were discussed in detail and found wanting during the Senate debate last month. By the overwhelming majority of 64–17, the Senate rejected the Administration's arguments and adopted the amendment to reduce the voting age to 18.

Contrary to the Administration's suggestion, I believe that the Senate acted responsibly on this issue. We acted responsibly, because like the Executive Branch and the Judicial Branch in our system of government, we in Congress have the obligation to exercise the powers conferred on us by the Constitution. Section 5 of the Fourteenth Amendment gives Congress the power to enforce the Equal Protection Clause and all the other great provisions of the Amendment, by whatever legislation Congress deems appropriate. The Supreme Court has unequivocally made clear that it will sustain such legislation, so long as the court is "able to perceive a basis" upon which Congress might act.

In essence, the Administration's message to Congress is a message that asks us to abdicate our function of interpreting the Constitution and carrying out its mandate. It is disturbing to note that this is not the first time in recent weeks that the Administration has sought to derogate from the power of Congress in our system of government. Near the end of the debate on the nomination of Judge Carswell to the Supreme Court, the President sought to minimize the power bestowed on Congress by the Constitution to advise and consent to the nomination of Supreme Court Justices. Now, the President draws into question the power of Congress to exercise the Constitutional authority given us not only by the specific language of Section 5 of the Fourteenth Amendment, but also by the clear invitation of the Supreme Court.

There is another and equally important reason why Congress cannot and must not abdicate its responsibility to define and interpret the Equal Protection Clause. In our Constitutional system, the Judicial Branch is poorly suited for the sort of detailed, fact-finding investigation that is necessary to weigh the many complex considerations involved in the resolution of the great political and social issues of our time. The legislative process is far more conducive to balancing the relevant interests. Indeed, I believe that, far from opposing the exercise by Congress of its responsibility in these sensitive areas, the courts would welcome action by Congress as much needed relief from the slow and painstaking process of constitutional litigation that has too often been the only avenue of social change in our recent history.

Also, and again contrary to the Administration's suggestion, I believe that Congress has acted realistically in reducing the voting age by statute. The Administration's optimism about the speed with which a constitutional amendment could be adopted to reduce the voting age is unfounded. Members of Congress are all too familiar with the decades of frustration that have met all our previous efforts to gain this reform. We know that the Voting Rights Act is the only realistic hope of achieving the goal of bringing our youth into the mainstream of the political process in America. To counsel delay when success is at last within our grasp is to counsel defeat and generate intolerable new frustration for millions of young Americans.

In closing, I would like to deal briefly with a number of the specific legal and procedural questions raised by the President's letter.

First, it is worth emphasizing that the constitutionality of lowering the voting age by statute is strongly supported by Professor Paul Freund, the most renowned constitutional authority in America, and by Professor Archibald Cox, one of the greatest Solicitor Generals the nation has ever had. The views of Professors Freund and Cox were set out repeatedly and at length in the course of the debates on the Senate amendment. They are spread out on the record for all to see, and no useful purpose would be served by repeating them here. In the end, every member of Congress must weigh the merits of the arguments and decide the issue for himself. For my part, I am convinced that Congress has both the constitutional power and the constitutional responsibility to take this action.

Second, the President's letter ignores a fact that was repeatedly emphasized in the Senate debate—the same bill now pending to lower the voting age also contains an Administration-sponsored provision to reduce state residence requirements for voting. In the Senate and House hearings on the bill, the

Administration strongly supported the constitutionality of the residence provisions, and cited *Katzenbach* v. *Morgan* as authority for this view. Surely, if Congress has the power to act by statute to change state residence requirements for voting, then it also has the power to act by statute to change state age requirements for voting.

Third, the President proposes to restrict the Supreme Court's holding in the *Morgan* case to circumstances involving discrimination against ethnic minorities. However, neither the equal protection clause of the Fourteenth amendment, nor Section 5 of the amendment, nor any language in the holding of the *Morgan* case supports any such limitation. As the Supreme Court clearly held in the *Morgan* case, Congress has broad power under Section 5 to weigh the facts and make its own determination of discrimination under the Equal Protection Clause, whether the discrimination is based on race or any other ground. So long as the Supreme Court can find a reasonable basis for Congress's determination, the Court will sustain it.

Moreover, precisely the same constitutional justifications based on racial discrimination which are invoked by the President to distinguish the Administrations proposed nationwide ban on literary tests for voting can also be invoked in the case of age requirements for voting. Indeed, one of the justifications relied on by the Senate in lowering the voting age to 18 was that the action would tend to bring Black Americans and other minorities into fuller participation in the political process, and would thereby promote the more rapid elimination of racial discrimination. Thus, even if the *Morgan* case is arbitrarily interpreted as applying solely to cases involving discrimination against ethnic groups—and, I repeat, nothing in the holding of the Morgan case or the Fourteeenth Amendment justifies such an interpretation—it is still possible to find strong constitutional support for reducing the voting age to 18 by statute.

Fourth, the President suggests that, in any event, there is no discrimination in state restrictions setting the voting age at 21, because they apply equally to all young Americans in 46 states.

Obviously, if a racial minority were denied the right to vote, no one would argue that the denial was non-discriminatory merely because it applied equally to all members of the group. Similarly, merely because all 18 year olds are denied the right to vote in 46 states, does not mean there is no discrimination against them.

By its overwhelming vote last month, the Senate found that such discrimination does exist. The Senate found that laws setting the voting age at 21 unfairly discriminate against millions of 18, 19, and 20 year old Americans who fight and die in Vietnam, who work, marry, and pay taxes, and who are treated as adults by the criminal law, but who are denied the most basic right of all in our Democratic society—the right to vote.

Fifth, the President raises the objection that litigation over the voting age provision may cloud the validity of future elections, including even the presidential election of 1972. The objection is insubstantial. The Senate amendment itself contains a series of provisions designed to expedite judicial review, in order to avoid any adverse impact on future elections. Indeed, as I discuss in greater detail in an appendix to this statement, I believe that a judicial test of the provision can be initiated as soon as the bill is signed into law by the President, and that a Supreme Court decision on the constitutional question can be rendered even before January 1, 1971, the date the voting age provision comes into effect.

In sum, I believe there is a sound constitutional and procedural basis for Congress to reduce the voting age to 18 by statute. There is no need for us to pursue the arduous route of constitutional amendment to reach our goal of enlarging the franchise to include 18 year olds. Millions of young Americans have earned the right to vote, and it is long past time for Congress to Act.

APPENDIX—PROMPT JUDICIAL TEST OF STATUTE REDUCING THE VOTING AGE TO 18

Six weeks ago, the Senate overwhelmingly approved an amendment to the Voting Rights Bill, effective January 1, 1971, to lower the voting age to 18 in all elections, Federal, State, and local. As the debate on the Senate floor made clear, the principal reason for postponing the effective date of the provision until next January was to enable appropriate litigation testing its validity to be initiated and resolved by the Supreme Court, free of the possibility that any uncertainty over the provision might cloud the forthcoming Congressional and State elections in November 1970.

In fact, the choice of January 1, 1971, for the effective date of the statute was especially propitious, since I believe that it may well provide the opportunity to obtain a decision by the Supreme Court on the constitutionality of the provision even before the law actually goes into effect next January. On the basis of a brief review of the existing law and precedents, it seems entirely reasonable to conclude that a test case of the validity of the 18-year-old voting provision could be filed as soon as the legislation is signed by the President, and that a decision on the constitutionality of the provision could even be obtained prior to January 1, 1971.

Section 303 of the bill passed by the Senate authorizes the Attorney General to test the provision by instituting actions against State or political subdivisions including actions for injunctions. The section also gives district courts of the United States jurisdiction of such proceedings, and provides for an expedited trial before a special three-judge district court, and an expedited appeal directly to the Supreme Court.

Although the section does not specifically mention actions for declaratory judgment, the general language of the section is obviously broad enough to cover such actions. As the Federal Declaratory Judgment Act, 28 U.S.C. 2201, makes clear, any court of the United States may, "in a case of actual controversy within its jurisdiction," declare the rights and legal relations of any interested party seeking such a declaration.

The provision that there must be an actual controversy is a constitutional requirement that must exist before Federal courts have jurisdiction to decide any case. Thus, as *Marbury* v. *Madison* and other leading Supreme Court decisions establish, the Federal courts do not have jurisdiction to render "advisory opinions." They can only decide "actual controversies."

To be sure, the dividing line is vague in constitutional law between rendering an "advisory opinion" and deciding an "actual controversy." However, it seems clear on the basis of existing precedent that the elements of an actual controversy over the 18 year old voting provision will be sufficiently present, once the bill is signed into law, to justify the courts in ruling on the validity of the provision, and that a court test need not be postponed until after the effective date of the statute.

For example, in *Pierce* v. *Society of Sisters,* 268 U.S. 510 (1925), the Supreme Court held that a law of the State of Oregon prohibiting parents from sending their children to private schools was unconstitutional. The law was enacted on November 7, 1922, and its effective date was September 1, 1926—four years after its enactment. Yet, the Supreme Court held that a lower Federal court had acted properly in 1924 in granting an injunction against enforcement of the law. As the Supreme Court emphasized, the mere prospect of enforcement of the measure against private schools was sufficient to make the issue an "actual controversy" and therefore to give jurisdiction to the courts, since parents had already begun to withdraw their children from private schools in Oregon in anticipation of the effective date of the law.

Similarly, in the case of the 18 year old voting provision, there is the obvious prospect of enforcement of the provision in all elections—Federal, State, and local—after January 1, 1971. It is likely that in many states, efficient election procedures will make it necessary or desirable for officials to offer registration to 18 year olds and adopt other procedures well before the effective date of the statute. Just as in the *Pierce* case, the prospect of future enforcement of the law is sufficient to produce a very real present effect on both public officials and private citizens.

Moreover, even in the absence of precedents like the *Pierce* case, it would be reasonable for the courts to recognize the obvious need to resolve the constitutional issue of 18 year old voting before the orderly procedures of state and local registration, primaries and elections are disrupted by whatever uncertainty might exist over the validity of the provision.

In general, there are several possible ways in which a test case of the constitutionality of the voting age provision could be rapidly decided by the Supreme Court. Among the most likely procedures are the following:

First, a State could file a complaint in the Supreme Court against the U.S. Attorney General, requesting a declaratory judgment that the provision is unconstitutional and an injunction against its enforcement. Conversely, the Attorney General could file a complaint in the Supreme Court against a State. Under this procedure, the case would be brought initially in the Supreme Court, and would bypass the lower Federal courts. The jurisdiction of the Supreme Court in such a case—called the court's "original jurisdiction"—would be based on Article III, Section 2 of the Constitution, which allows certain cases in which a State is a party to be initiated directly in the Supreme Court. This was the procedure followed in *South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966) in which the Supreme Court upheld the constitutionality of the Voting Rights Act of 1965.

Second, by analogy to section 303 of the pending legislation, the U.S. Attorney General could file a complaint against State or local election officials in a three-judge Federal district court, challenging the validity of a state law setting the voting age at 21. This was the procedure followed under Section 10 (the poll tax provision) of the Voting Rights Act of 1965, which directed the Attorney General to bring a constitutional challenge against state poll taxes. Pursuant to this provision, the Attorney General initiated suits against Alabama, Mississippi, and Texas. See *United States* v. *Alabama,* 252 F. Supp. 95 (1966); *United States* v. *Texas,* 252 F. Supp. 234 (1966). Technically, the provisions of Section 303 do not themselves become effective until January 1, 1971, but it is possible that the Attorney General could initiate comparable three-judge court litigation, with direct appeal to the Supreme Court, under the general authority of similar provisions in the Federal Judicial Code, such as 28 U.S.C. 2281–2284, 1253.

Third, state officials could seek to initiate three-judge court suits against the Attorney General, challenging the constitutionality of the new federal statute lowering the voting age to 21. As in the case of an action initiated by the Attorney General, the decision of the three-judge court could be appealed directly to the Supreme Court.

Fourth, a person under 21, who was denied the right to register to vote in a State, could file a suit against the appropriate State or local election officials challenging the constitutionality of the State law setting the voting

age at 21. In such a suit, the Attorney General would also be able to participate, since the validity of a federal statute would be drawn into question. This was the procedure followed in *Harper* v. *Virginia Board of Elections*, 383, U.S. 663 (1966), in which a group of Virginia residents brought an action to have Virginia's poll tax declared unconstitutional.

The advantage of the three-judge court procedure is that it follows the normal judicial route by which a record is established in a trial court on issues of law and fact. Since there is an immediate appeal directly to the Supreme Court, it is possible to avoid the intermediate appellate procedure used in other cases, which requires a decision by a court of appeals before the case can be taken to the Supreme Court.

In light of the traditional schedule and timing by which cases are heard in the Supreme Court itself, the use of the three-judge court procedure to test the 18 year old voting law would probably not cause any greater delay in resolving the constitutional issues than would occur if the "original Supreme Court jurisdiction" procedure is used. By either approach, the Supreme Court could easily decide the issue before January 1, 1971. Ordinarily, the Supreme Court is in recess from the middle of June until the first week of October each year. Thus, it is unlikely that an original case could be filed in the Court and decided before the Court's summer recess this year. If a three-judge court is initiated promptly after the pendng legislation is signed into law by the President, it should be possible for the trial court to decide the case well before the Supreme Court's annual summer recess ends. As a result, the appeal from the trial court's decision could be awaiting action on the Supreme Court's docket as soon as the Court convenes its 1970 term in October, and the Court could reasonably be expected to hand down its ruling before the end of the year.

Indeed, it is worth noting that there are a number of recent cases in which major constitutional questions were determined expeditiously by the Supreme Court:

In *South Carolina* v. *Katzenbach*, already referred to, the Supreme Court upheld the constitutionality of the Voting Rights Act of 1965. The State of South Carolina filed its bill of complaint for an original action in the Supreme Court on September 23, 1965. Attorney General Katzenbach replied with complaints of his own against Alabama, Louisiana, and Mississippi. The South Carolina case was accepted by the Court on November 5, 1965. It was argued on January 17, and 18, 1966, and was decided on March 7, 1966, less than six months after the complaint was filed, and only seven months after the Voting Rights Act was signed into law.

In *Williams* v. *Rhodes*, 393 U.S. 23 (1968), the Supreme Court held that certain restrictive election laws of the State of Ohio were unconstitutional, because they unfairly discriminated against minor political parties. Therefore, the Court ruled, George Wallace's American Independent Party was entitled to a place on the Ohio ballot in the 1968 Presidential election. The application for review of this case in the Supreme Court was filed on September 19, 1968. The case was argued on October 7, 1968, and was decided on October 15, 1968, less than a month after Supreme Court review was sought.

In *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19 (1969) the Supreme Court held that dual school systems based on race were no longer constitutionally permissible under the standard of "all deliberate speed," and that a unitary school system must be established immediately in each school district. In this case, the petition for Supreme Court review was filed on September 23, 1969. The case was argued on October 23, 1969, and was decided on October 29, 1969, only slightly more than a month after Supreme Court review was sought.

In sum, there is ample precedent in both law and practice for a prompt determination by the Supreme Court of the constitutionality of the bill now pending to extend the franchise to 18 year olds. I believe that litigation clearing the way for nationwide enforcement of the provision should be initiated as soon as the bill is signed into law, and that a decision by the Supreme Court on the constitutional question can be rendered even before January 1, 1971, the effective date of the statute.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOLEY, for April 29 through May 8, on account of official business.

Mr. PATMAN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore, entered, was granted to:

Mr. RARICK (at the request of Mr. ANDERSON of California), for 30 minutes today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MIZELL) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 10 minutes, today.

Mrs. MAY, for 30 minutes, today.

(The following Members (as the request of Mr. ANDERSON of California) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ICHORD, immediately following the remarks of Mr. HENDERSON during general debate in the Committee of the Whole today on H.R. 15693.

Mr. SCHEUER to follow the remarks of Mr. MIKVA on his amendment to H.R. 15693.

Mr. CUNNINGHAM to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 15693.

Mr. MCCORMACK (at the request of Mr. ANDERSON of California) and to include extraneous matter.

(The following Members (at the request of Mr. MIZELL), and to include extraneous matter:)

Mr. GUDE.
Mr. QUILLEN in four instances.
Mr. BROOMFIELD.
Mr. SANDMAN in two instances.
Mr. WYMAN in two instances.
Mr. ASHBROOK.
Mr. DERWINSKI in two instances.
Mr. SCHERLE.
Mrs. MAY in two instances.
Mr. HUNT.
Mr. KLEPPE in two instances.
Mr. LLOYD.
Mr. MCCLORY.
Mr. SNYDER in three instances.
Mr. HOGAN.
Mr. MESKILL.
Mr. BUTTON in two instances.
Mr. BELL of California.
Mr. BOB WILSON in four instances.
Mr. FOREMAN.
Mr. HOSMER.
Mr. CONTE.
Mr. DUNCAN.
Mr. ESCH.
Mr. FREY.
Mr. SCOTT in two instances.
Mr. LANGEN.

(The following Members (at the request of Mr. ANDERSON of California), and to include extraneous matter:)

Mr. DENT.
Mr. RIVERS in two instances.
Mr. FRASER.
Mr. GONZALEZ in two instances.
Mr. EDWARDS of California in three instances.
Mr. O'NEILL of Massachusetts in three instances.
Mr. ROONEY of New York.
Mr. FOUNTAIN in two instances.
Mr. MATSUNAGA.
Mr. JOHNSON of California.
Mr. HUNGATE.
Mr. MOORHEAD in three instances.
Mr. EVINS of Tennessee in three instances.
Mr. RARICK in three instances.
Mr. BRADEMAS in six instances.
Mr. FARBSTEIN in four instances.
Mr. WOLFF in two instances.
Mr. BINGHAM in two instances.
Mr. FRIEDEL in two instances.
Mr. ABBITT.
Mr. DINGELL.
Mr. RODINO.
Mr. STEPHENS.
Mr. BENNETT in two instances.
Mr. DORN in two instances.
Mr. EDMONDSON in six instances.
Mr. DANIELS of New Jersey.
Mr. HAGAN in two instances.
Mr. BYRNE of Pennsylvania.
Mr. ANDERSON of California.
Mr. RYAN in three instances.
Mr. GALLAGHER.
Mr. GRIFFIN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 93. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases; to the Committee on Interior and Insular Affairs.

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba; to the Committee on Interior and Insular Affairs.

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Olahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2323. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyo-

ming 079626); to the Committee on Interior and Insular Affairs.

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; to the Committee on Merchant Marine and Fisheries.

S. 3222. An act to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness; to the Committee on Interior and Insular Affairs.

S. 3279. An act to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

S. 3435. An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4145. To provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. To amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 13106. To extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. For the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. To provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. To amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 29, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1985. A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1971 involving a decrease for the Department of the Interior (H. Doc. No. 91-327); to the Committee on Appropriations and ordered to be printed.

1986. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

1987. A letter from the Deputy Assistant Secretary of the Interior, transmitting a proposed concession contract to provide services in the Glacier Basin and Moraine Park areas of Rocky Mountain National Park, Colo., for a 10-year term, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1988. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report relative to American citizens of Mexican descent, pursuant to Public Law 85-315, as amended; to the Committee on the Judiciary.

1989. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 7, 1969, submitting a report, together with accompanying papers and an illustration, on Beresford Creek, S.C., authorized by the River and Harbor Act approved July 14, 1960; to the Committee on Public Works.

1990. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 12, 1969, submitting a report, together with accompanying papers and illustrations, on Eagle Harbor, Wash., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962; to the Committee on Public Works.

1991. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 9, 1969, submitting a report, together with accompanying papers and illustrations, on Quilcene Bay Harbor, Wash., authorized by the River and Harbor Act approved June 30, 1948; to the Committee on Public Works.

1992. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 9, 1968, submitting a report, together with accompanying papers and an illustration, on Goose Creek, Somerset County, Md., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 8, 1947. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act; to the Committee on Public Works.

1993. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 14, 1968, submitting a report, together with accompanying papers and an illustration, on Buck Creek and tributaries, North and South Carolina, requested by resolutions of the Committee on Public Works, House of Representatives, adopted April 5, 1949, and June 19, 1952. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment by the Chief of Engineers under the provisions of section 205 of the 1948 Flood Control Act, as amended; to the Committee on Public Works.

1994. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 19, 1968, submitting a report, together with accompanying papers and an illustration, on Little Harbor, N.H., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 2, 1949; to the Committee on Public Works.

1995. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 12, 1969, submitting a report, together with accompanying papers and an illustration, on Neah Bay (Hoko River-Clallam Bay), Wash., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted August 4, 1958, and resolutions of the Committee on Public Works, House of Representatives, adopted June 3, 1959, and May 10, 1962; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 15929. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Moun-

tain, Ga., depicting American heroes of the past; with amendments (Rept. No. 91–1023). Referred to the House Calendar.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on the availability of 1970 census data for congressional and State redistricting (Rept. No. 91–1024). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16661. A bill to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; with amendments (Rept. No. 91–1025). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16739. A bill to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines (Rept. No. 91–1026). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. S. 1508. An act to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States; with amendments (Rept. No. 91–1027). Referred to the Committee of the Whole House on the state of the Union.

Mr. SISK: Committee on Rules. House Resolution 952. Resolution for consideration of H.R. 17123, a bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 91–1028). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 953. Resolution for consideration of S. 2315, an act to restore the golden eagle program to the Land and Water Conservation Fund Act (Rept. No. 91–1029). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 954. Resolution for consideration of H.R. 16595, a bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 91–1030). Referred to the House Calendar.

Mr. SISK. Committee on Rules. House Joint Resolution 1117. Joint Resolution to establish a Joint Committee on Environment and Technology (Rept. No. 91–1031). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 17276. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

By Mr. CELLER (for himself, Mr. ADDABBO, Mr. BINGHAM, Mr. BRASCO, Mr. BUTTON, Mr. CAREY, Mrs. CHISHOLM, Mr. CONABLE, Mr. DELANEY, Mr. DULSKI, Mr. FARBSTEIN, Mr. GILBERT, Mr. HANLEY, Mr. HASTINGS, Mr. HORTON, and Mr. KING):

H.R. 17277. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. CELLER (for himself, Mr. KOCH, Mr. LOWENSTEIN, Mr. MCCARTHY, Mr. MCEWEN, Mr. MCKNEALLY, Mr. MURPHY, of New York, Mr. OTTINGER, Mr. PIKE, Mr. REID of New York, Mr. ROBISON, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SMITH of New York, Mr. STRATTON, and Mr. WOLFF):

H.R. 17278. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. DENT:

H.R. 17279. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FARBSTEIN (for himself, Mr. ADDABBO, Mr. BARRETT, Mr. BIAGGI, Mr. BRASCO, Mr. BROWN of California, Mr. COHELAN, Mr. DANIELS of New Jersey, Mr. EDWARDS of California, Mr. GILBERT, Mr. HALPERN, Mr. HAMILTON, Mr. HARRINGTON, Mr. KOCH, Mr. LOWENSTEIN, Mr. MIKVA, Mr. MINISH, Mr. OLSEN, Mr. OTTINGER, Mr. PATTEN, Mr. PODELL, Mr. POWELL, Mr. RODINO, Mr. ROSENTHAL, and Mr. RYAN):

H.R. 17280. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Public Works.

By Mr. FARBSTEIN (for himself, Mr. ST. ONGE, Mr. TUNNEY, and Mr. VAN DEERLIN):

H.R. 17281. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Public Works.

By Mr. GRIFFIN:

H.R. 17282. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. KING:

H.R. 17283. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 17284. A bill to amend title XVIII of the Social Security Act to eliminate the provisions which presently prevent an individual from enrolling in the supplementary medical insurance program more than 3 years after his first opportunity to do so; to the Committee on Ways and Means.

By Mr. ROGERS of Florida:

H.R. 17285. A bill to amend the Internal Revenue Code of 1954 to provide that the spouse of an individual who derives unreported income from criminal activities, if such spouse had no knowledge of such activities or such income, shall not be liable for tax with respect to such income even though a joint return is filed; to the Committee on Ways and Means.

By Mr. MIKVA (for himself and Mr. BROWN of California):

H.R. 17286. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17287. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17288. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17289. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17290. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17291. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17292. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17293. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17294. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17295. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Arizona:

H.R. 17296. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 17297. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 17298. A bill to amend title 38, United States Code, to provide that checks issued in settlement of national service life insurance maturing on or after August 1, 1946, which are received by the payee but not negotiated prior to his death shall become assets of his estate; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 17299. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

H.R. 17300. A bill to include prepared or preserved beef and veal within the quotas imposed on the importation of certain other meat and meat products; to reduce the percentage applied to certain aggregate quantity estimations used, in part, to determine such quotas from 110 per centum to 100 per centum; and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 17301. A bill to provide that the oath required for verification of an initial passport application may be administered by a notary public; to the Committee on Foreign Affairs.

By Mr. WIDNALL (for himself, Mrs. DWYER, Mr. HALPERN, Mr. BROCK, Mr. JOHNSON of Pennsylvania, Mr. STANTON, Mr. MIZE, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. WILLIAMS, Mr. WYLIE, Mrs. HECKLER of Massachusetts, Mr. CRANE, Mr. MACGREGOR, Mr. REES, Mr. BEVILL, Mr.

GETTYS, Mr. STEPHENS, Mr. GRIFFIN, and Mr. CHAPPELL):

H.R. 17302. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H.R. 17303. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BELL of California:

H.R. 17304. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. CHAPPELL:

H.R. 17305. A bill to prohibit the movement in commerce of certain crocodilian hides, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLANCY:

H.R. 17306. A bill to provide equitable access to the U.S. market for imported textiles; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 17307. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 17308. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

By Mr. MESKILL:

H.R. 17309. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 17310. A bill to establish a national cemetery in New England; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself and Mr. COLMER):

H.R. 17311. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 17312. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. RIVERS:

H.R. 17313. A bill to amend title 37, United States Code, to further the reduction of draft calls in the Armed Forces of the United States by increasing the pay rates of certain enlisted members of the uniformed services; to the Committee on Armed Services.

H.R. 17314. A bill to amend the Military Selective Service Act of 1967, and for other purposes; to the Committee on Armed Services.

By Mr. ROSENTHAL:

H.R. 17315. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning environmental protection and for other related educational purposes; to the Committee on Education and Labor.

By Mr. ST. ONGE (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BURTON of California, and Mrs. GREEN of Oregon):

H.R. 17316. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. BEVILL, Mr. BROOMFIELD, Mr. BUTTON, Mr. CLEVELAND, Mr. DERWINSKI, Mr. ESCH, Mr. HORTON, Mr. LUKENS, Mr. MCCLORY, Mr. MOSHER, Mrs. REID of Illinois, Mr. ROBISON, Mr. SCHWENGEL, Mr. STEIGER of Wisconsin, and Mr. WHALEN):

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.J. Res. 1195. Joint resolution proposing an amendment to the Constitution of the United States providing for representation in the Congress for the District constituting the seat of Government of the United States; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 1196. Joint resolution establishing the Commission on U.S. Participation in the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GOODLING:

H. Res. 955. A resolution creating a select committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ADDABBO (by request) introduced a bill (H.R. 17317), for the relief of Cynthia Irene Popham, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

464. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to establishing a Subcommittee on the Credit of the United States within the Committee on Ways and Means, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE CASE AGAINST JUSTICE DOUGLAS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. PRICE of Texas. Mr. Speaker, another facet in the case against Justice Douglas unfolded earlier this week, the chief initiator was none other than the Justice himself.

Without explanation Justice Douglas took himself out of a Supreme Court decision to permit the filing of briefs by outside parties in cases involving the lewd film, "I Am Curious Yellow." Despite the Justice's silence on the matter, I think the conclusion to be drawn is rather obvious. In my opinion, he excused himself because he has a conflict of interest in the case. The film "I Am Curious Yellow" is distributed in the United States by Grove Press, Inc., whose president also published the Evergreen Review, the magazine that printed excerpts from Douglas' new book next to pictures of nude couples engaged in highly suggestive activity. While this candor on the part of the Justice is certainly refreshing, I think the question can be fairly asked in light of his past activities: Why is he so tardy a convert to the cause of impartial justice? He obviously did not feel quite so imbued with the spirit of judicial impartiality when he took part in the libel case concerning publisher Ralph Ginsburg and Senator BARRY GOLDWATER. Douglas was not then bothered by the fact that while the Ginsburg-Goldwater suit was headed for the High Court, he had written an article for profit, for one of Ginsburg's magazines. On the contrary, he joined in a particularly strong dissent against the majority of the Supreme Court Justices in regard to the Court's ruling against Ginsburg.

Mr. Speaker, I would suggest that the conflict of interest which caused Douglas to excuse himself in the obscenity case presently before the Court, equally applied in the Ginsburg case. Moreover, this is a matter which should be examined most closely by the House Judiciary Subcommittee which has met today to begin a 60-day investigation of the misconduct charge against Justice Douglas.

Until the Judiciary Committee instituted action, there had been some question as to which committee should conduct the investigation, the Judiciary Committee or the Rules Committee. Since the former has asserted its primary jurisdiction in this matter, it is my hope that the investigators will discharge their responsibilities in a truly objective and nonpartisan matter. For, if Justice Douglas has been guilty of such misconduct as would warrant impeachment under the terms of the Constitution, the subcommittee members have the solemn duty to fully report their findings. By the same token, if the results of the investigation warrant it, the House must not hesitate one minute in instituting full impeachment proceedings. To adopt any other course of action would be to make a mockery of our principles of justice and our judicial institutions.

As a personal matter, I have grave reservations about the judicial and extrajudicial activities of Justice Douglas. In my view, however, justice and fairness dictates I withhold my personal expressions until after all the evidence is in. I plan on taking a dispassionate view of