

## HOUSE OF REPRESENTATIVES—Wednesday, July 7, 1971

The House met at 12 o'clock noon.

Rev. James Clark Brown, the First Congregational Church, San Francisco, Calif., offered the following prayer:

Let us pray.

Let us remember the words of our Lord Jesus Christ when He said: "Those unto whom much has been given, of them will much be required."

O God, mighty, merciful, mysterious, before whose judgments nations and individuals rise and fall, inspire the leaders and people of this land that we may more faithfully know and do Thy holy will. O God, there is a hunger in our land; a hunger for moral heroes; for men and women whose passion is to bring into being the kind of world where every privilege and dignity which is enjoyed by the few may be made available to be enjoyed by all people. To that end, direct, comfort, and guide Members of the Congress.

"O Thou, whose Spirit first fashioned life, Intending all creation Thy love to share,

Use us, O God, to do Thy work  
Until the earth be fair."

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### THE REVEREND JAMES CLARK BROWN, OUR CHAPLAIN FOR TODAY

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

Mr. EDMONDSON. Mr. Speaker, I am proud today that our opening prayer has been given by an Oklahoman whom I have known for many years, a young man who grew up in Okmulgee County in the city of Henryetta, and who once served here in the House of Representatives as one of the staff rendering faithful service to this country.

Today James Clark Brown is minister of the First Congregational Church of San Francisco, and carrying on there a great ministry.

Many Washingtonians will remember him as the pastor for a number of years of the Cleveland Park Congregational Church here in Washington, D.C. With his wife, Verne, and their lovely children, David Edmond and Edith Louise, he is doing a great work in the State of California.

Again I say I am proud and pleased that that he could be with us today in a place he has always loved, to lead the House of Representatives in today's devotions.

### A SALUTE TO WADE LUCAS

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

Mr. HENDERSON. Mr. Speaker, scarcely a day goes by without our national news media publicizing a conflict between Indians and civil authorities over the title to Federal property, alleged violations of legal or moral commitments or other basic differences of opinion.

It is refreshing to know that on Saturday of this week, Mr. Wade Lucas, a constituent of mine will be visiting Niagara Falls, N.Y., as a guest of the Tuscarora Indians. While there, he will be made an honorary chief and, with the authority of Gov. Robert Scott of North Carolina, will sign a formal peace treaty with the Tuscarora Indian Nation.

I might add that Wade Lucas, unlike so many "Honorary Chiefs" we see at campaign time, is not a politician running for office and seeking to court favor with Indian voters. Instead, Wade is a retired newspaperman with no aim or purpose in mind other than to cement a personal and official friendship with these Indians which dates back to Memorial Day more than 8 years ago when he visited the Tonawanda Reservation in an official capacity as public information officer for the State of North Carolina under the administration of Gov. Terry Sanford.

The Tuscarora Indians of the Tonawanda Reservation are a lot like many other Americans of all races and creeds throughout our Nation. They respond warmly to a genuine show of friendship and interest. Wade Lucas' longtime personal friendship with them is the kind of "people to people" relationship which will solve our international differences if they are ever to be solved.

### INTRODUCTION OF LEGISLATION INCREASING FEDERAL SHARE OF EMPLOYEES' HEALTH BENEFITS PROGRAM

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

Mr. WALDIE. Mr. Speaker, I am pleased today to introduce a bill calling for increasing the Government's share of the Federal employees' health benefits program.

Under the present cost-sharing system, the Federal Government pays 40 percent of the basic cost of the health insurance of Federal employees.

This 40-percent figure was reached only last year. The House of Representatives had passed legislation calling for increasing the Government share to 50 percent, but after considerable pressure from the administration, including the threat of a Presidential veto, House-Senate conferees agreed to a reduced figure.

Mr. Speaker, I believe that the attitude of the administration may have changed in the course of the past year. On February 18 of this year, President Nixon called for private employers to provide 65 percent of the cost of basic health insurance coverage for employees as of July 1, 1973, and 75 percent of the total cost 3 years later.

The President based this appeal on the need to spread health insurance coverage to more of the Nation's citizens.

Mr. Speaker, I fully agree with the President on this matter.

Further, I believe it to be fully consistent and proper for the Federal Government to lead the way for the private sector in meeting the President's goal of 75 percent of the costs for employees' medical insurance.

I hope that the Retirement, Insurance, and Health Benefits Subcommittee, which I chair, will hold hearings on this important legislation in the very near future, and I am hopeful of administration support for this proposal, which incorporates the President's own suggestions.

### DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING U.S. OPERATIONS IN LAOS

Mr. MORGAN. Mr. Speaker, I call up House Resolution 492 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 492

*Resolved*, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, any documents containing policy instructions or guidelines given to the United States Ambassador in Laos for the purpose of his administration of those operations controlled or directed by the country team in Laos, between January 1, 1964, and June 21, 1971, particularly with regard to—

- (1) covert Central Intelligence Agency operations in Laos;
- (2) Thai and other foreign armed forces operations in Laos;
- (3) United States bombing operations other than along the Ho Chi Minh Trail;
- (4) United States Armed Forces operations in Laos; and
- (5) United States Agency for International Development operations in Laos which have served to assist, directly or indirectly, military or Central Intelligence Agency operations in Laos, and details of such assistance.

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

Mr. MORGAN. Mr. Speaker, it is my intention to move that this resolution be laid on the table. It is also my intention to move that House Resolutions 493, 494, and 495, which are also privileged, be laid on the table as they are called up.

I do not want to prevent all discussion of these resolutions and at the same

time I want to conserve the time of the House.

I propose to yield a reasonable amount of time for discussion while House Resolution 492 is before us. After this resolution which is now pending has been disposed of, it is my intention to move immediately that each of the three remaining resolutions of inquiry be laid on the table.

Mr. Speaker, I do not propose to debate this resolution. The action of committee on the resolution is set forth in the adverse committee report. The report contains a communication from the Department of State providing some of the information requested and giving the reasons why the rest was not supplied.

Each of us here this afternoon has to use his own judgment as to whether the Executive is justified in withholding certain types of information. Each of us must judge also whether additional information will be forthcoming if the House should not accept the recommendation of the Committee.

I will yield only for the purpose of debate.

I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Speaker, I rise in support of the resolution.

The issues presented by these resolutions are not overly complicated. The issues are congressional access to information necessary for the proper discharge of constitutional responsibilities. On this issue alone today we should weigh very carefully our actions in this House.

The revelations in the daily press of certain documents on the Vietnam war raised fears and anxieties which have not yet been fully explored. These documents revealed simply that much of the conduct of the Vietnam war, and many of the assumptions and options concerning that conflict, were never communicated to the Congress. The fears which exist in Congress, I regret to say, center on the extent to which Congress bears a responsibility for proceeding in ignorance to finance and support a war so hidden from its view that its moral and legal judgment was numbed.

The moral philosophers have a phrase for this behavior: It is culpable ignorance. When one has the access or right of access to information needed to make a proper judgment and that information is not sought, the ignorance becomes the responsibility of the person acting or failing to act properly. That, I fear, has been the posture of congressional attitudes toward this war.

Even in 1965 there were serious and public doubts about the nature of the war we were fighting in Vietnam and the reasons we were fighting. The public press was filled with those questions 6 years ago. The administration at that time naturally defended its policies; could it do otherwise? Can the patient cure itself? Can the perpetrator of an act define adequately his motives and alternatives? The answer is no. The secret strength of our Government is the constitutional recognition that the separate branches must be watched by one

another in the performance of their duties. But when one branch fails to watch with diligence and with the sufficient information for its observation, the system, to the extent of that failure, fails itself.

I fear, Mr. Speaker, that many of us did not want to know all of the facts of our involvement in Vietnam in 1965 or 1968 or even yesterday. I think that the Congress remained much too long is self-imposed insulation from the public fears which swelled and finally swept across our country. We feared that more knowledge would mean more responsibility for us. For the smell of disaster was in the air even in 1965.

The question today is not our involvement in Vietnam. We now know too much of how that involvement came. The question is how Congress fulfills its future responsibilities. How will we face the questions of Laos 10 years from now. How will we accept the effects of American policy in Greece, in Spain, in Latin America?

Mr. Speaker, we can no longer say we did not know. We cannot plead that we were not told. We cannot protest our ignorance.

Our ignorance, if continued, becomes more and more culpable. Our constitutional role in foreign affairs becomes pitted and eroded by a continuing inability to face the questions of a shared responsibility, a responsibility which we obviously cannot will away. The congressional role remains, facing each of us today as we consider these resolutions.

Let us act finally with the resolve given us by the Constitution, and confirmed by our own judgment: these resolutions form a test for Congress. Let us not fail.

I would urge my colleagues to vote in favor of the resolution so that once and for all we can meet our constitutional responsibilities and obligations. We cannot do that without the information that ought to be made available to us.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, I want to speak in favor of and support of this resolution. This Nation for some 7 years has been engaged in the war in Laos. It is reported that we have now dropped more bombs on Laos than we did on Nazi Germany in World War II. Many of us may disagree on our policies in Southeast Asia, but I suspect no one in this body disagrees with the concept that the House of Representatives has the constitutional responsibility to be fully informed on the affairs in any nation where we are conducting a war of this magnitude for this period of time.

The Senate has held a full day of secret hearings to be apprised of the circumstances in Laos. This administration has steadfastly refused to report to the people and to the Congress the nature of the CIA covertly directed war in Laos where the CIA agents are advising the Meo tribesmen. The administration has steadfastly refused to admit that we are hiring Thai mercenaries and ferrying them to Laos in American aircraft to conduct a war in defense of the Laotian Government—a war which this admini-

stration has not declared. The administration has steadfastly refused to concede that we are bombing civilian centers of northern Laos. Yet it is widely reported in the papers—the New York Times and the Washington Post and other newspapers, Life magazine and the Christian Science Monitor—that all of these events are taking place. We in Congress are forced to depend on what we are advised of in the public newspapers as to our involvement in Laos.

In my judgment this House cannot afford to remain ignorant. To us is given the power and the responsibility to provide for the common defense, to declare war, and to fund a standing army but for a period not to exceed 2 years. The Executive is assigned the power as Commander in Chief to take care that the laws are faithfully executed, and that the laws of this Nation are observed, whether we are involved in Laos, whether we are fighting a war, or whether we are assisting Thais and Meo tribesmen to kill people in Laos.

This Congress must be advised if we are to meet our constitutional responsibilities. For this reason specifically with respect to House Resolution 492 it seems to me eminently proper to ask the State Department to fully advise us of the nature of the war which they conduct. I as well as others of us have been in the Embassy in Laos. The Ambassador directs and controls all American air strikes in Laos.

Members might note, that in its report to the committee, the State Department suggested, in effect, that the bombing in northern Laos, where we are not at war and are not protecting American lives other than the CIA agents involved there, that we should ask the Defense Department for the information as to the extent of the bombing.

Well, I have asked the Defense Department for this information, and I should like to quote to the House from a letter dated June 11, from Deputy Assistant Secretary Dennis J. Doolin of the Department of Defense. He said this:

It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos.

We had asked them for the photographs of 196 villages allegedly destroyed, by the testimony of their residents, yet the State Department and the Defense Department continue to say these villages have not been destroyed and we are not bombing villages.

We are not going to get this information under the claim of executive privilege unless this House exhausts its remedies provided for in our rules. Since the inception of this Nation, our rules have provided that in matters where we have jurisdiction—the declaring of war, the conduct of war—we are entitled to insist of the executive branch that the full details be disclosed to the House.

It is incredible to me that the Senate should be fully informed on this matter yet the House might refrain from demanding equal and full information.

We are elected every 2 years. We have to justify to our constituents revenue measures to support this war every 2

years. We vote for the standing Army for a period limited to 2 years.

This House, the House of the people, has every right, and in my judgment, the constitutional obligation to be fully informed. We can force this issue and become informed by the enactment of this resolution.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of the adverse report of the Committee on Foreign Affairs. I believe it would be most unwise for us to try to press for the documents requested.

Various speakers today have suggested, as did the minority views, that in some way the Department of State has been unresponsive. It is claimed that Members of Congress and the public need to know more about the nature of the operations in Laos during the 1960's than we presently know.

Let us look at the resolution. The resolution is very specific in what is requested. "Any documents containing policy instructions given to the U.S. Ambassador in Laos" are demanded of the executive branch. The reply from the Department of State points out that it is not in a position to provide the documents requested.

For two basic reasons I believe we were right in reporting this resolution adversely.

In the first place, as the State Department has stated, a good deal of the information requested is not available to them and the request for information should be directed to other agencies of the Government. I believe that unquestionably is true. The Central Intelligence Agency and the Department of Defense, and not the State Department, are certainly more appropriate places to turn, for additional information if the Members of Congress need to know more than they do.

I should like to point out that there has been considerable information that has already been made available to Members of Congress. Indeed, as has been pointed out, the Senate Foreign Relations Committee has held hearings and the other body has held an executive session to discuss this whole question of U.S. operations in Laos.

So we have already considerable information. Furthermore, the Executive has said it is willing to come and discuss our involvement in Laos further with us. I believe the Committee on Foreign Affairs should keep itself fully and currently informed about the extent of our obligations and past activities there.

But to suggest—and this is what the language of the resolution seeks to do—that documents containing policy instructions or guidelines given to the U.S. Ambassador in Laos is an appropriate way to proceed strikes me as quite obviously inappropriate. What is being asked is to demand access to what is probably the highest level of Executive privilege, all instructions and communications between the President of the United States and his personal representative in a particular country, namely our Ambassador in Laos.

If we want to understand, and get more details about, the policy of our country has been with respect to activities in Laos, or any other country we certainly should not seek to do it through that particular method, proposed by seeking the written instructions from the President to his Ambassador. Quite obviously if Congress should say that this is the way we should get the information the Executive will say, "It is impossible to grant that request."

I would suggest, if we are trying to get information, we should not even try to get it in this particular form. Those documents surely should be classified at the very highest level.

To some perhaps classification may mean nothing these days. For the minority views it is pointed out that the public needs to know more than it does, so presumably, if Congress had access to these documents and they were made available, this would only be a way station to having them made fully public. I would suggest that the national interest would not be served by this approach to what is quite obviously a sensitive subject.

Of course the Foreign Affairs Committee has a responsibility and Members of Congress have a right to know as also does the public. However, in this case the route requested to obtain information is surely the wrong one.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield to me?

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

Mr. McCLOSKEY. On this secrecy question, this House under the Constitution has the right to keep its proceedings secret under article I, section 6, of the Constitution. There is no concern that if we gain this information, we would make it any more public than if the Congress held a secret session.

Mr. FRELINGHUYSEN. What the gentleman is saying is very naive. He contends that if 435 Members had access to highly classified information, on a subject where some information has already been made public, there would not be a great many leaks. In fact, a case is being made to have access to this information so as to make it available to the public. As I understand the gentleman's case, he is saying the people have a right to know, and we are the representatives of the people. So would it not be our responsibility to make available to the people, in turn, what we are given on a highly classified basis?

Mr. McCLOSKEY. If the gentleman's thesis is correct, the ultimate conclusion is that any information that the Executive would not want us to know about, he has the right to conceal. If he conceals it because of the danger of leaks, then how can the Congress declare war or act in other matters of the common defense without knowledge of the facts?

Mr. FRELINGHUYSEN. I am not arguing against the Congress having knowledge. Of course we should have knowledge. But I say that we have to go about it in the right way. This resolution is not the right way, to seek the written documents and the instructions from the President of the United States to his personal representatives; namely, the

Ambassador of a country. It is presumptuous and naive of us to think that Congress is going to gain any meaningful information by taking this route.

Mr. MORGAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WALDIE) for debate only.

Mr. WALDIE. Mr. Speaker, because of the constraints on time, I will address myself to another resolution that is not immediately before us but that I understand will be tabled because the committee voted 26 to nothing, I believe, against that resolution of inquiry involving the provision of more information on the Phoenix program and operations in South Vietnam.

I spent the morning in the committee's offices. The State Department apparently provided the information sought by that resolution to the committee. I spent the morning in the committee's offices reading that material. I did not find any reference whatsoever in those materials, Mr. Speaker, to the function of the Central Intelligence Agency with respect to their role in administering the Phoenix program. The fact remains that they perform a very important part in the administration of that program; they operate the Province Interrogation Centers. All detainees that are picked up in the net of the Phoenix program are taken and held up to 45 days for interrogation before they are then presented to the Security Committee that is in the various provinces for sentencing. The function of the Central Intelligence Agency was told to me while I was in Indochina several months ago, and one of the operators of the Province Interrogation Center in fact told me that he was employed by the CIA. That operation, the entire Province Interrogation Center, is the key to the Phoenix program.

What abuses that may very well occur in that program will occur during the period of the detention at the province interrogation centers. I am concerned about those abuses, Mr. Chairman, and I would hope, Mr. Chairman, in your role as committee chairman that with reference to those individuals who provided these materials, a major gap exists in what they have furnished and the documents with reference to the operation of the province interrogation centers, and the role of the CIA in the operation of those centers as contrasted to the material provided us.

Mr. Speaker, my concern stems from a document to which I had access, which was among those documents provided us, a directive from MACV in Saigon, dated May 18, 1970, which states, in part, as follows, "to all American military personnel engaged in the Phoenix program," and this is the sentence that gives me the greatest concern:

This directive establishes policy and responsibilities for all U.S. personnel participating in, or supporting in any way, Phoenix operations.

U.S. personnel are under the same legal and moral constraints with respect to operations of a Phoenix character as they are with respect to regular military operations against enemy units in the field. Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare.

Mr. Speaker, I want to repeat that one sentence:

Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare.

Mr. Speaker, it is incredible to me as a Member of Congress to believe that we would have to instruct American military personnel that they are not permitted to engage in assassinations. The fact that we must so instruct them, as recently as May 18, 1970, leads me to believe that this program has seriously gotten out of hand and that it is bringing a blemish on this country that this Congress ought to examine more closely.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BINGHAM) for purposes of debate only.

Mr. BINGHAM. Mr. Speaker, I should like to make three points with regard to House Resolution 492, which is the resolution that a group of the Foreign Affairs Committee believe should have been reported affirmatively to the House. I urge affirmative action on that resolution.

First of all, House Resolution 492 calls only for policy instructions or guidelines given to the U.S. Ambassador in Laos. The items of the resolution spelling out the areas with which those policy instructions or guidelines might be concerned are illustrative only.

Therefore, the argument that the State Department makes at several points that it does not have the information requested is ridiculous on the face of it.

We are asking the State Department for policy instructions and guidelines given to the U.S. Ambassador in Laos, and the State Department comes back and tells us that they do not have this information, that the Department of Defense has it. Surely that is not a plausible proposition.

We are not asking for the details of these operations; that would be in the hands of the Department of Defense. We are asking for policy instructions and guidelines. So, when they say that the CIA has given certain information, that is irrelevant. The same with regard to the bombing operations along the Ho Chi Minh Trail. We are not asking for the details of those operations, but for the policy instructions given to the Ambassador.

Mr. Speaker, my second point is the question of whether or not this is Executive privilege. It seems to me that Executive privilege can only reasonably be claimed when what we are asking for is a memorandum from a subordinate to the President making recommendations which may turn out to be different from what the President ultimately decides. But, when we are asking for policy instructions given to an Ambassador in the field, this is surely not subject to Executive privilege. This may well be the best way to find out what the policy really has been. Unfortunately, we have been told from time to time by the executive branch that the policy is thus and so and then we find out that different policy instructions have been given to persons in the field.

So here again we are asking for something which is surely within our province to inquire about as to what was the policy as it was conveyed to our Ambassador in Laos.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. ANDERSON of Illinois. Mr. Speaker, I wonder if the gentleman could answer a question—and I certainly respect very much the right of the Congress to know what is going on, and to keep itself informed. However, I wonder if the gentleman has examined the precedents in this instance? Are there any precedents for the Congress making a demand of this kind upon the executive?

I am troubled because it seems to me that in line with something the gentleman from New Jersey (Mr. FRELINGHUYSEN) said, that it was clear that the executive would not furnish this documentary evidence, and that we would merely be provoking a confrontation between the legislative branch and the executive branch, and his point was with respect to our system of the separation of powers.

So I wonder if the gentleman from New York can tell me what the precedents are?

Mr. BINGHAM. I must confess to the gentleman that I have not studied the precedents, but I would say that if a confrontation follows from this where we are only seeking to know what the policy instructions were, then I do not believe we should withdraw from that confrontation.

Perhaps the gentleman from California (Mr. McCLOSKEY) has more information on the precedents than I do.

Mr. McCLOSKEY. Mr. Speaker, if the gentleman will yield, I will state to the gentleman that the rules of the House are clearly not incompatible with such a request. I might add that the first use of a resolution of this kind was in 1792 when President Washington was President, and the Commander in Chief. So I think that we have the right to ask for this kind of information from the executive branch, because it has been extended the right of administration so that the subordinates to the President would be free to give him competent and carefully studied advice so that the information can be used by the President to carry out the policies.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for his response.

Mr. Speaker, the next point I want to make is with regard to whether this could be classified information. I am really surprised that the gentleman from New Jersey (Mr. FRELINGHUYSEN), would suggest that this House should not have access to classified information because some of it might leak out. After all, we who serve on the Committee on Foreign Affairs continually deal with classified information, and the same is true of those who serve on the Committee on Armed Services. Also the President recently sent the entire bulk of the Pentagon papers to both Houses of the Congress, recognizing that the House and the Senate have the right to have access to classified information.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BINGHAM. Mr. Speaker, I wonder if I might not be granted 1 additional minute?

Mr. MORGAN. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

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

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

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding, and I merely wish to state that I did not say we should not have access to classified information because it might leak out.

The gentleman from New York is misinterpreting my position. I said it would be foolish for us to ask for information that could be held privileged between the President of the United States and his Ambassador to a foreign country. And if we did ask for it then it would be futile because it would be leaked out, quite obviously, because that is the very purpose of this entire operation. The whole point of the entire operation, as I understand it, to leak whatever information might be made available, based on the theory that the American people and the Congress should have access to such information, and this would provide the means to leak the information out.

Therefore I think that we should look at this whole matter with our eyes open as to what would be forthcoming where classified information is made available.

Mr. BINGHAM. I am a little confused by the position taken by the gentleman from New Jersey. On the one hand, he says that he is really talking about executive privilege, not classified matter, and on the other hand he points out that some Member might leak the classified information.

As one Member who signed the minority views, it is certainly not my purpose that the information supplied should be leaked to the public, it is my purpose that this information should be given to the Congress of the United States.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I rise in support of this resolution. The most compelling reason for the House to support this resolution is to be found in the President's Kansas City speech of July 6. He spoke of declining morality, the decadence of American society, and the need to reaffirm and reestablish moral values in this country.

If there is one point in the social, political, and governmental fabric of this Nation where repair must be made immediately, it lies in the area of the U.S. Government's credibility with the American people.

There exists today in this country the largest gap in credibility that I have known in my 9 years in the U.S. Congress.

One result of publicizing the history of our involvement in the Vietnam war has been to indicate the extent to which the executive branch took action in a

way to minimize the public's awareness of what our Government was actually doing.

And we do not know today, for example, the extent of the air war being conducted in Laos by our Government in our name presumably to further America's ideals and goals. We do not know what it is that our Government is doing in that air war over Laos, an air war that has produced hundreds of thousands of refugees.

This resolution seeks for the Congress information concerning what is being done in Laos through the use of modern, technically advanced aircraft and other kinds of weaponry. It is understandable why our Government bombs the Ho Chi Minh trail. But I would like to have somebody stand up on the floor of the House today and tell me what targets are being bombed that lie off the Ho Chi Minh trail. Will somebody in the House tell me what those targets are? Can anybody volunteer that information? Is there anyone here who will get up and say that they know, but do not want to discuss it for reasons of security?

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

Mr. FRASER. I yield to the gentleman.

Mr. WAGGONNER. The gentleman asked for information but I would ask the gentleman so far as that information is concerned what he wants with that information.

Mr. FRASER. Because I am going to be asked to vote for appropriations to carry on this air war. Does not the gentleman want to know what we are doing?

Mr. WAGGONNER. In other words, the gentleman takes the position that he will only vote for an appropriation for the conduct of military activities in the future that he specifically approves of?

Mr. FRASER. Let me put it this way. As a Member of Congress and as a member of the House Committee on Foreign Affairs, I think I should be entitled to know what the U.S. Government is doing in the air war over Laos.

Mr. WAGGONNER. Does the gentleman take the position that he ought to know this in advance?

Mr. FRASER. I surely do.

Mr. WAGGONNER. Then the gentleman has no concept as a practical matter of how the military must operate if they are to accomplish their goal.

Mr. FRASER. I think the gentleman has made the contrast between us very clear. The gentleman from Louisiana apparently would say that no matter what weaponry is used and no matter how many deaths we exact, he is prepared to appropriate for all that, even if it involves the utilization of nuclear weaponry and antipersonnel weapons.

Is that the gentleman's position?

Mr. WAGGONNER. This gentleman takes the position that there are some things that some people in this country had better not know for the security and future well-being of this country. Therefore, they must keep some information from me and they must keep some information from you for the benefit of the future security of this country. It is better that information as a rule be overclassified than underclassified.

Mr. FRASER. Will the gentleman enlighten me concerning the national security interest of the United States in Laos?

Mr. WAGGONNER. Anything that keeps the United States of America foremost in Laos and in the family of nations involves our national security.

Mr. FRASER. How much further should the U.S. Government go?

Mr. WAGGONNER. They need not go any further as far as I am concerned and if they do that makes it worth while.

Mr. FRASER. Would the gentleman from Louisiana like to know what else we are doing there?

Mr. WAGGONNER. I think I have some concept of what they are doing, and I approve of it.

Mr. FRASER. Let me say that the gentleman is willing to trust the military to that extent but, frankly, I am not willing to do so. I cannot go back to my district and stand up in a public meeting and answer questions about how we rained bombs on Laos, more bombs than have been dropped on any country in the world in this history of mankind. I cannot get up and explain what we are doing, why we are doing it, and what our objectives are. Why cannot the executive branch tell us what they are doing? It does not have to do this in a public fashion. It need only supply the information in the way it is supposed to.

But, Mr. Speaker, we have the right to know. If the gentleman believes that he has no responsibility in this Congress in connection with our activities in Southeastern Asia, that is clearly the gentleman's privilege, but I find it to be an indefensible position to say, "I do not want to know. I do not have the right to know. My responsibilities as a Congressman do not extend to knowing those facts. I will simply vote to support the activity, and if they choose to explain what they are doing at some future date, I will consider it to be a gracious gesture on their part."

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

Mr. FRASER. I am glad to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Is the gentleman so naive as to believe that if the information provided for in this resolution was provided as requested that it would be privileged information, or would it be given to the New York Times or some other whistle blower?

Mr. FRASER. I would only tell the gentleman that I would hope it would be unclassified, because the Pathet Lao knows what we are doing, the villagers who were driven out of their villages know what we are doing, the Soviets know what we are doing, the Red Chinese know what we are doing. The only people who do not know what we are doing are the American people and the Congress of the United States. Where is security involved in this situation?

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

Mr. FRASER. I am glad to yield to the gentleman from California.

Mr. MOSS. This is the first time I have heard it implied that the leak to the New York Times came from the legislative branch of the Government. It came

about because of the failures of the executive branch of Government to properly protect that which they had classified, and is in no part the burden of the House of Representatives or of the other body.

Mr. FRASER. I thank the gentleman from California. That is correct. It does not seem to me that it is fair to assume that Members of the Congress will violate the law. I do not suppose the gentleman from Louisiana intended that.

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

Mr. FRASER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman from Louisiana did not imply that a member of the legislative branch of the Government gave the information in the Vietnam papers to the New York Times newspaper. I certainly said no such thing. But I say this: It might be easier to get somebody to steal this information as they did the Vietnam papers than to get it by the means now proposed.

Mr. MOSS. Mr. Speaker, will the gentleman yield further?

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

Mr. MOSS. Having studied the matter of leaks for some 16 years as chairman of the Information Subcommittee, I found far more instances of serious breaches of security through the leaking of information from the executive than have ever occurred from either House or any of the committees of the Congress. In fact, such items of significant character are virtually nonexistent in the records of the period from World War II to the present.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I am amazed to hear some of the things that I have heard in these discussions today. I have heard a Member of this body say we should be informed as to why we are bombing in certain areas in Southeast Asia and why we are moving troops in certain villages. If the Congress of the United States is going to be intimately involved in the conduct of any military engagement we are then going to be truly in trouble. Once we are in a military engagement, I do not think we can or should order the executive branch or the Armed Forces to start letting the Congress know what detailed actions they are taking in the military engagement in order that we can approve or disapprove future appropriations.

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

Mr. PEYSER. I yield to the gentleman from Minnesota.

Mr. FRASER. Will the gentleman tell me under what authority the executive branch is carrying on hostilities in Laos?

Mr. PEYSER. The executive branch has been carrying on all of its operations that are legally justified in Southeast Asia based on the actions of this Congress; namely, the approval of the Tonkin Gulf Resolution.

Mr. FRASER. That resolution has been repealed.

Mr. PEYSER. I know it has been repealed, and the President is now taking steps and has been taking steps to get us out of Southeast Asia, and I support as rapid a withdrawal as possible.

Mr. FRASER. By what authority did he conduct hostilities in Laos?

Mr. PEYSER. Rather than yield any further on that point, due to the limited time I have I would like to say the following: It was very interesting to me a week ago to be in the Government Operations Committee and to hear much talk about how all the actions of the Government should be public.

When I left that meeting, I went down the hall in the Rayburn Building and went past one committee room after another that was marked "Executive Session—Public Not Allowed."

If we are really going to talk about the public personally knowing what is happening in every meeting, then the idea of the committees having executive meetings does not seem to make sense. I do not think, however, we can operate our Government without the ability of our officials elective and appointed to meet on some occasions in private. I do not think the executive can do its jobs if it has to make all of its decisions dealing with foreign policy public and open to discussion.

Mr. LEGGETT. Mr. Speaker, the Supreme Court's decision concerning the Pentagon papers unequivocally denies the Government any right to exercise prior restraint over the media. I agree with the majority opinion. Injunctions should never have been sought or issued against the New York Times and the Washington Post.

Revealing these documents in no sense threatens the national security. They relate the tragic errors of the past, not the military and diplomatic policies of the present. The papers involve the crucial issues of war and peace. We can never avoid the agonies of future Vietnams if our people are prohibited from understanding the origins of our disastrous commitment.

The only ongoing policy disclosed in this incident is that of Executive secrecy and deception. Present and past administrations have joined in a conspiracy directed against the American people's right to know. This, even more than the war itself, is the issue raised by the publication of the documents. The first amendment contains no exception for a government that wishes to insulate itself from the people. Suspending the rights of a free press intolerably excludes the electorate from participation in meaningful policy decisions.

The American people are required to participate in governing our country. This becomes impossible when the rights of a free press are even temporarily suspended.

Despite the claims of the Justice Department, overclassification does not increase national security. It systematically destroys the security based on an informed electorate. Officials too often classify to protect their policies or reputations, rather than the national interest.

The press should not be expected to cooperate in concealing embarrassing information. Administrative convenience

must never become an excuse for censorship.

The McNamara study should be made available to the American people. Only if this is done can an informed government best represent an informed public. I hold with Justice Brennan's decision that every restraint issued in this case, whatever its form, has violated the first amendment. It has violated our right to know about our Government policies, to debate those policies, and to assist in the determination of such policies.

I include in the RECORD at this point editorials from the Los Angeles Times, the Christian Science Monitor, the New York Times, and the Washington Post. I feel all deal perceptively with this critical issue. The editorials follow:

[From the Los Angeles Times, June 17, 1971]

#### PUBLICATION OF THE WAR PAPERS

The publication by the New York Times of secret government documents about the Vietnam war, and the government's attempt to prevent the New York Times from publishing them, raise three questions of great importance to the people of this country.

Those questions are: the documents themselves and what they reveal about the war; the judgment of the New York Times in publishing them even though they were classified "Secret" and "Top Secret"; and judgment of the government in attempting to stop the publication of further articles.

To the first, what the documents show, the answer is that they show not much that is wholly astonishing. The arguments of the principals within the Johnson Administration about the war are seen pretty much as they have been understood.

But the documents published to date do indeed show details that were not known before. Incomplete as they are, the documents show that the men of that administration moved sooner than the public knew toward an involvement in the war deeper than the public knew. They show further that the Johnson Administration engaged in, at best, dissimulation, and, on a few occasions, deliberate deception of the people of the United States, in a course of action of great importance to those people. The documents document the "credibility gap."

It was, as we all know by now, a tragic series of acts by the government, tragic in the real sense because what the government did in those years was done from the highest motives of idealism, of patriotism. How it was done, and what can be learned from the way it was done, and how to avoid doing anything like it in the future as best we can avoid it—these are the questions illuminated by the publication of those documents. That they are accurate, and that they touch on the deepest issues confronting the people—war and peace—no one can deny.

The question then is the judgment of the New York Times in publishing them. The New York Times argued simply that "it is in the interest of the people of this country to be informed." The American government is the servant of the people; what the government does is the public's business. With that general statement no one can quarrel. To protect the freedom of the citizens to know what their government is doing, and to dispute it if they wish, and to keep the government in the hands of the citizens to whom it is responsible—it was for these purposes that the First Amendment to the U.S. Constitution was adopted. Not for the press as an industry, but for the citizens.

Is the press then at liberty to publish whatever it wants to no matter what the consequences? Of course not. It is restrained by the laws of libel; it is restrained by sensi-

ble governmental regulations—and it is restrained finally by its own good judgment and sense of fairness.

The record of the American press in refraining from publishing confidential information affecting the security of the country and the lives of its citizens is, we can say in all candor, excellent. With one lamentable exception, the press went through the Second World War, when censorship was a reasonable and necessary regulation, without breaching security; so too, on the whole, in the Vietnam war, where there is no censorship.

No newspaper we know of would knowingly compromise the national security interest of the country or the lives of its citizens; and the government has its "Secret" and "Top Secret" and other classifications to keep confidential that kind of information. The Executive Orders establishing those classifications are specific and reasonable about what kind of information is not to be made public.

By no standard of either those classifications or of common sense can the documents published by the New York Times yet be said to endanger the security of the country or the lives of its citizens. The documents are past history. They reveal old arguments, not present intentions or future operations.

Yet the Justice Department contends in its suit that with the continued publication of the information, the "nation's security will suffer immediate and irreparable harm."

Some embarrassment, yes; some personal anguish, certainly. But there is no evidence yet offered to show that the security of the country is in any way endangered by the publication.

Unnamed government spokesmen have suggested that the verbatim publication of actual messages exchanged abroad may enable the Soviet Union to break American codes. If so, and if the government asserts and proves that in court, it would be a different matter; then the argument could well be made that the publication of the texts verbatim did indeed endanger national security.

The government claims also that the publication endangers the confidentiality of communications with other governments. That is a consideration. It would be much more a consideration if democratic governments around the world did not continually spill the diplomatic beans about their negotiations; and if officials of the American government, from Presidents down, did not tell state secrets as they saw fit and for their purposes.

Which is what the present controversy is all about, really; the history of the war in Vietnam, and how we got into it. It is a history already being told, in part, in books and memoirs. The current publication of documents merely adds more pieces to that history. It is all coming out, anyway; and it will continue to, as the participants to those decisions tell their versions of one of the most difficult episodes in the American experience.

It was astonishing, therefore, that the government sought to stop publication. On the arguments so far brought by the government, there is no evidence that the national security is endangered. There is only the evidence that the government does not like what is being published.

That, in a word, is censorship. The government is relying on the Espionage Act to enforce against the newspaper a law that perhaps was never intended to be used against the press; that certainly never has been so used; and that, we firmly believe, cannot, under the Constitution, be so used in this case.

The government's action is almost without parallel in the history of the nation. It is a sweeping assertion of government power,

and, on the evidence produced so far, an assertion of power that challenges the basic right of the people to be informed about the activities of their government.

[From the Christian Science Monitor, June 23, 1971]

#### THE DUTY TO PRINT

The classic case of overclassification of government documents was Queen Frederika's menu. The former Queen of Greece was given a moderately elaborate dinner at an American military base during her official tour of the United States. A thoughtful officer stamped "classified" on the menu to avoid the comments which some reporter might otherwise have made on what might have been called a non-democratic event.

We do not mean to suggest that much official classification of documents is as frivolous and improper as that of the royal menu. We do say that there is a tendency in Washington to overclassify, which is itself a tendency to forget that the government of the United States is supposed to be "of the people, by the people and for the people."

In theory only such documents are classified as pertain to the military and political security of the state. In theory the people are told everything short of what would give aid and comfort to present or possible future enemies. In theory the people are given every possible chance to know about proposed new public policies, to debate those proposed policies and to share in the decision about those policies.

#### TELLING TOO LITTLE

In practice we are dealing now (in the matter of the printing of the Vietnam papers by three American newspapers: the New York Times, the Washington Post, and the Boston Globe) with the results of the government of the United States' taking the country into a major military commitment without first informing the people fully about what was intended and involved, without a general debate, and without a clear-cut mandate from the people themselves through their elected representatives in the Congress.

True, there was a debate in the Senate over the Gulf of Tonkin resolution. But the administration was less than candid at that time about its intentions or their implications. More, by far, than ever before in American history, the people were taken into a war which they did not understand with a price for which they were not prepared.

The classification of documents bearing on the story of how this all happened has nothing to do with military secrets. They deal with past foreign policies. This has already been confirmed by two federal courts. The affair has everything to do with the relationship between government and people in what is supposed to be a democracy.

#### HOW MUCH TO TELL

The key question here is who determines what the people should or should not be told, and by what standards.

Classification of documents in Washington is done by government officials whose first motive may not always be the fullest possible informing of the people. For details on this point see the reprint from the New York Times elsewhere on this page.

The problem is different in different countries. In a parliamentary democracy such as Canada or Britain the opposition is responsible for ferreting our information which those in power would prefer to keep out of sight. The press has no constitutional function in Britain. It is not legally "the Fourth Estate."

But there is no well-organized opposition in the United States as there is in Britain, with an official leader whose daily task is to keep the government as honest and as re-

sponsive to the wishes and interests of the people as possible.

In the absence of the kind of opposition which exists in Britain a far heavier responsibility lies on the press, and indeed has been placed there by the First Amendment to the Constitution of the United States.

#### PROPER CONCERN

Excessive withholding of information from the people is the proper concern of the opposition in Britain. It is the proper concern of the press in the United States. Unless vigilant reporters and editors are constantly seeking all information the public should have, the bureaucracy would tell less and classify more, until the United States could even become like Nazi Germany or Soviet Russia in which the state is everything and the people merely its servants.

There is not only a constitutional right to print. There is also a duty to print. And if some newspaper should at times become overzealous in exercising that duty, it is a far better thing than the reverse. If the press neglected its duties in the United States the bureaucrats would classify more than Queen Frederika's menu; the people's right to know would be atrophied from neglect; and the people would not soon or easily regain their knowledge of their government and its policies.

[From the New York Times, July 1, 1971]

#### "AN ENLIGHTENED PEOPLE"

The historic decision of the Supreme Court in the case of the United States Government vs. The New York Times and The Washington Post is a ringing victory for freedom under law. By lifting the restraining order that had prevented this and other newspapers from publishing the hitherto secret Pentagon Papers, the nation's highest tribunal strongly reaffirmed the guarantee of the people's right to know, implicit in the First Amendment to the Constitution of the United States.

This was the essence of what The New York Times and other newspapers were fighting for and this is the essence of the Court's majority opinions. The basic question, which goes to the very core of the American political system, involved the weighing by the Court of the First Amendment's guarantee of freedom against the Government's power to restrict that freedom in the name of national security. The Supreme Court did not hold that the First Amendment gave an absolute right to publish anything under all circumstances. Nor did The Times seek that right. What The Times sought, and what the Court upheld, was the right to publish these particular documents at this particular time without prior Governmental restraint.

The crux of the problem lay indeed in this question of prior restraint. For the first time in the history of the United States, the Federal Government had sought through the courts to prevent publication of material that it maintained would do "irreparable injury" to the national security if spread before the public. The Times, supported in this instance by the overwhelming majority of the American press, held on the contrary that it was in the national interest to publish this information, which was of historic rather than current operational nature.

If the documents had involved troop movements, ship sailings, imminent military plans, the case might have been quite different; and in fact The Times would not have endeavored to publish such material. But this was not the case; the documents and accompanying analysis are historic, in no instance going beyond 1968, and incapable in 1971 of harming the life of a single human being or interfering with any current military operation. The majority of the Court clearly recognized that embarrassment of public officials in the

past—or even in the present—is insufficient reason to overturn what Justice White described as "the concededly extraordinary protection against prior restraint under our constitutional system."

So far as the Government's classification of the material is concerned, it is quite true, as some of our critics have observed, that "no one elected The Times" to declassify it. But it is also true, as the Court implicitly recognizes, that the public interest is not served by classification and retention in secret form of vast amounts of information, 99.5 per cent of which a retired senior civil servant recently testified "could not be prejudicial to the defense interests of the nation."

Out of this case should surely come a total revision of governmental procedures and practice in the entire area of classification of documents. Everyone who has ever had anything to do with such documents knows that for many years the classification procedures have been hopelessly muddled by inertia, timidity and sometimes even stupidity and venality.

Beyond all this, one may hope that the entire exercise will induce the present Administration to re-examine its own attitudes toward secrecy, suppression and restriction of the liberties of free man in a free society. The issue the Supreme Court decided yesterday touched the heart of this republic; and we fully realize that this is not so much a victory for any particular newspaper as it is for the basic principles of freedom on which the American form of government rests. This is really the profound message of yesterday's decision, in which this newspaper rejoices with humility and with the consciousness that the freedom thus reaffirmed carries with it, as always, the reciprocal obligation to present the truth to the American public so far as it can be determined. That is, in fact, why the Pentagon material had to be published. It is only with the fullest possible understanding of the facts and of the background of any policy decision that the American people can be expected to play the role required of them in this democracy.

It would be well for the present Administration, in the light of yesterday's decision, to reconsider with far more care and understanding than it has in the past, the fundamental importance of individual freedoms—including especially freedom of speech, of the press, of assembly—to the life of the American democracy. "Without an informed and free press," as Justice Stewart said, "there cannot be an enlightened people."

[From the Washington Post, July 1, 1971]

#### THE PENTAGON PAPERS: FREE—AT LAST

"Our democracy depends for its future on the informed will of the majority, and it is the purpose and the effect of the First Amendment to expose to the public the maximum amount of information on which sound judgment can be made by the electorate. The equities favor disclosure, not suppression. No one can measure the effects of even a momentary delay."

This passage from the ruling of U.S. District Court Judge Gerhard Gesell on June 21, 1971, comes close to summing up our own views in the case of the United States Government vs. The Washington Post—and, frankly, we would have preferred to leave it at that. Instead, the issue moved up to the Supreme Court and yesterday the government's plea for a restraining order against this newspaper and The New York Times was dismissed by a vote of 6-to-3. Perhaps the best way we can express our gratification with the outcome is to refer you to page one where we are resuming publication today of material from the Pentagon papers, otherwise known as the "History of U.S. Decision-Making Process on Vietnam Policy." That we are again free to print this material is an undoubted gain if only because to have re-

mained under restraint would have been an immeasurable loss not for us alone, nor for the press alone, but for the public, and for the country, and for the democratic processes: It is the purpose and the effect of the First Amendment to expose to the public the maximum amount of information on which sound judgment can be made by the electorate.

But it has to be added that from the beginning of this unprecedented confrontation between press and government, the issue has not only been *what* we could print but also *when*. So it cannot be forgotten now that for a period of more than two weeks, in the case of *The Times*, and ten days in the case of *The Post*, and for shorter spans in the case of the *Boston Globe* and the *St. Louis Post Dispatch*, newspapers in this country, abiding by court orders, have, in effect, been prevented by government from publishing certain material. It is not enough to say that the material in question was historical (and therefore hardly urgent) because even history, freshly authenticated and in compelling detail, has the capacity to shape contemporary events. Another time we might be dealing with information of far greater urgency and *no one can measure the effects of even a momentary delay*.

It can hardly be said, then, that yesterday's Supreme Court opinion, together with six separate concurrences and three separate dissents, effectively comes to terms with the tormenting issue at the heart of this dispute—the government's right of prior restraint of the press. It does not resolve the dilemma posed by the First Amendment's protections of the press, on the one hand, and the government's undoubted right to protect security on the other. For what the court majority seems to be saying, without attempting in this space to take into account the many conflicting conclusions stated by all nine justices, is that the government failed to make its point—not that a point was not necessarily there to be made. Some justices saw merit in the government's argument, as to the facts, and others were at pains to suggest that the government's point might better be made in a different way—through criminal penalties for publication of at least some parts of this material.

So there is not all that much comfort, let alone clearcut law, to be found in yesterday's outcome, though in fairness to the Court and to the government, the affair of the Pentagon papers was an exceedingly difficult case on which to rest broad principles of law; it involved a breakdown of government security of such scope and magnitude that relief from the courts, in any practical sense, was probably never within the government's reach. It seems doubtful, in short, that we will see its likes again, and this says several, in some ways contradictory, things to us, not least of which is that the losses and gains on both sides can best be measured, not in theoretical law, but in real and practical terms.

We were dealing here, presumably, with 7,000 pages of classified material, some of it rated exceedingly sensitive. So it is not entirely surprising that the courts should have been reluctant to dismiss the government's plea out of hand—although the District Court here did just that. On the other hand, the sheer bulk of the material and the manifest insensitivity, in any real sense, of so much of it, necessarily undermined the government's argument, which came down in the end to a plea for highly selective restraints by the courts against only a small portion of the whole. Out of this process, perhaps, may come a positive boon in terms of a thorough re-examination of the classification procedures of the government; for even the government's counsel, as well as the administration, conceded along the way that

the existing practices result in massive overclassification of material, for far too long a time.

But the real lesson of this affair, in practical terms, lies elsewhere, or so it seems to us, for what we have been witnessing over the past two weeks has been a belated and very nearly frantic effort by the government to remove from the public domain what should never have been lost—and under circumstances that are quite unlikely to repeat themselves. It has not been often in our history that a newspaper has found itself in possession of so prodigious an amount of classified material, and has begun to publish it, with a clear statement of what it had in hand, and a plain forewarning of what was still to come; such an opportunity for prior restraint does not normally present itself. And neither, for that matter does the government often bundle together quite such an extraordinary load of classified material and leave it lying around quite so negligently.

The very uniqueness of this affair, in other words, has grossly distorted the realities, which are that the government has a very broad grant of authority to conduct its activities in secret, and enormous powers to preserve its essential secrets, and an impressive record of doing so. That it failed to do so in this case was never an argument, in our view, for suspending the First Amendment rights of the press or for limiting the prerogative of the press to exercise its own judgment in the handling of these documents. Still less was it an argument for denying the public its right to be informed.

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table.

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

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

Mr. McCLOSKEY. 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 Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 118, not voting 54, as follows:

[Roll No. 178]

YEAS—261

Abbott	Broyhill, Va.	Crane
Abernethy	Buchanan	Daniel, Va.
Anderson, Ill.	Burke, Fla.	Daniels, N.J.
Andrews, Ala.	Burleson, Tex.	Davis, S.C.
Andrews,	Burlison, Mo.	Davis, Wis.
N. Dak.	Byrne, Pa.	Delaney
Annunzio	Byrnes, Wis.	Dennis
Archer	Byron	Dent
Arends	Cabell	Devine
Ashbrook	Camp	Dickinson
Baker	Carney	Dorn
Barrett	Carter	Dowdy
Beicher	Casey, Tex.	Downing
Bell	Cederberg	Dulski
Bennett	Celler	Duncan
Betts	Chamberlain	Dwyer
Blackburn	Chappell	Edmondson
Blanton	Clancy	Edwards, Ala.
Boggs	Clark	Erlenborn
Bolling	Clausen,	Eshleman
Bray	Don H.	Evins, Tenn.
Brinkley	Cleveland	Fascell
Brooks	Collier	Fish
Broomfield	Collins, Ill.	Fisher
Brotzman	Collins, Tex.	Flood
Brown, Mich.	Colmer	Flowers
Brown, Ohio	Conable	Flynt
Broyhill, N.C.	Coughlin	Ford, Gerald R.

Forsythe	McDade	Scherle
Fountain	McDonald,	Schmitz
Frelinghuysen	Mich.	Schneebell
Frey	McEwen	Schwengel
Fulton, Pa.	McFall	Scott
Fuqua	McKay	Sebelius
Galifianakis	McKevitt	Shipley
Garmatz	McKinney	Shoup
Gaydos	McMillan	Shriver
Gettys	Mahon	Sisk
Gialmo	Mailliard	Skubitz
Gonzalez	Martin	Slack
Goodling	Mathias, Calif.	Smith, Calif.
Gray	Meeds	Smith, Iowa
Griffin	Michel	Smith, N.Y.
Gross	Miller, Ohio	Spence
Grover	Mills, Md.	Springer
Gubser	Minshall	Stafford
Hagan	Mizell	Staggers
Haley	Mollohan	Stanton,
Hall	Monahan	J. William
Hammer-	Montgomery	Stanton,
schmidt	Morgan	James V.
Hanley	Murphy, Ill.	Steed
Hansen, Idaho	Murphy, N.Y.	Steele
Harsha	Myers	Steiger, Ariz.
Harvey	Natcher	Stephens
Hastings	Nelsen	Stuckey
Hays	O'Konski	Sullivan
Hébert	Passman	Talbot
Henderson	Patman	Taylor
Hillis	Pelly	Teague, Calif.
Hollfield	Pepper	Teague, Tex.
Horton	Perkins	Terry
Hosmer	Pettis	Thompson, Ga.
Hull	Peyster	Thomson, Wis.
Hunt	Poage	Thone
Hutchinson	Poff	Vander Jagt
Ichord	Powell	Veysey
Jarman	Preyer, N.C.	Vigorito
Johnson, Calif.	Price, Ill.	Waggoner
Johnson, Pa.	Price, Tex.	Ware
Jonas	Pucinski	Whalley
Jones, N.C.	Quie	White
Kazen	Quillen	Whitehurst
Keating	Rallsback	Whitten
Kee	Randall	Widnall
Keith	Rarick	Wiggins
Kemp	Reid, Ill.	Williams
King	Rhodes	Wilson, Bob
Kluczynski	Roberts	Winn
Kuykendall	Robinson, Va.	Wright
Kyl	Rogers	Wyatt
Landgrebe	Rooney, N.Y.	Wydler
Latta	Rostenkowski	Wylie
Lennon	Rousselot	Wyman
Lent	Runnels	Young, Fla.
Lloyd	Ruth	Young, Tex.
McClory	Sandman	Zablocki
McClure	Satterfield	Zion
McCullister	Saylor	Zwach

NAYS—118

Abourezk	Gibbons	O'Hara
Abzug	Grasso	O'Neill
Adams	Green, Pa.	Patten
Addabbo	Griffiths	Pike
Anderson,	Gude	Podell
Tenn.	Halpern	Pryor, Ark.
Ashley	Hamilton	Rangel
Aspin	Harrington	Rees
Badillo	Hathaway	Reid, N.Y.
Begich	Hawkins	Reuss
Bergland	Hechler, W. Va.	Riegler
Biaggi	Heckler, Mass.	Rodino
Bingham	Helstoski	Roe
Boland	Hicks, Mass.	Roncallo
Brademas	Hicks, Wash.	Rosenthal
Burke, Mass.	Howard	Roush
Burton	Hungate	Roy
Carey, N.Y.	Jacobs	Roybal
Chisholm	Karth	Ryan
Clay	Koch	St Germain
Conte	Kyros	Sarbanes
Conyers	Leggett	Scheuer
Cotter	Link	Seiberling
Culver	Long, Md.	Snyder
Dellenback	McCloskey	Steiger, Wis.
Dellums	McCormack	Stokes
Diggs	McDonald,	Symington
Dingell	Mass.	Thompson, N.J.
Dow	Madden	Tiernan
Drinan	Mazzoli	Ullman
du Pont	Mikva	Van Deerin
Eckhardt	Minish	Vanik
Edwards, Calif.	Mink	Waldie
Ellberg	Mitchell	Whalen
Esch	Moorhead	Wilson,
Evans, Colo.	Morse	Charles H.
Findley	Mosher	Wolf
Foley	Moss	Yates
Fraser	Nedzi	Yatron
Frenzel	Nix	
Fulton, Tenn.	Obeys	

## NOT VOTING—54

Alexander	Edwards, La.	Mayne
Anderson,	Ford,	Meicher
Calif.	William D.	Metcalfe
Aspinall	Gallagher	Miller, Calif.
Baring	Goldwater	Mills, Ark.
Bevill	Green, Oreg.	Nichols
Blester	Hanna	Pickie
Blatnik	Hansen, Wash.	Pirnie
Bow	Hogan	Purcell
Brasco	Jones, Ala.	Robison, N.Y.
Caffery	Jones, Tenn.	Rooney, Pa.
Clawson, Del	Kastenmeier	Ruppe
Corman	Landrum	Sikes
Danielson	Long, La.	Stratton
Davis, Ga.	Lujan	Stubblefield
de la Garza	McCulloch	Udall
Denholm	Mann	Wampler
Derwinski	Mathis, Ga.	Watts
Donohue	Matsunaga	

So the motion to table was agreed to. The Clerk announced the following pairs:

Mr. Brasco with Mr. Pirnie.  
Mr. Matsunaga with Mr. Hogan.  
Mr. Miller of California with Mr. Del Clawson.  
Mr. Danielson with Mr. Goldwater.  
Mr. Donohue with Mr. Robison of New York.  
Mr. Purcell with Mr. Derwinski.  
Mr. Rooney of Pennsylvania with Mr. Blester.  
Mr. Jones of Alabama with Mr. Baring.  
Mr. Stubblefield with Mr. Wampler.  
Mr. Sikes with Mr. Lujan.  
Mr. Alexander with Mr. Ruppe.  
Mr. Aspinall with Mr. Hanna.  
Mr. Caffery with Mr. Mayne.  
Mrs. Green of Oregon with Mrs. Hansen of Washington.  
Mr. Pickle with Mr. Stratton.  
Mr. Nichols with Mr. Udall.  
Mr. Mills of Arkansas with Mr. Bow.  
Mr. Landrum with Mr. Watts.  
Mr. Mann with Mr. Mathias of California.  
Mr. Jones of Tennessee with Mr. Edwards of Louisiana.  
Mr. Melcher with Mr. Gallagher.  
Mr. Kastenmeier with Mr. Davis of Georgia.  
Mr. William D. Ford with Mr. Metcalfe.  
Mr. Corman with Mr. Long of Louisiana.  
Mr. Denholm with Mr. Blatnik.  
Mr. Bevill with Mr. Anderson of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENTAL PROBLEMS, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT DURING DEBATE TODAY**

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Select Committee on Small Business, Subcommittee on Environmental Problems of the small businessman, which is holding hearings on prepaid prescription drug programs, may sit this afternoon while the House is in session.

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

There was no objection.

**PERSONAL ANNOUNCEMENT**

Mr. ANDERSON of California. Mr. Speaker, this afternoon I missed the vote on Mr. MORGAN's motion to table House Resolution 492. Earlier, at a meeting, I had been informed that I had sufficient time in which to cast my ballot. However, when I arrived at the Chamber to vote, I was a few minutes late.

Mr. Speaker, had I been present, I would have voted "nay" on the motion to table House Resolution 492.

**DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING THE PHOENIX PROGRAM**

Mr. MORGAN. Mr. Speaker, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution as follows:

**H. RES. 493**

*Resolved*, That the Secretary of State, to the extent not incompatible with the public interest is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, all documents in the English language with respect to (1) the Phoenix Program, and (2) to the extent of United States involvement in such program.

**MOTION TO TABLE OFFERED BY MR. MORGAN**

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table. The motion to table was agreed to.

A motion to reconsider was laid on the table.

**DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE THE REPORT ENTITLED "UNITED STATES-VIETNAM RELATIONSHIPS, 1945-67"**

Mr. MORGAN. Mr. Speaker, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution as follows:

**H. RES. 494**

*Resolved*, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, the report entitled "United States-Viet Nam Relationships, 1945-1967", prepared by the Viet Nam Task Force, Office of the Secretary of Defense.

**MOTION TO TABLE OFFERED BY MR. MORGAN**

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table. The motion to table was agreed to.

A motion to reconsider was laid on the table.

**DIRECTING SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING BOMBING OPERATIONS IN NORTHERN LAOS**

Mr. MORGAN. Mr. Speaker, I call up the House Resolution 495 and ask for its immediate consideration.

The Clerk read the resolution as follows:

**H. RES. 495**

*Resolved*, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days after the adoption of this resolution, any documents respecting the rules of engagement and targeting, and procedures followed by the United States Ambassador in Laos with respect to the direction and control of bombing operations conducted by the United States in northern Laos during the

period beginning January 1, 1965, and ending June 21, 1971, together with the most recent aerial photographs of the following named one hundred and ninety six Laotian villages:

The refugees who came from Xieng Khouang to Vientiane:

I. Muong Khoun (Tassengs Khoun, Sene Noi, Kang Sene, Phanh):

1. Ban Tham (present location: Ban Thong Ba).
2. Ban Nahey (present location: Ban Thong Ba).
3. Ban Soua Tay (present location: Ban Thong Ba).
4. Ban Soua Neua (present location: Ban Thong Ba).
5. Ban Khoun (present location: Ban Thong Ba).
6. Ban Nathone (present location: Ban Thong Ba).
7. Ban Kosy (present location: Ban Thong Ba).
8. Ban Boua (present location: Ban Thong Ba).
9. Ban Phonxay (present location: Ban Thong Ba).
10. Ban Khoua (present location: Ban Thong Ba).
11. Ban Khouane (present location: Ban Thong Ba).
12. Ban Bouei San (present location: Ban Thong Ba).

B. Tasseng Sene Noi:

13. Ban Na Kho (present location: Ban Veun Khene).
14. Ban Na Ha (present location: Ban Veun Khene).
15. Ban Nhang Nhao (present location: Ban Veun Khene).
16. Ban Thouang (present location: Ban Veun Khene).
17. Ban Na Hoa (present location: Ban Veun Khene).
18. Ban Ngoua Tay (present location: Ban Veun Khene).
19. Ban Ngoua Neua (present location: Ban Veun Khene).
20. Ban Phone (present location: Ban Veun Khene).
21. Ban Manh (present location: Ban Veun Khene).
22. Ban Oh (present location: Ban Veun Khene).
23. Ban Na Ngam (present location: Ban Veun Khene).
24. Ban Nong Tay (present location: Ban Veun Khene).
25. Ban Sao (present location: Ban Veun Khene).
26. Ban Toua Neua (present location: Ban Veun Khene).
27. Ban Toua Tay (present location: Ban Veun Khene).
28. Ban My (present location: Ban Mak Hieo).
29. Ban Phou Hon (present location: Ban Mak Hieo).
30. Ban Na Su (present location: Ban Mak Hieo).
31. Ban Kandouan (present location: Ban Mak Hieo).
32. Ban Sy (present location: Ban Mak Hieo).
33. Ban Khou (present location: Ban Mak Hieo).

C. Tasseng Kang sene:

34. Ban Ha Moun (present location: Ban Y Lai).
35. Ban Na Pai (present location: Ban Y Lai).
36. Ban Xieng Dy (present location: Ban Y Lai).
37. Ban Ponh (present location: Ban Y Lai).
38. Ban Macheung (present location: Ban Y Lai).
39. Ban Pha Ngeun Tay (present location: Ban Y Lai).
40. Ban Pha Ngeun Neua (present location: Ban Y Lai).

41. Ban Hay (present location: Ban Y Lai).  
 42. Ban Nanoung (present location: Ban Y Lai).  
 43. Ban Soua (present location: Ban Y Lai).  
 44. Ban Natheng (present location: Ban Y Lai).  
 45. Ban Poth (present location: Ban Y Lai).  
 46. Ban Chao Ho (present location: Ban Y Lai).  
 47. Ban Na Thoe (present location: Ban Y Lai).  
 48. Ban Xieng Neua (present location: Ban Y Lai).  
 49. Ban Pha (present location: Ban Y Lai).  
 50. Ban Na Vane (present location: Ban Y Lai).  
 D. Tasseng Phanh:  
 51. Ban Phanh (present location: Ban Veun Kham).  
 52. Ban Naa Sy (present location: Ban Veun Kham).  
 53. Ban Nong (present location: Ban Veun Kham).  
 54. Ban Phonsay (present location: Ban Veun Kham).  
 55. Ban Poug (present location: Ban Veun Kham).  
 56. Ban Vene (present location: Ban Veun Kham).  
 57. Ban Khong Tay (present location: Ban Veun Kham).  
 58. Ban Khong Neua (present location: Ban Veun Kham).  
 59. Ban Thang (present location: Ban Veun Kham).  
 60. Ban Ko (present location: Ban Veun Kham).  
 II. Muong Pek (Tassengs Kat, He Mouane, Hauang Thay, Phat, Khang, Sieng, Ang, Soui):  
 E. Tasseng Kat:  
 61. Ban Ly (present location: Ban That Xang).  
 62. Ban By (present location: Ban That Xang).  
 63. Ban Muong (present location: Ban That Xang).  
 64. Ban Ngoul (present location: Ban Na Nga).  
 65. Ban Khou (present location: Ban Na Nga).  
 66. Ban Boua (present location: Ban Na Nga).  
 67. Ban Tha Khek (present location: Ban Na Nga).  
 68. Ban Na Nga (present location: Ban Na Nga).  
 69. Ban Nam Thom (present location: Ban Na Nga).  
 70. Ban Vieng (present location: Ban Na Nga).  
 71. Ban Theune (present location: Ban Na Nga).  
 72. Ban Lat Houang (present location: Ban Na Nga).  
 73. Ban Mouane (present location: Ban Na Nga).  
 74. Ban Nhoun (present location: Ban Na Nga).  
 75. Ban Phonesavan (present location: Ban Na Nga).  
 76. Ban Sa (present location: Ban Na Nga).  
 F. Tasseng He Mouane:  
 77. Ban Kay (present location: Ban Nam Pot).  
 78. Ban Soui Tay (present location: Ban Nam Pot).  
 79. Ban Hop Oh (present location: Ban Nam Pot).  
 80. Ban Poug Bong (present location: Ban Nam Pot).  
 81. Ban Na Kay (present location: Ban Nam Pot).  
 82. Ban Ho Kang (present location: Ban Nam Pot).  
 83. Ban Khong (present location: Ban Nam Pot).  
 84. Ban Na Boune (present location: Ban Nam Pot).  
 85. Ban Sak (present location: Ban Nam Pot).  
 87. Ban Nong (present location: Ban Nam Pot).  
 88. Ban Soui Neua (present location: Ban Nam Pot).  
 89. Ban He (present location: Ban Nam Pot).  
 90. Ban Naleuang (present location: Ban Nam Pot).  
 91. Ban Na Khoane (present location: Ban Nam Pot).  
 92. Ban Na Koung (present location: Ban Nam Pot).  
 93. Ban Bouam (present location: Ban Nam Pot).  
 G. Tasseng Khouang:  
 94. Ban Poug Leng (present location: Ban Vieng Kham).  
 95. Ban Poug Manh (present location: Ban Vieng Kham).  
 96. Ban Pen (present location: Ban Vieng Kham).  
 97. Ban Song Mak (present location: Ban Vieng Kham).  
 98. Ban Pouei (present location: Ban Vieng Kham).  
 99. Ban Phang (present location: Ban Vieng Kham).  
 100. Ban Muong Kheun (present location: Ban Vieng Kham).  
 101. Ban Som Ben (present location: Ban Vieng Kham).  
 102. Ban Don sang (present location: Ban Vieng Kham).  
 103. Ban Nhom (present location: Ban Vieng Kham).  
 104. Ban Mak Nguane (present location: Ban Thin).  
 105. Ban Sai Kham (present location: Ban Thin).  
 106. Ban Kham Leum (present location: Ban Thin).  
 107. Ban Koung Toi (present location: Ban Thin).  
 108. Ban Hoat Tanh (present location: Ban Thin).  
 109. Ban Vanh (present location: Ban Thin).  
 110. Ban Lio (present location: Ban Thin).  
 111. Ban Samuong (present location: Ban Thin).  
 112. Ban Beuak (present location: Ban Thin).  
 113. Ban Ang (present location: Ban Thin).  
 H. Tasseng Thay:  
 114. Ban Choey (present location: Ban Mak Nao).  
 115. Ban Pek (present location: Ban Mak Nao).  
 I. Tasseng Phat:  
 116. Ban Phat Soi (present location: Ban Phao (Phonesay)).  
 117. Ban Vieng (present location: Ban Phao (Phonesay)).  
 118. Ban Nakhouane (present location: Ban Phao (Phonesay)).  
 119. Ban Nong Pha (present location: Ban Phao (Phonesay)).  
 120. Ban Nhap sy (present location: Ban Phao (Phonesay)).  
 J. Tasseng Khang:  
 121. Ban Phai Ngum (present location: Ban That Xang).  
 122. Ban Khong Vieng (present location: Ban That Xang).  
 123. Ban Mane Som (present location: Ban That Xang).  
 124. Ban Pouang (present location: Ban That Xang).  
 125. Ban Lao (present location: Ban That Xang).  
 126. Ban Samthong (present location: Ban Na lao).  
 K. Tasseng Sleng:  
 127. Ban Nathao (present location: Ban Veunkham).  
 128. Ban Houei (present location: Ban Veunkham).  
 129. Ban Na Hoi Mai (present location: Ban Veunkham).  
 130. Ban Phiang Luang (present location: Ban Veunkham).  
 131. Ban Ang (present location: Ban Veunkham).  
 132. Ban Teng (present location: Ban Veunkham).  
 133. Ban Phon Thong (present location: Ban Veunkham).  
 134. Ban Na Hoi Thay (present location: Ban Veunkham).  
 L. Tasseng Ang:  
 135. Ban Neua (present location: Ban Kok Kleng).  
 136. Ban Ang (present location: Ban Kok Kleng).  
 137. Ban Poua (present location: Ban Kok Kleng).  
 138. Ban Om (present location: Ban Kok Kleng).  
 139. Ban Sy Luang (present location: Ban Kok Kleng).  
 140. Ban Sa Thath (present location: Ban Kok Kleng).  
 141. Ban Sa Mon (present location: Ban Kok Kleng).  
 142. Ban Xay (present location: Ban Kok Kleng).  
 143. Ban Kam chat (present location: Ban Kok Kleng).  
 M. Tasseng Soui:  
 144. Ban Mang (present location: Ban Nalongkhoun).  
 145. Ban Nakhoua (present location: Ban Nalongkhoun).  
 146. Ban Xieng houng (present location: Ban Nalongkhoun).  
 147. Ban Nong Ha (present location: Ban Nalongkhoun).  
 148. Ban Xieng Naa (present location: Ban Nalongkhoun).  
 149. Ban Nai Houane (present location: Ban Nam Pot 1).  
 150. Ban Noua Na (present location: Ban Nam Pot 1).  
 151. Ban Khay (present location: Ban Nam Pot 1).  
 152. Ban Nong (present location: Ban Nampot 2).  
 153. Ban Pong (present location: Ban Nampot 2).  
 154. Ban Sack (present location: Ban Nampot 2).  
 155. Ban Bone (present location: Ban Nampot 2).  
 156. Ban Xay (present location: Ban Nampot 3).  
 157. Ban Hong Keng (present location: Ban Nampot 3).  
 158. Ban Nato (present location: Ban Nampot 3).  
 159. Ban Sam tay (present location: Ban Nampot 3).  
 160. Ban Sam Neua (present location: Ban Nampot 3).  
 161. Ban He (present location: Ban Nampot 3).  
 162. Ban Vang Kam (present location: Ban Nampot 3).  
 163. Vang Xienghoung (present location: Ban Nampot 3).  
 III. Muong Plan (Tassengs The, Hat Nam):  
 N. Tasseng The:  
 164. Ban San Phan (present location: Ban Nong Pene).  
 165. Ban Na Pa (present location: Ban Nampot 1).  
 166. Ban Nian (present location: Ban Nampot 1).  
 167. Ban Phiangdy (present location: Ban Nampot 1).  
 168. Ban Ka cheng (present location: Ban Nampot 1).  
 169. Ban Hat (present location: Ban Nampot 1).  
 170. Ban Xieng Kio (present location: Ban Nampot 1).  
 171. Ban Dong (present location: Ban Nampot 1).  
 172. Ban Phonesai (present location: Ban Nampot 1).

173. Ban San Phanb (present location: Ban Nampot 1).  
 174. Ban Phone Ngam (present location: Ban Nampot 1).  
 175. Ban Khane (present location: Ban Nampot 1).  
 176. Ban Tha Phane (present location: Ban Nampot 1).  
 177. Ban Plat (present location: Ban Nampot 1).  
 178. Ban Tat Luang (present location: Ban Nampot 1).  
 179. Ban Chom thon (present location: Ban Nampot 1).  
 O. Tasseng Hat Nam:  
 180. Ban Hio (present location: Ban Thath).  
 181. Ban Nhoun (present location: Ban Thath).  
 182. Ban Phone Phien (present location: Ban Thath).  
 183. Ban Hatio (present location: Ban Thath).  
 184. Ban Poun Sane (present location: Ban Thath).  
 185. Ban The Phane (present location: Ban Thath).  
 186. Ban Ha Nhone (present location: Ban Thath).  
 187. Ban Na Pa (present location: Ban Thath).  
 188. Ban Kok So (present location: Ban Thath).  
 189. Ban That Luang (present location: Ban Thath).  
 190. Ban Kouan (present location: Ban Thath).  
 191. Ban Houm (present location: Ban Thath).  
 192. Ban Phiengfay (present location: Ban Thath).  
 193. Ban Nay (present location: Ban Thath).  
 194. Ban Phon Ho (present location: Ban Thath).  
 195. Ban Geo (present location: Ban Thath).  
 196. Ban Nieng (present location: Ban Thath).

Total: three Muongs, fifteen Tassengs, one hundred ninety-six villages.

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that this resolution be considered as read. This resolution was printed in the RECORD last Thursday. I am sure Members of the House are familiar with its contents.

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

There was no objection.

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I move that the resolution be laid on the table.

The motion to table was agreed to. A motion to reconsider was laid on the table.

REQUESTING THE PRESIDENT, THE SECRETARY OF STATE, SECRETARY OF DEFENSE, AND THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO FURNISH THE TEXT OF THE STUDY ENTITLED "UNITED STATES-VIETNAM RELATIONSHIPS, 1945-1967" AND OTHER RELEVANT INFORMATION REGARDING THE U.S. INVOLVEMENT IN SOUTHEAST ASIA

Mrs. ABZUG. Mr. Speaker, I move to discharge the Committee on Armed Services from further consideration of House Resolution 491, a privileged resolution of inquiry.

The Clerk read the resolution as follows:

H. RES. 491

Resolved, That the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency be, and they are hereby, directed to furnish the House of Representatives within fifteen days after the adoption of this resolution with full and complete information on the following—

the history and rationale for United States involvement in South Vietnam since the completion of the study entitled "United States-Vietnam Relationships, 1945-1967", prepared by the Vietnam Task Force, Office of the Secretary of Defense; the known existing plans for residual force of the United States Armed Forces in South Vietnam;

the nature and capacity of the government of the Republic of Vietnam, including but not limited to analyses of their past and present military capabilities, their capacity for military and economic self-sufficiency including but not limited to analyses of the political base of the Republic, the scope, if any, of governmental malfunction and corruption, the depth of popular support and procedures for dealing with non-support; including but not limited to known existing studies of the economy of the Republic of South Vietnam and the internal workings of the government of the Republic of South Vietnam;

the plans and procedures, both on the part of the Republic of South Vietnam and the United States Government for the November 1971 elections in the Republic of South Vietnam, including but not limited to analyses of the United States involvement, covert or not, in said elections.

POINT OF ORDER

Mr. HÉBERT. Mr. Speaker, I make the point of order that the resolution is not privileged under the rules.

The SPEAKER. Does the gentleman insist on his point of order?

Mr. HÉBERT. Mr. Speaker, I reserve the point of order in order to give the gentlewoman from New York an opportunity to speak to the point of order.

The SPEAKER. The gentleman from Louisiana reserves the point of order.

Does the gentlewoman from New York desire to be heard?

Mrs. ABZUG. Yes, Mr. Speaker.

Mr. Speaker, I have offered a motion to discharge the Committee on Armed Services from the further consideration of the resolution, House Resolution 491, a privileged resolution of inquiry. As Members know, a resolution of inquiry asks for information from the executive branch. The rules of this House provide that a resolution of inquiry must be reported out of committee within 7 legislative days after it is introduced; this resolution was introduced on June 21 by 19 Members, including myself. More than 7 legislative days have elapsed since then, but the resolution has not yet been reported to the floor.

The resolution seeks information on a number of studies which the executive branch has prepared regarding our involvement in South Vietnam. The subjects of these studies include the history of our involvement there since the completion of the 1968 Pentagon study which has been the subject of so much attention in recent weeks; the plans for retaining a residual force of U.S. troops in South Vietnam after our combat troops have

been withdrawn; the military, economic and political bases of the South Vietnamese Government, including information on governmental malfunction and corruption; and plans and procedures regarding the November 1971 elections scheduled in South Vietnam, including plans for U.S. involvement in those elections.

I think that it is important to note that this resolution is not designed to elicit any information which is essential for national security purposes. It does not request information on specific military or naval bases, equipment, operations, or defense plans. The studies which we are seeking involve solely matters relating to political decisions.

This is information which is imperative if the Members of this House are to fulfill their duties. It should normally flow to the elected representatives of the people, but the bureaucracy has decided to protect itself against having any of its mistakes or errors in judgment revealed by labeling as "Top Secret" almost everything in sight.

We need this information if we are to enact appropriate and meaningful legislation. We were not elected to rubber stamp the decisions of the Pentagon, the Defense Department, and the State Department. We were elected to keep a watchful eye on the decisions of these agencies. This is a responsibility which we all share.

The question here, baldly stated, is whether we can represent the interests of our constituents when we are blindfolded by the executive branch.

The strength of this Nation has rested primarily in the freedom of full debate on political questions. The shame of the past decade is the secrecy with which the lives of all Americans were changed by decisions in which they and their elected representatives played no part. Now that the Congress and the people have become partially informed and increasingly outraged at our conduct in Vietnam, we are presented with an opportunity to begin rebuilding a bond of trust between this Government and this body and our citizens. We must demand that crucial political decisions such as those which involved us in Vietnam be made by Congress as well as by the Pentagon and the executive departments.

The adoption of this resolution would be a big first step toward reinstating Congress to its proper role in the making of foreign policy and ending Government by stealth and secrecy.

I urge your support for this motion to discharge as well as for adoption of the resolution.

The SPEAKER. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. HÉBERT. Yes, Mr. Speaker, I desire to be heard.

Mr. Speaker, the resolution calls for opinions and under the rule the resolution of inquiry must seek facts, not opinions. The resolution obviously requires an opinion when it asks for "the nature and capacity of the Government of the Republic of Vietnam." It also asks for opinion when it seeks analyses of the past and present military capabilities

ties of the Republic of Vietnam. It clearly asks for opinion when it seeks "the depth of popular support," of the South Vietnamese Government.

Any resolution asking for a determination of "capacity" and asking for "analyses" of past and present military capabilities asks for opinions, and thus destroys the privileged nature of the resolution. I refer to volume 3, Cannon's Precedents, section 1873.

And finally, Mr. Speaker, there can be no question that a resolution which asks for the "rationale" for U.S. involvement in South Vietnam most assuredly seeks an opinion. Webster's Dictionary defines the word rationale as:

An explanation of controlling principles of opinion, belief, practice or phenomena.

I make the further point of order, Mr. Speaker, that the resolution is not confined to heads of departments or the President but also includes the head of an agency and, therefore, the resolution is not privileged.

Mr. Speaker, I press the point of order.

The SPEAKER. The Chair is prepared to rule.

The gentlewoman from New York has moved to discharge the Committee on Armed Services from further consideration of the resolution, House Resolution 491. The gentlewoman has furnished the Chair a copy of the resolution, and the Chair appreciates that fact, since it gives an opportunity to the Chair to examine the resolution prior to ruling on the point of order.

The resolution under consideration has not been reported by the committee to which it has been referred.

Clause 5 of rule XXII provides that:

All resolutions of inquiry addressed to the heads of executive departments shall be reported to the House within one week after presentation.

The gentleman from Louisiana makes a point of order against the motion to discharge on the ground that the resolution is not privileged under the rule because it calls for opinions in addition to factual information.

It has been consistently held that to retain the privilege under the rule, resolutions of inquiry must call for facts rather than opinions—Cannon's precedents, volume VI page 413 and pages 418 to 432. Speaker Longworth, on February 11, 1926, held that a resolution inquiring for such facts as would inevitably require the statement of an opinion to answer such inquiry was not privileged—RECORD, page 3805.

Among other requests, House Resolution 491 calls for the furnishing of one, the "rationale" for U.S. involvement in South Vietnam since the completion of the study; two, the nature and "capacity" of the Government of the Republic of Vietnam, including "analyses" of their military "capabilities"; their capacity for self-sufficiency which would include analyses of the Government's political base, the scope of malfunction and corruption, the depth of popular support; and three, analyses of U.S. involvement in 1971 elections in South Vietnam.

In at least these particulars, executive officials are called upon—not for facts—

but to furnish conclusions, which must be, essentially, statements of opinion.

The Chair therefore holds that House Resolution 491 is not a privileged resolution within the meaning of clause 5, rule XXII, and that the motion to discharge the Committee on Armed Services from its further consideration is not in order.

Mrs. ABZUG. Mr. Speaker, I appeal from the ruling of the Chair.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I move to lay that appeal on the table.

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

The question was taken; and the Speaker announced that the ayes had it. So the decision of the Chair stands.

#### COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,  
June 30, 1971.

HON. CARL ALBERT,  
*The Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to the provisions of Section 301(a) of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Committee on Public Works has approved the enclosed resolution for a compliance test facility at the Ohio Highway Transportation Research Center, East Liberty, Ohio.

Kindest personal regards.

Sincerely,

JOHN A. BLATNIK,  
*Chairman, Committee on Public Works.*

#### PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 6483, APPOINTMENT OF MARINE CORPS OFFICERS TO THE GRADE OF GENERAL

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 469 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 469

*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. 6483) to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine

Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility. 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 Armed Services, 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 any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. 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 with or without instructions.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 469 provides an open rule with 1 hour of general debate for consideration of H.R. 6483 providing for the appointment of Marine Corps officers to the grade of general.

The purpose of H.R. 6483 is to provide authority for the appointment of Marine Corps officers to the grade of general.

Present law prohibits Marine Corps officers from attaining the rank of general except as Commandant, as Chief of Staff to the President, or as Assistant Commandant.

As introduced, the bill provided no limitation as to the number of officers who could serve as generals in the Marine Corps. Since the Army, Navy, and Air Force all have limitations as to the number of officers serving in four-star grades, the Committee on Armed Services amended the legislation to limit the number to four Marine Corps officers in the grade of general, including the Commandant and the Assistant Commandant.

Enactment of the legislation will result in no increase in the budget.

Mr. Speaker, I urge the adoption of House Resolution 469 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I concur in the statements made by the gentleman from Tennessee (Mr. ANDERSON).

May I simply add that this bill was reported unanimously by the Committee on Armed Services with the exception of possibly one objection about which I have heard although there are no dissenting views.

Mr. Speaker, I know of no objection to the rule and urge its adoption.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, there is one tiny little error in the Committee Report on this bill, in that the report says that the bill passed the Armed Services Committee unanimously. What the report says actually is as follows:

The Committee on Armed Services on May —, 1971, a quorum being present, unanimously agreed to report H.R. 8403 to the House and strongly recommends its enactment.

The fact that the date is left blank does lead me to the faint suspicion that the report was written before the committee had acted, and obviously after it had acted it was too late to change it, although they might at least have filled in the date. It is perfectly possible that the fact that this bill is reported as having passed the committee unanimously is my own fault. We did not have a record vote on the bill. We had a voice vote on the bill, and it is conceivable that I did not say "No" loudly enough to be heard. If my voice was too faint in opposing the bill to be heard, it was because I opposed it more in sorrow than in anger, and because it is not a big bad bill, it is just a little silly bill. It is, however, symptomatic, perhaps, of one of the things which I believe is wrong with our military, and I hate to see it spreading to the Marine Corps.

Once upon a time, a long, long time ago, I was a marine, and proud of it. I am still a marine at heart and proud of that, too. I went only last week over to the Marine Corps Monument and sat on the grass and watched that magnificent drill team and the headquarters company march as marines have always marched, and listened to the Marine Corps Drum and Bugle Corps play music that would make any man want to march, and that was the Marine Corps which I have always loved and still do. But I do not think that there was anyone there marching above the rank of captain. There may have been a major, but I doubt it, and I guarantee you there were not any four-star generals. The Marine Corps has always prided itself on being lean and mean, and I take pride in that reputation. They accomplish more things with less fuss, less muss, and less money than anyone in our Armed Forces, and they have managed to do it with less pomp and above all, less four-star generals, than anyone else, too, and the reason I oppose this silly little bill is because I hate to see them going down the route of pinning more stars on more shoulders because I think it will make them eventually a lesser, softer, richer fighting corps than they are today.

Four-star generals, you know, breed three-star generals, and three-star generals breed two-star generals, and two-star generals breed one-star generals like rabbits, no matter which service you are talking about. In World War II, when we had about six times as many men under arms as we have today, we had in America a grand total of 31 four-star generals and four-star admirals. Today, with one-sixth of the people in the military, we have not one-sixth as many four-star generals and admirals but we have gone from 31 to 41. In World War II the Army and Air Force between them had 13. Today the Army has 17 and the Air Force alone has 13. Only the Navy has reduced the number of its four-star admirals. They had 17 in World War II; they have only nine today. The Marine Corps had exactly one four-star general in World

War II. They have two today, and if we pass this bill they have four times as many four-star generals to preside over the destinies of less than a fourth as many men.

I suppose it is futile to hope that this would not happen. Perhaps inflation has caught up with stars just as it has with the dollar. In my opinion it will hinder rather than help the unique fighting quality of the Marine Corps and its unique esprit de corps. I am aware that the Marines have fewer four-star generals per capita than the other services have, and my reaction to that is simply, "So what?" To me it would be more useful if instead of more four-star generals and admirals in all of our armed services, with their lordly prerequisites of office, chauffeur-driven limousines, and all of the pomp and glitter that goes with it, we went in all of our services back to the doctrine of lean and mean, under which four-star rank really meant something.

Mr. ANDERSON of Tennessee. 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. 8805, OBSCENE MAIL CATEGORY FOR MINOR AND POTENTIALLY OFFENSIVE SEXUAL MATERIAL

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 516

*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. 8805) 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 improve the protection of the right of privacy by defining obscene mail matter, and for other purposes. 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 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 amendments as may have been adopted, 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. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 516 provides an open rule with 1 hour of general debate for consideration of H.R. 8805, the purposes of which are to create a new category of nonmailable obscene matter with respect to minors; define the word "obscene" with respect to matter that is mailed, broadcast, im-

ported, or transported in interstate commerce; and to provide mail patrons with a means of prohibiting delivery of unsolicited potentially offensive sexual material. The legislation will strengthen several provisions of existing law.

Present law regarding unmailable obscene matter has been ineffective because of the lack of a definition of "obscene." H.R. 8805 establishes definitions of "obscene" matter that will be unmailable to minors under 17 years old, as well as other "obscene" matter which would be unmailable, imported, broadcast, or transported in interstate commerce.

Any obscene matter which is mailed shall be so marked on the outside of the envelope by the sender. Any mail patron may, for himself or his minor children, submit a form to the post office to the effect that he does not desire to receive such mail. If a patron does receive obscene mail he may return it to the post office marked "refused" or he may destroy it.

The Postal Service is required to implement procedures to prevent the delivery of such mail to persons requesting that it not be delivered.

Mailers failing to make the required designation on not more than 25 pieces of obscene mail shall be subject to a maximum fine of \$1,000, or a maximum fine of \$50,000 if the mark is not placed on more than 25 pieces of mail.

The law becomes effective at the beginning of the sixth month after enactment.

Mr. Speaker, I urge the adoption of the resolution in order that H.R. 8805 may be considered.

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from Indiana (Mr. MADDEN), House Resolution 516 provides for 1 hour open rule for the consideration of H.R. 8805.

The purpose of the bill is to prohibit the mailing to minors of obscene matter, to define the word "obscene" with respect to mailed or broadcast matter, and to provide a method of stopping unsolicited offensive sexual material from being delivered to a home over the objections of the homeowner.

The bill prohibits the use of the mails to sell, deliver, or offer for sale to minors under 17 any material depicting or describing nudity, sexual contact in a manner deemed harmful to minors. Mailers have provided to them an affirmative defense: if they reasonably believe the purchaser was over 16, based on information supplied by the purchaser, they are not guilty of any criminal act.

The bill also defines what is "nonmailable obscene matter" relying for its definition on the language used by the Supreme Court in *Roth v. U.S.*, 354 U.S. 476. Basically, obscene matter is defined as predominately prurient in its appeal when considered by contemporary community standards. Further, the bill states that "Any matter which is obscene under this section shall be deemed conclusively to be utterly without redeeming social importance. Any slight social value in such matter shall be deemed outweighed by the social interest in order and morality."

Finally, the bill provides a mail patron with a means to keep obscene matter which has not been ordered out of his home. Under the bill all "sexually oriented advertisements" sent through the mails must bear on the envelope a mark or notice, devised by the Postal Service, which will identify it as such. Any mail patron may stop such mail from being delivered to his home by notifying the Postal Service of his desire to stop such deliveries. The Postal Service is required to develop procedures to ensure that such mail is not delivered in the future to anyone filing such a notice with the Service. Failure of any mailer to include the identification mark on his unsolicited material will result in a fine first, of \$1,000 if mailed to 25 or fewer persons; or second, \$50,000 if mailed to more than 25.

There are no minority views. The Department of Justice favors H.R. 2330, a similar bill, as the better method of protecting minors and homeowners. That bill provides for larger fines, and also does not seek to define what is obscene with such specificity. The Department believes that the definition of the reported bill may increase the burden of proof needed to prove guilt.

Mr. Speaker, I urge the adoption of the rule.

Mr. MADDEN. 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.

#### PRIVILEGES OF THE HOUSE— UNITED STATES VERSUS MARGARET BUTTERFIELD

Mr. MILLS of Arkansas. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman is recognized.

Mr. MILLS of Arkansas. Mr. Speaker, I have been subpoenaed to appear before the Superior Court of the District of Columbia to testify on the 7th day of July 1971 at 2 p.m. in the case of the *United States v. Margaret Butterfield* (docket No. 27078-71) and to bring with me certain papers under the control of the Committee on Ways and Means.

Under the precedents of the House, I am unable to comply with this subpoena duces tecum without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send the subpoena duces tecum to the desk.

The SPEAKER pro tempore (Mr. Boggs). The Clerk will read the subpoena.

The Clerk read as follows:

[In the Superior Court of the District of Columbia, docket No. 27078-71]

UNITED STATES V. MARGARET BUTTERFIELD

To: Representative Wilbur D. Mills, Chairman, U.S. House of Representatives Committee on Ways and Means, Room 1136, Longworth Building, or his Representative.

You are hereby commanded to produce before Judge Harris, Superior Court of the District of Columbia at 2:00 o'clock p.m., on the 7th day of July 1971 for Margaret Butterfield (Defendant) the

official transcript of the hearings of the Ways and Means Committee on May 5, 1971. You are further directed to produce the above at Room 206, 613 G Street, N.W., Washington, D.C. and not depart the Court without leave thereof.

Witness, the Honorable Chief Judge of the Superior Court of the District of Columbia, and the seal of said Court this 6th day of July, A.D., 1971.

STANLEY S. HARRIS,  
Judge, Superior Court.  
PAUL G. MOTHERSHEAD,  
Department Clerk.  
PHILIP J. HIRSCHKOP,  
PETER WEISMAN,  
Attorney for Defendant.

#### PRIVILEGES OF THE HOUSE— UNITED STATES AGAINST MARGARET BUTTERFIELD

Mr. ICHORD. Mr. Speaker, I rise to a question of the privileges of the House.

I have been subpoenaed to appear before the Superior Court of the District of Columbia on the 7th day of July 1971 at 2 p.m. in the case of *United States v. Margaret Butterfield* (docket No. 27078-71) and to bring with me certain papers under the control of the Committee on Internal Security.

Under the precedents of the House, I am unable to comply with this subpoena duces tecum without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send the subpoena duces tecum to the desk.

The SPEAKER pro tempore. The Clerk will read the subpoena.

The Clerk read as follows:

[In the Superior Court of the District of Columbia, docket No. 27078-71]

UNITED STATES V. MARGARET BUTTERFIELD

To: Representative Richard Ichord, Chairman, U.S. House of Representatives Committee on Internal Security, Room 2429, Rayburn Building, or his Representative.

You are hereby commanded to produce before Judge Harris, Superior Court of the District of Columbia at 2:00 o'clock p.m., on the 7th day of July 1971 for Margaret Butterfield (Defendant) the official transcript of the testimony of Capitol Police Chief James M. Powell, given before the Committee on May 19, 1971. You are further directed to produce the above at Room 206, 613 G Street, N.W., Washington, D.C., and not depart the Court without leave thereof.

Witness, the Honorable Chief Judge of the Superior Court of the District of Columbia, and the Seal of said Court this 6th day of July, A.D., 1971.

STANLEY S. HARRIS,  
Judge, Superior Court.  
PAUL G. MOTHERSHEAD,  
Deputy Clerk.

Philip Hirschkop & Peter Weisman, Attorney for Defendant. Phone No. 347-7518.

#### APPOINTMENT OF MARINE CORPS OFFICERS TO THE GRADE OF GENERAL

Mr. FISHER. Mr. Speaker, I ask unanimous consent that the bill (H.R. 6483) to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of

great importance and responsibility, be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 6483

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 5232(a) of title 10, United States Code, is amended by inserting "general or" before "lieutenant general".

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That section 5232 of title 10, United States Code, is amended as follows:

(1) The second sentence of subsection (a) is amended by inserting "general or" before "lieutenant general".

(2) Subsection (b) is amended by adding at the end thereof the following sentence: "Notwithstanding any other provision of law, the number of officers serving in the grade of general may not exceed four, including the Commandant of the Marine Corps and the Assistant Commandant of the Marine Corps when serving in the grade of general."

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. FISHER. Mr. Speaker, the pending bill is designed to correct a hiatus in existing law which discriminates against the Marine Corps. At the present time there are only two four-star marine generals. No more than two for the Marine Corps may be appointed by the President under present law—unless an additional one is chosen to be Chief of Staff to the President, and that is no longer being done. In this bill, it is proposed to increase the three four-star ranks that are now authorized, to a maximum of four.

That simply permits one appointment in the Marine Corps—from a three-star to a four-star rank.

Keep in mind that the present law authorizes four-star marine generals when such officers serve as Commandant and as Assistant Commandant of the Marine Corps. In actual practice, that is the limit. None of the other three services are restricted in this manner.

Now, why should we by this legislation authorize the President to change one three-star marine general to a four-star rank—and that is what we are really talking about?

As I have pointed out, there is now no statutory authority for such appointment—such advancement—as applied to Marine Corps officers—other than Commandant and Assistant Commandant—whose services may be needed in higher commands or who are performing duties of great importance and responsibility.

But such a blockage does not apply to the Army, the Air Force, or the Navy.

Let me illustrate how this discrimination against the Marine Corps applies.

Today, under present law, no matter how well qualified or how superior his qualifications may be, a Marine Corps

general cannot be appointed Commander in Chief of Pacific forces—because only one with a four-star rank can serve in that capacity.

Likewise, no matter how well qualified or how superior his qualifications may be, a marine cannot be Commander of the Atlantic forces—because only one with a four-star rank can serve in that capacity.

Indeed, regardless of qualifications, a marine cannot serve as commander in chief of a unified command—because that billet requires one with a four-star rank.

That same discrimination militates against a marine who serves in other positions of great importance and responsibility—such, for example, as Assistant Director of the CIA—a position previously held by a four-star Air Force general but now held by a three-star Marine Corps general. Because of the discrimination against the marines the Assistant Director, when filled by a marine general, can be no more than a three-star rank; whereas if the same slot were filled by the Army, the Air Force, or the Navy, one with a four-star rank would be assigned.

This arbitrary restriction—applied only to the Marine Corps—is manifestly unfair to that branch of the service, and it is unfair to the public because it may on occasion restrict the use of officers with proven ability and outstanding qualifications. That is particularly true as applied to independent commands.

I remind you, too, that in his report to the committee the Secretary of Defense stated that

The enactment of this proposal would result in no increase in budgetary requirements.

Any additional cost would, of course, be negligible.

Moreover, by allowing one additional four-star rank for the Marine Corps the ratio of such generals to the total active duty strength would bring the Marine Corps up to the approximate ratio which now obtains for the other three services.

I am aware of no valid reason why the present statutory discrimination against the Marine Corps should not be removed. There is virtually no cost involved, and in practice we can assume that only one promotion—from a three-star to a four-star rank—is involved. This is indeed a very modest request and it is highly justified.

Mr. BROOKS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the proposed legislation before us today is purely and simply a request for authorization to remove an inequitable restriction imposed on the Marine Corps prohibiting the appointment of a Marine Corps officer to the grade of general even though the officer is assigned to a position of great importance and responsibility. This inequity, I might add, is one that applies only to the Marine Corps, for all other services are authorized to promote their officers to the grade of general or admiral when assigned to these important positions.

Title 10 of the United States Code provides for only three situations in which Marine officers may be appointed to the

grade of general: as Commandant of the President; and, as Chief of Staff to the President; and, as Assistant Commandant, provided the active duty strength of the Marine Corps exceeds 200,000. The Commandant of the Marine Corps while testifying before the Armed Services Committee on April 21, 1971, identified the positions of Commander in Chief, Pacific; Commander in Chief, Atlantic; and Deputy Director of the Central Intelligence Agency as being possible positions in which the President might at some future date desire to assign a Marine general. He further stated that someday, a Marine might be Chairman of the Joint Chiefs. I personally am in agreement with this line of thinking and I believe it behooves the Congress to insure that the President has the authority to select the best qualified military officer for any responsible position he chooses, regardless of the officer's service affiliation.

An example of the impact of the present restrictive provisions of existing law, Gen. Lewis W. Walt, a recently retired Marine general, whom I have known for many years, could not have been reassigned by the President to another position of great importance and responsibility calling for the grade of general and retained his grade of general. The President would have had no choice had he selected General Walt for such an assignment, except to request enactment of similar legislation to that before the House today.

The proposed legislation will have no appreciable effect upon the Department of Defense budget, since it authorizes only the possibilities of two four-star generals.

I have had the pleasure of continuous association with general and flag officers of all services for the past 20 years and I can assure you without bias or qualification that there is no apparent reason why the President should be restricted as he is now.

As Commander in Chief, he should be able to nominate an officer of any service for a position calling for four-star rank. The officer qualifications should be the focus of his search for these men—not the color of his uniform. Most certainly he should not be hampered in his exercise of this trust by what I sincerely believe is an inequitable anomaly in the law which was never intended. I urge the passage of House Resolution 6483 as amended.

Mr. Speaker, I want to commend my distinguished colleague from Texas for his fine presentation.

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

Mr. BROOKS. I am delighted to yield to my colleague from Texas.

Mr. FISHER. I believe, in order that there may be no misunderstanding about what the bill deals with, it should be pointed out it has no relationship whatever to the number of generals in the Army, to the numbers of generals in the Air Force, or to the number of admirals in the Navy. It has nothing to do whatever with those subjects. It relates only to the Marine Corps, and only to one advancement of a three-star general to

a four-star general, one that is highly needed at this time.

Mr. BROOKS. I thank the gentleman very much. I believe that is correct.

Mr. BRAY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it is a privilege for me to speak in support of H.R. 6483 which would provide authority for the President to appoint to the grade of general Marine Corps officers who are designated for appropriate higher commands or for the performance of duties of great importance and responsibility.

Marine Corps participation in the war in Vietnam has added another page to its illustrious history of unselfish dedication to our Nation. As in Korea, World War II, and all the other conflicts in which our national interest was at stake, the Marines were called upon again in Vietnam and were not found wanting. In spite of their relatively small size, the corps carried the brunt of much of the fighting in Vietnam during the critical phases of that conflict. The extent of their commitment was reflected in the fact that at the height of their involvement in the war almost one out of every three marines was deployed to the Western Pacific. The dedication of marines during the war was reflected in the fact that over 44,000 marines voluntarily extended their tours in Vietnam and approximately 10,000 marines served two or more full tours there.

The leadership which generates such devotion and dedication has been a hallmark of the Marine Corps since its creation. Consequently, it is anomalous that under existing law that the President is restricted in utilizing this leadership in positions of importance and responsibility. At present there are only three positions in which Marine Corps officers may serve in the grade of general. One is as Commandant of the Marine Corps. The second is as Chief of Staff to the President. The third is as Assistant Commandant, provided the active duty strength of the Marine Corps exceeds 200,000. On the other hand, there is no such statutory bar to the appointment of officers in the other services who are appointed to positions of great importance and responsibility.

Surely there is no valid reason to delimit the President's authority in this area in regard to the Marine Corps. The proposed bill would remove this unwarranted restriction on the President's appointment authority and would make relatively uniform for all services the authority to appoint officers to four-star grade. Failure to enact this legislation is to deny the President the flexibility to appoint the best qualified officers of all the services to fill these highly important positions.

Let me also point out that the proposed legislation is not a blank check for the Marine Corps to automatically obtain more four-star generals. The bill merely authorizes the President to appoint a marine officer to four-star grade when he determines that such an appointment is warranted. Further, the total number of four-star marine generals is limited to a maximum of four at any time, including both the Commandant and the Assistant Commandant. Also, this authority has no

effect on the total number of general officers in the Marine Corps. Appointments to four-star grade come from among the authorized numbers of general officers, so that there is no increase in the total numbers of generals by virtue of such appointments. Finally, the proposed bill puts the Marine Corps on a par with the other services.

In conclusion, I strongly urge passage of this bill not only as a matter of equity, but as an action in the best interests of our Nation.

Mr. DANIEL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 6483.

Members have heard from the Marine Corps in the person of my distinguished and beloved friend from New York on this bill. While I was not in the Marine Corps—I would have been proud to have been a marine—I was associated in one way or another with three wars.

However, I speak on this bill not as an ex-serviceman but as a former personnel director of a large corporation. In that capacity I worked on the theory that all employees should be given equal opportunity for advancement to the top positions in the company. The same applies with respect to the bill which we are now discussing.

Under present policy there is a restriction on the number of four-star generals we can have in the Marine Corps. This bill is designed to remove that limitation. It provides for no affirmative action. It simply removes an inequity in the services. It broadens the President's options in personnel selection.

The present policy discriminates against the Marine Corps, and I think that that defect ought to be removed in order that the President may have as wide a selection as is possible in personnel selection.

The passage of this bill does not in itself promote any Marine. However, it gives the opportunity of promotion to a Marine if he is found to be the best qualified for a position.

It has been said that if this proposal becomes law, the Deputy Director of the Central Intelligence Agency would become a four-star general. That may very well be true, but remember that it would not be automatic. He would not be automatically upgraded.

How does one become a general? He becomes a general through appointment by the President and approval by the Senate. What is the cost of this proposal? It could very well be zero, depending upon the President's options. In any event, it could not cost more than \$8,400 annually.

It has also been suggested that there are too many generals in the services. While I am not persuaded in this matter, I will be pleased to join with my colleague, the gentleman from New York, in committee to review all general positions with a view toward correcting any excesses which may exist.

This is not the issue before us today, however, Mr. Speaker. The issue here is shall there be equity among the services

and shall the President have the benefit of the broadest possible selection and options in filling positions.

Mr. Speaker, I urge support of this resolution.

Mr. PIKE. Mr. Speaker, will the gentleman yield for a question?

Mr. DANIEL of Virginia. I will be pleased to yield to my good friend from New York.

Mr. PIKE. Might we not achieve the equity in the services by accepting an amendment to this little bit of legislation saying that the other services should be reduced to the same ratio that the Marines have instead of raising the Marines to the same level that all of the other services have?

Mr. DANIEL of Virginia. I have already said that I will be pleased to join with my colleague from New York on the committee to review the general positions and, if they are found to be in excess, we can act upon it at that time.

Mr. PIKE. Would the gentleman yield for an additional question?

Mr. DANIEL of Virginia. I will be delighted to yield to the gentleman.

Mr. PIKE. If we have got to go from two Marine Corps generals to an authorization for four Marine Corps generals, my question is how on earth do you suppose we ever won World War II when we had only one?

Mr. DANIEL of Virginia. Authorization and appropriation, as the gentleman knows, are two entirely different things, and the same applies here. They can be authorized but not necessarily appointed.

Mr. PIKE. Will the gentleman yield for an additional question?

Mr. DANIEL of Virginia. I am glad to yield to the gentleman.

Mr. PIKE. Do you think for one minute that they will not appoint these generals as soon as they are authorized to do so?

Mr. DANIEL of Virginia. I hope that will not be the case and the generals will be appointed.

Mr. CONABLE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I suppose as a former marine, if there is such a thing as a former marine, and I am not sure that our enthusiasm as former marines is relevant in the instant bill. I have a splendid speech here which is largely repetitive of what has already been said.

We have before the House today H.R. 6483, a bill which would amend section 5232 of title 10 of the United States Code to provide authority for the appointment to the grade of general Marine Corps officers designated for appropriate higher commands or for performance of duties of great importance and responsibility. Under the provisions of the bill, the total number of Marine Corps officers designated to serve in the four-star grade would not exceed four.

I feel that there are several substantial reasons for favorable action on this bill.

One important factor is the obsolescence of present law governing the appointment of Marine Corps officers to the grade of general. According to the United States Code, only three officers of the Marine Corps may serve in the grade of

general. They are the Commandant of the Corps, the Assistant Commandant, and the Chief of Staff to the President. In the latter two cases, there are severe limitations on appointment. The Assistant Commandant may hold the rank of general only if, at the time of his appointment to the post, the strength of the Corps stands at 200,000 or more men, and then only at the discretion of the President. The Chief of Staff is a position which has not been used since the Second World War.

At the present time, only the Commandant and the Assistant Commandant of the Marine Corps hold the rank of general and there is no functional provision for the appointment of additional officers to that rank, even under emergency conditions.

This is the source of a serious inequity with respect to the other branches of the military. The Army, the Navy, and the Air Force all have provisions for the appointment of officers to the grade of general for the performance of special duties. For example, an officer of any of these three branches may serve at the head of a joint or unified command of military forces.

However, because of the limitation placed on the number and function of Marine Corps generals, no Marine officer may serve at the head of such a command—even if the majority of the forces involved are Marines, or even if a Marine officer is the most qualified man for the position. The bill before the House would end this archaic inequity and would enable the President to appoint qualified officers from any of the four branches to positions of importance and responsibility.

Passage of this bill would not mean an immediate increase in the number of general officers currently authorized for the Marine Corps. The appointment of one or two general officers to special duty at the rank of general would merely decrease, by a corresponding number, the number of general officers at a lower grade. The present authorization of 76 general officers would remain the same.

In other words, by the appointment of one or two additional generals, the ratio of four-star generals to total Marine Corps strength would be brought to a figure approximately equal to that of other services, while the ratio of general officers to total strength would remain at its present level, which is the lowest of the four branches.

It is also worth mentioning the financial impact which the bill would have. The additional salary which would accrue to a general officer upon promotion from the three-star to the four-star grade is approximately \$350 per month or about \$4,200 per year. This sum represents a modest expense, especially when weighed against the momentous duties which would be performed by a Marine Corps officer promoted to the grade of general under the conditions outlined in this bill.

In summary, by providing authority for the appointment of additional Marine Corps officers to the grade of general, this bill would eliminate an archaic restriction on the number and function of Marine Corps generals and would enable the

President to select, for positions of great importance and responsibility, the very best qualified officers available, regardless of the uniforms they wear. Considering the great dedication of the Marine Corps to the defense of America and the high caliber of Corps leadership which augments and directs that dedication, I feel that it is unquestionably in the national interest to take full advantage of the kind of leadership offered by the Marine Corps. I therefore strongly urge passage of H.R. 6483.

The SPEAKER pro tempore (Mr. Boggs). The question is on the committee amendment.

The committee amendment was agreed to.

Mr. FISHER. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

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

The bill was passed.

A motion to reconsider was laid on the table.

#### OBSCENE MAIL CATEGORY FOR MINORS AND POTENTIALLY OFFENSIVE SEXUAL MATERIAL

Mr. NIX. 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. 8805) 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 improve the protection of the right of privacy by defining obscene mail matter, and for other purposes.

The SPEAKER pro tempore (Mr. Boggs). 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. 8805, 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 Pennsylvania (Mr. Nix) will be recognized for 30 minutes and the gentleman from Iowa (Mr. Gross) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Nix).

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

Mr. Chairman, H.R. 8805 was ordered reported by the Post Office and Civil Service Committee by a vote of 17 to 2 and was supported unanimously in the Subcommittee on Postal Facilities and Mail. This bill and an identical bill were cosponsored by 19 members of the committee.

The bill has three purposes:

To create a new category of nonmailable obscene matter with respect to minors;

To define the term "obscene" with respect to matter that is mailed, imported, broadcast, or transported in interstate commerce; and

To provide mail patrons with a means not to receive "unsolicited potentially offensive sexual material."

The bill will add three key definitions to the United States Code.

These are definitions of what is: harmful to minors; obscenity; and potentially offensive sexual materials.

#### HARMFUL TO MINORS

The minors provision prohibits the use of the mails to make a sale, delivery or distribution or offer thereof, to minors under 17 years of age, or to residence in which such a minor resides, or matter which depicts or describes nudity, sexual conduct, or sadomasochistic abuse in a manner harmful to minors.

#### OBSCENITY

The bill further prohibits the use of the mails to make a sale, delivery or distribution or offer thereof of obscene matter. Obscene is defined as having a predominantly prurient appeal, when considered as a whole by contemporary community standards. The term "prurient interest" is also defined as including "a shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation." This definition of prurience also includes the concept of patent offensiveness set out in Justice Harlan's decision in the case of *Manual Enterprises v. Day* (370 U.S. 478, 1962). The definition of the term "obscenity" is extended to criminal laws under chapter 71 of title 18, relating to mail matter, importation into the United States, and transportation in interstate and/or foreign commerce.

#### PRIVACY PROVISIONS

Under the privacy provisions of the bill a mailer of potentially offensive sexual material is required to place a symbol on the envelope when he sends such material unsolicited to an addressee. Recipients of such material may either destroy it or send it back to the post office marked "refused". Mail patrons who do not wish to receive unsolicited mail bearing the symbol may notify the Postmaster General who will devise procedures to prevent delivery of such mail. Violations will be a misdemeanor. Fines of up to \$50,000 may be assessed.

#### BACKGROUND

The minors provision is based in concept on a New York Supreme Court Statute which was upheld by the U.S. Supreme Court in *Ginsberg v. New York* (390 U.S. 629, 1968).

The definition of the general term obscenity is identical to that proposed by the minority of the President's Commission on Obscenity and Pornography.

The provisions of the privacy section of the bill, section 3014, are similar to a tentative draft of obscenity legislation incorporated as appendix C in "Progress Report" of the Commission on Obscenity and Pornography, approved June 5, 1969.

#### COST

No additional cost will result from the application of definitions of obscenity or matter harmful to minors. We have no information on which to estimate additional cost resulting from the application of the privacy provisions of the bill.

#### SOURCE

The minors' provision, section 3012, is substantially identical to title I of H.R. 15693, which was passed by the House of Representatives in the 91st Congress, with no action by the Senate. Section 3013 is very similar to H.R. 19541, which was introduced in the 91st Congress and on which hearings were held. Section 3014, the privacy provision, is identical to H.R. 13585, which was introduced in the 91st Congress by Mr. Henderson. Hearings were held on this bill among others.

#### OPPOSITION

The American Civil Liberties Union is opposed to the minors' and definitions' provisions of the bill, without having had the opportunity to take a position on the privacy provisions of the bill. The Postal Service objects to the administrative burdens which would be placed on it by the privacy provisions of the bill and, while approving of the goals of the minors' provisions, prefers the administration bill, H.R. 2330.

#### SUMMARY

There are several provisions of existing law which restrict the sending of obscene matter through the mails which will be strengthened by this legislation.

Section 3001 of title 39, United States Code, provides that obscene matter, as described in section 1461 of title 18, United States Code, is nonmailable. These provisions, read together, have not been effective in that no provision of Federal law provides a definition of the term "obscene." As a result, the courts have supplied definitions for this term.

In addition, Federal law does not provide a separate definition of that which is obscene to minors.

H.R. 8805 attacks this problem in two ways.

First, the new section 3012 establishes definitions of "obscene" matter that will be nonmailable to minors under the age of 17 years of age, consistent with the Ginsberg against New York decision.

Second, the new section 3013 provides a definition of "obscene" matter for general application under the Federal laws which will be applied to distribution of matter through the U.S. mails.

Also, section 5 of the bill, the same definition of "obscene" is applied to the criminal laws under chapter 71 of title 18, relating to mail matter, importation into the United States, transportation in interstate or foreign commerce, or broadcasting.

Section 6 of the bill will apply the same definition to the provisions of the Tariff Act of 1930 (19 U.S. Code 1305), relating to the importation of "obscene" matter.

H.R. 8805 attacks the privacy problem in section 3014 of the bill.

The new section 3014 proposed in H.R.

8805 affords postal patrons a means to prohibit the delivery to them through the U.S. mails of "unsolicited potentially offensive sexual material." The legislation permits the postal patron to notify the Postal Service that he does not wish to receive such mail and the Postal Service is required to establish procedures to prevent the delivery of such mail to any person who has filed such notice. Any person who mails unsolicited potentially offensive sexual material is required to place on such mail a symbol to be prescribed by the Postal Service, and the Postal Service is required to establish appropriate procedures to prevent the delivery of mail carrying such a symbol to any person who has filed a notice that he wishes not to receive that type of mail.

Mr. Chairman, I urge passage of the bill, H.R. 8805.

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

Mr. Chairman, I rise in support of H.R. 8805 and to commend my colleague from Pennsylvania, the chairman of the Subcommittee on Postal Facilities and Mail, for his continuing effort to develop and enact antiobscenity legislation. While I can speak only for myself, Mr. Chairman, I want to point out that this legislation comes to the House with the unanimous backing of the Republican members of our committee, and I can recommend its enactment without reservation.

The features of this legislation have been explained in detail, and so I will not elaborate on the mechanics of the bill. I will reemphasize, however, the three major purposes of the bill:

To create a new category of nonmailable obscene matter with respect to minors;

To define the term "obscene" with respect to matter that is mailed, imported, broadcast, or transported in interstate commerce; and

To provide mail patrons with a means by which they can insulate their households from unsolicited "potentially offensive sexual material."

These three features give important and needed bolstering to existing law, and primarily give added protection to minor children whose lives can be irreparably damaged by the pornographic material which continues to circulate through the mails.

The provisions of the bill relating to obscene material mailed to minors is not new to the House. They were contained in legislation which passed the House overwhelmingly in the 91st Congress, but unfortunately died in the other body. Therefore, I hope that the House will reaffirm its position on this issue.

The remaining provisions of the bill are, I believe, soundly written and reflect the attitude of the American public against the proliferation of obscene matter.

Mr. Chairman, I suggest we would be delinquent if we in the Congress did not recognize the moral decay which is fostered by the current flood of pornography and take some action to stem this flood, at least as it infiltrates our homes through the U.S. mails. I urge that this legislation be promptly approved.

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Mr. NIX. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I appear in full and in enthusiastic support of the pending legislation, H.R. 8805.

It was ordered reported June 3 by a 17-to-2 vote of our Committee on Post Office and Civil Service. The reported bill represents a "clean" bill from the Subcommittee on Postal Facilities and Mail after hearings earlier this year.

H.R. 8805 incorporates in full the basic features of my bill, H.R. 2159, introduced earlier this year, as well as related bills which I sponsored in the 91st Congress.

Mr. Chairman, the scourge of obscenity and pornography in our Nation today has been the subject of much discussion and many sincere—though thwarted—efforts to impose controls.

I will take second place to no one on my continuing concern about the rights of the individual as laid down by the Constitution.

They represent the foundation upon which this Nation was founded.

Having made my position clear and unequivocal on that point, I turn now to the pending legislation.

#### MAIN POINTS OF BILL

To my mind, H.R. 8805 has two vitally important purposes:

First, it would create a new category of nonmailable obscene matter with respect to minors.

Second, it would define, for the first time in law, the term "obscene."

The jurisdiction of our committee is narrow in this very broad and depressing field of obscenity and pornography. We can deal only with that which goes through the U.S. mails.

Within that jurisdiction we are dealing here in particular with material sent through the mails and addressed to minors.

I have never received a letter from anyone in support of unrestricted mailing of smut to minors. I doubt that any of my colleagues have, either.

But I long since have lost count of the number of blistering letters which I have received from parents and other concerned persons about the flow of smut mail addressed to minors. The examples of smut mail sent to me are utterly sickening.

#### PUTTING BURDEN ON MAILERS

Hardly a week goes by that I do not receive an indignant demand from one of my colleagues here in the House asking what we can do to halt the flow of smut mail into homes where minors reside.

I do not know for sure where the peddlers get their mailing lists. We have had some indications, but that is not relevant here.

What we propose to do in this bill is to put the burden on the mailer to see that he does not send smut mail to minors.

And since some publishers and purveyors of filth have some difficulty in defining smut mail, we are offering a

clear definition of "obscene" to become part of the law of the land.

These legislative approaches are separate but crucially related. One without the other will not be nearly as effective. We need and must have both.

Mr. Chairman, for the information of the Members I would like to elaborate a little on the specifics of these items in the pending bill.

#### CREATING SPECIAL CATEGORY

The first purpose I mentioned would establish a special category of nonmailable matter, comprised of certain sexually oriented material mailed to minors under 17 years of age or to a residence where such a minor resides.

This category would include all types of material which on the whole is harmful to minors and which depicts or describes verbally nudity, sexual conduct, or sadomasochistic abuse. These are further defined in the bill.

Any person who is convicted of violating these provisions would be subject to criminal sanctions. An initial conviction, for instance, could entail a term of confinement of up to 5 years and a maximum fine of \$5,000.

There can be no question in the minds of decent Americans as to the necessity for these provisions.

Make no mistake about it. We are not dealing with idealistic or well-meaning believers in free expression. We are confronting purveyors of filth and smut whose sole purpose is personal enrichment at the expense of our youth.

#### A BLOW TO SMUT PEDDLERS

Passage of these provisions will not damage or threaten freedom of expression, but it most certainly will dent the pocketbooks of merchants of pornography.

The second purpose of this bill is to define in a clear-cut and unmistakable manner the word "obscene."

The necessity for such a clarification is obvious. Each of us who has been involved in the judicial or legislative process concerning obscene matter knows the utter confusion and frustration resulting from a lack of clear-cut definition.

The absence of an unmistakable statutory definition has subjected legal proceedings to the mercy—or lack of it—of judicially enunciated guidelines. These have served as a basis for a myriad of so-called obscenity decisions which not only are varied but also, in many cases, are contradictory.

#### POLICE, JURISTS HAMPERED

As a result, law enforcement officials are necessarily restrained in their fight to police illegal activity in this area.

Prosecutors are frustrated in their efforts to pursue prosecutions.

Jurists are practically helpless in convicting the filth mongers.

It is no small wonder that the smut peddler has found his Utopia.

Having a clear, legal definition of obscenity for the sake of judicial uniformity would be sufficient justification in itself for enactment of the pending bill. But we should not stop there.

The Members are well aware by now of the controversial report issued last

fall by the President's Commission on Obscenity and Pornography.

IN LINE WITH HILL-LINK REPORT

A few days ago, I sent each Member a copy of the Hill-Link minority views from that Commission's report. The pending bill follows in line with that very excellent Hill-Link minority report.

Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX), under whose leadership this measure has reached the floor so promptly in this session of the Congress.

The gentleman from Pennsylvania and his colleagues on the subcommittee, as well as the other members of the full committee, are vitally concerned with halting the flow of smut mail.

I hope that my colleagues in the House will give resounding support to the pending legislation when it comes to a vote.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. McCLURE).

Mr. McCLURE. Mr. Chairman, today this body is again being called upon to vote on legislation to curb the flow of obscenity and pornography through the mails. As with other antiobscenity measures, this legislation (H.R. 8805) is both timely and needed.

Throughout the country we have heard voices, some official and unofficial, telling us that obscenity and pornography is not harmful, is somehow desirable, and therefore should be freely available. Be that as it may, we are also aware of the voices of our constituents strongly raised against the use of the U.S. mails as the disseminating vehicle of this material. They are not advocating the repeal of the antiobscenity statutes on the books, but rather are urging more restrictive laws to stop the smut merchants.

As an example of this attitude, Mr. Chairman, in 1970, the public filed with the Post Office Department 284,266 formal complaints because of receipt of unsolicited pandering advertisements. Included were 195,704 requests for prohibitory orders.

The pandering advertisement statute, which was enacted in 1967, provides a means whereby the recipient of an advertisement for material he, in his own judgment, considers erotically arousing or sexually provocative may obtain an order prohibiting the mailer from sending him any further mailings.

On February 1, 1971, certain provisions of the Postal Reorganization Act became effective designed to stop the mailing of pornographic advertisements, as defined in the law, to those persons who do not wish to receive them. As of April 21, 1971, the U.S. Postal Service has received 170,500 applications from persons invoking the provisions of this law. This in and of itself strongly indicates to me that the American public does not wish to be bombarded with pornographic materials.

The details of H.R. 8805 have already been fully explained, so I will not take up any more time to reiterate what has been said. I only wish to say this legislation will complement the obscenity statutes on the books.

Mr. Chairman, I cannot stress too strongly the necessity for passage of this legislation. Many Members and thou-

sands upon thousands of decent citizens do not agree that constitutional guarantees of free speech necessarily should protect this material and desperately want stronger laws. Our committee, however, is seeking here to take steps we believe will be upheld by the courts. I urge the passage of this bill.

Mr. NIX. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina, a valuable member of the full committee (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding this time. I take a moment to commend him, the members of the subcommittee, the chairman of our full committee who introduced the bill before us today, and Members on both sides of the aisle for the very hard and difficult work which has been done to bring to the House today what I consider to be an effective piece of legislation to deal with a most difficult problem facing our Nation. I am quite sure the overwhelming majority of the Members of this House will support this bill.

Mr. Chairman, I rise to support the bill H.R. 8805, and specifically in support of section 3014 of H.R. 8805.

This section which contains, essentially, the language of H.R. 13582, 91st Congress, does two things that are not done by present law or by other provisions of H.R. 8805.

First, it establishes a procedure by which all unsolicited mail containing sexually oriented matter is readily identifiable. Many mailers already publish warnings on the outside of the envelopes and say at the outset that anyone who would be offended can return the mail unopened. This provision would extend this practice to all of such mail.

Second, it gives the mail patron a procedure which completely guarantees his right not to receive unsolicited sexually oriented mail. One of the chief reasons why the Supreme Court has consistently knocked down antismut laws is the concept that the sender has a right to disseminate information which is guaranteed by the Constitution. This section would attempt to meet that argument by protecting the equally important right of the mail patron not to receive.

Under present law, the mail patron has nothing except after-the-fact protection. If he receives sexually oriented mail and it is offensive to him, he can insist that it be sent back. He can have his name removed from mailing lists. He can even have his name put on a master mailing list, but in the final analysis, there is not a procedure established to guarantee that he will not receive the mail, and if he does, he can only seek prosecution against the offending mailer.

This section, which was included in the bill at my insistence, directs the Postmaster General to establish a mark or symbol which is required to be placed by the mailer on the outside of every piece of mail containing sexually oriented matter.

Then, it gives to every mail patron the right to have his name and those of minor members of his household placed on a local list to be maintained at his local post office. Then any mail carrying

the symbol will not be delivered to him or them.

This provision was specifically recommended by the President's Commission on Obscenity and Pornography, and while it may not be a complete answer, we should add it to our arsenal of weapons. If the Supreme Court declares a part of our laws unconstitutional, we want to have others in reserve. It can be argued that, to some extent, a part of this section is a duplication of similar laws, but, in my judgment, it is sufficiently different to warrant enactment as a part of this bill.

It places the emphasis where, in my judgment, it belongs; namely, on protecting the right of the mail patron not to receive instead of protecting the supposed right of the mailer to disseminate information under the first amendment.

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

Mr. HENDERSON. I am delighted to yield to the distinguished gentleman from Illinois.

Mr. MIKVA. The gentleman is referring, I assume, to section 3014, which appears on page 9 of the bill?

Mr. HENDERSON. The gentleman is correct.

Mr. MIKVA. As I read that, it says it is the purpose of the section to afford recipients the option not to receive unsolicited potentially offensive sexual material.

My question is: How are we ever going to send this bill to anyone?

Mr. HENDERSON. Any way you describe obscenity, even in the best medical and legal language, could itself be described as obscene or offensive.

Mr. MIKVA. We are talking about potentially offensive language and not obscene language here. I call your attention to the language that appears on page 4 where you talk about homosexuality, genitals, and pubic areas.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NIX. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MIKVA. Will the gentleman yield further?

Mr. HENDERSON. Yes. I yield to the gentleman.

Mr. MIKVA. Would not that language be potentially offensive to some people? It certainly would be to some people in my district.

Mr. HENDERSON. I think it would be. You certainly highlight the very problem that we have in the legislature, where we are continually faced with a problem of devising a statute that meets all of the objections of our people and yet be a statute that will pass the constitutionality test in the courts.

Mr. MIKVA. If I may say so—and I do not say this facetiously—I am afraid that we have created a dilemma here where in the very bill we pass we cannot notify our constituents about it because sending that bill through the mails will violate the very act that we have enacted. So for that reason, if for none other, I will continue to vote no on this type of legislation.

Mr. HENDERSON. If I have any constituents that will be offended by the legislation, I would like by this action of

the House to give them the right not even to receive the law they consider offensive.

I thank the gentleman for yielding me the additional time, and I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Chairman, just about every time we turn around we are being told that our air and our lakes and rivers are polluted. It is an important problem. But, I believe, of equal importance is the question of "moral pollution."

In the last decade, we witnessed a burgeoning growth of the pornography industry in the United States. Its influence has reached every form of expression.

The effects of exposure to pornography are being felt by people of differing philosophies and there is a growing uneasiness, even among civil libertarians, as to its eventual results.

Mr. Chairman, since H.R. 8805 deals exclusively with the nonmailability of pornography, the question has been raised by some as to the reason to think that anyone was ever corrupted by a book. Of course, if we believe that no one is ever corrupted by a book or printed material, we might also reason that no one is ever improved by a book or printed material. I cannot subscribe to this kind of reasoning.

It is time to put a stop to the smut peddlers and, I believe, this bill, H.R. 8805, will provide added protection to the public, generally. However, the main thrust of this proposal is directed against the smut peddlers who focus their sales efforts toward minors. It has been said that "children cannot grow in love if they are trained with pornography. Pornography is loveless; it degrades the human being, reduces him to the level of an animal."

Mr. Chairman, I urge the passage of this proposal to rid our Nation's mail boxes of unwanted salacious material and especially to prevent it from coming into the hands of youngsters under 17 years of age.

Mr. NIX. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Chairman, I sort of feel like the man who is at a sad movie, and so I will not take the full 5 minutes allotted to me and will not seek to break up the harmony that everyone seems to have expressed for this bill.

I merely want to say that I feel more concerned about the books that kids do not read than I am about the books that kids do read.

I think that this proposal which almost, but not quite, tries to throw down the gauntlet to the Constitution of the United States and the Supreme Court in terms of interpreting the Constitution of the United States and this bill which seeks to remedy a problem in a way that it cannot be remedied and this bill which seeks to impose this Congress as some kind of a superparent to do the things that will be either done in the family or not done at all and this bill which seeks to substitute something by way of insignia and symbols for the substance of morality, I really think is wide of the mark.

However, rather than bore my colleagues with the full 5 minutes, I merely ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the bill, H.R. 8805. It is an obscene bill, patently offensive and utterly without redeeming social importance.

Let us first be absolutely clear about what the bill would do. First, it would remove all discretion from parents as to the extent of freedom they wish to allow their children in viewing or reading artwork, photography, or literature which deals with sexual themes. This is done with blithe disregard for the substantial body of evidence and opinion, most recently affirmed in the report of the President's Commission on Obscenity and Pornography, that sexually explicit materials are not in any way related to antisocial conduct, and in fact may reduce antisocial conduct by removing the "forbidden fruit" excitement from sexual behavior.

The second thing which the bill would do is substantially broaden the definition of what is obscene and unmailable, trampling on the first amendment in the process. In my opinion, the bill as drafted is unconstitutionally vague and overbroad. Under the proposed definition in section 3013 of the bill, material is obscene if it is held to appeal to the prurient interest of the censor, regardless of its social importance as art, literature, or an expression of thought. Matthew Arnold once warned that in the battle between the literati and the Philistines, the Philistines will always win. This bill increases their odds of victory a thousand fold. It would encourage us to be a sniggering society of sexual ostriches, who stick our heads in the sand and pretend that the most important central human fact does not exist as a dynamic social force.

The third thing H.R. 8805 does is to impose an unconstitutionally vague and unjustifiably expensive system of postal restrictions on material which is not obscene, even under the newly expanded definitions of this bill, but which is merely potentially offensive. This includes just about every reference to or portrayal of any natural human function or body part, according to the statutes. In fact, under the terms of this statute, I have serious doubts as to whether the bill itself and the committee report which accompanies the bill could be freely sent through the mail. The definitions of "nudity" and of "sexual conduct" on page 4 of the bill are pretty explicit stuff.

These are the three principal things this bill would accomplish. In the name of what great good and urgent need are we asked to charge forth? To tilt against a windmill which none but the most confirmed Don Quixote would still envision as a live, breathing dragon—the terrible antisocial effects sexually explicit material allegedly has on the tender minds and hearts of our people. Many of us have been pleading for years that this emperor has no clothes. I, for one, had

hoped that the paper dragon had been slain after the Commission on Obscenity and Pornography confirmed, after considerable study, what every previous analysis had shown—namely, that exposure to sexually explicit material bears no colorable relationship to antisocial behavior, and in fact may do some people some good.

If the bill were only foolish and hypocritical, I would not be so concerned; but legislation like this serves to detract from more productive efforts to improve our laws and our society. It clutters up our statute books with imaginary solutions to imaginary problems, all the while consuming resources which are urgently needed for providing real solutions to real problems.

The Chief Justice and the Attorney General have recently joined the list of distinguished men of the law who have called for a more rational use of the criminal law. At present we clutter up not only our statute books but our courts and our jails as well with people who have committed victimless crimes. We have over used the criminal law to try to affect private, personal conduct which harms no one but the actor. More than 50 percent of all our criminal justice resources are wasted on branding as criminals alcoholics, draft resisters, drug abusers, homosexuals, adulterers, and others whose undesirable conduct hurts no one but themselves and whose only crime is their offensiveness to the moral sense of the lawmakers. The criminal law is not the best tool for protecting people from themselves. Particularly in the arena of private morality, including obscenity, it is an absurd and criminal waste of scarce resources to prosecute as criminals those whose conduct does not demonstrably injure anyone.

The Post Office opposed enactment of this bill before us because, as they state on page 12 of the committee report:

The anticipated benefits to be received from the legislation would (not) be commensurate with the burden it would impose on the Postal Service and the delay it would cause in mail delivery.

This is putting it gently. The mail is already costly enough and slow enough. Do we really need to bog it down further by imposing on the Postal Service the job of playing Sancho Panza to our Don Quixote as he wanders about the countryside rescuing unlikely damsels from imaginary harms?

Mr. Chairman, surely we can figure ways to exercise our legislative mandate in more responsible and more productive ways.

I urge my colleagues to vote down this bill which pretends to protect the privacy of our people while in fact trampling on the Constitution in the process. If the bill merely expanded existing protections against receiving unwanted junk mail, I would support it. But I cannot support the expanded definition of obscenity contained in section 3013 which would stifle legitimate, meritorious material, and the unconstitutional prohibitions contained in section 3014 against the dissemination of material which is not obscene and is therefore entitled to protection under the first amendment.

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

Mr. MIKVA. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. The gentleman is not boring all the Members of the House. I think his remarks are quite accurate and I must join with the gentleman in support of hopefully trying to begin to get the message across to this body that the Constitution should be honored by the legislators in this House. I do not think we are doing it here.

Mr. Chairman, as the gentleman from Illinois has so appropriately stated, perhaps some day we will begin to concern ourselves with the real questions that are involved in educating our young people in this country.

This bill has two basic provisions both of which I oppose on the grounds that they seriously infringe the first amendment rights of both readers and publishers.

Title I of the bill would ban from the mails sexually oriented materials deemed "harmful to minors." I firmly believe that the Government should not use its powers over the mail to make judgments about what kinds of material can be distributed. The proper place for this decision is in the hands of the minor's parents, not in the hands of the Government. Moreover, to curb the risk that such mail will fall in the hands of minors this bill would have a "chilling effect" on its distribution to adults even though distribution to adults is both legal and constitutionally protected.

Title II of the bill would incorporate into Federal law the definition of "obscene" recommended by the minority of the President's Commission on Obscenity and Pornography. Any material found to appeal to the prurient interest would automatically be deemed to be "utterly without redeeming social value." The very purpose of the first amendment is to insure that ideas are allowed to circulate. This bill, however, would allow "appeal to the prurient interest" to totally invalidate the presence of "social value." It is just this kind of overbroad restraint against which the first amendment was erected. Moreover, enacting this definition into law would entirely ignore the findings of the majority report of the President's Commission which recommended doing away with the Federal ban on obscene materials for adults. In contrast, this bill would expand the scope of that law. I do not believe that the Congress should act totally contrary to the carefully researched findings of the Commission in this way. Moreover, I believe the conclusions of the Commission to be sound and would urge us to follow them instead.

In further support of my views, I would like to insert at this point, excerpts from a letter by Mr. Lawrence Speiser, former director of the Washington Office American Civil Liberties Union:

As H.R. 8805 comes to the floor of the House, we urge you to give careful consideration to the serious infringements on protected First Amendment rights—of both publishers and readers—which will result from enactment of this bill.

As seems to be the case with many anti-

obscenity bills H.R. 8850 establishes extremely vague standards of conduct and enforces compliance with them through the imposition of severe criminal penalties. The bill greatly blurs the present distinction between "obscene" and "non-obscene" material by omitting certain key words from the definition of "harmful to minors" approved by the Supreme Court in *Ginsberg v. New York*, 390 U.S. 629 (1968). Under this weaker standard, it will be extremely difficult for a publisher to locate with any accuracy the line between permissible and non-permissible material. His errors of judgment will be punished by heavy fine and long imprisonment.

Moreover, a publisher is required to examine his often enormous mailing lists to identify with certainty each and every residence which might contain minors. A single mistake in even a good faith attempt to draw up an accurate list—a task which itself may well be impossible—can result in severe criminal penalties. Furthermore, the bill establishes an arbitrary presumption that all mail not personally addressed to an adult is intended for the minor who resides there. This arrangement will result in prosecution of publishers who had absolutely no intention of violating the law. The very basic scienter requirement needed to make the imposition of criminal sanctions constitutional is therefore lacking. See *Smith v. California*, 361 U.S. 147 (1961).

In its effort to stop the flow of objectionable material to minors, H.R. 8805 has an unconstitutional impact on the flow of material protected by the First Amendment. First, by altering the definition of "harmful to minors," the bill significantly waters down the Supreme Court standard of "obscenity" so that material protected under both *Roth v. United States*, 354 U.S. 476 (1959) (adults) and *Ginsberg v. New York*, supra (minors), would be barred from the mails. Even more seriously, although the bill purports to outlaw or ban only materials "obscene" with respect to minors, it will have a sharp inhibiting impact on persons wishing to mail to adults material admittedly not obscene for adults and thereby protected under the First Amendment. Not wishing to chance the accidental delivery of such materials to a residence containing a minor, the sender will be forced to limit the unsolicited mailing of such materials to every household only to that which is not obscene for minors. However, the Supreme Court, in *Butler v. Michigan*, 352 U.S. 380 (1957) has firmly rejected, as 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.

Mr. Chairman, again I congratulate the gentleman from Illinois and commend him for his remarks.

Mr. MIKVA. I thank my colleague from Michigan for his contribution.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding, and I rise in support of H.R. 8805.

Mr. Chairman, the question before us is whether we as a legislative body can effectively deal with the problem of obscenity and pornography through the mails. I believe we can, through the enactment of H.R. 8805, the bill under consideration.

The need for legislation is apparent. There is probably not a Member in this body who has not received a good many irate complaints from constituents objecting to the receipt of unsolicited smut

materials. And, we have all had the opportunity to review such material. It is not very pretty. Most of it is pure unadulterated garbage which reduces human beings to animals of the lowest level. In a word, it is disgusting.

Mr. Chairman, in recent years, our Post Office and Civil Service Committee has sensed the urgency to stop the traffic of smut through the mails and, as a result, two laws are presently on the books. The Anti-Pandering Act—Public Law 90-206—authorizes postal patrons receiving a pandering advertisement to request that no further mailings from that mailer be sent to their home. Under this law, the postal patron is the sole judge of the offensive nature of the advertisement. It prohibits mailers from ignoring such requests under penalty of law. The constitutionality of this act has been upheld by the U.S. Supreme Court in *Rowan* against United States Post Office Department.

The Postal Reorganization Act—Public Law 91-375—provides postal patrons an opportunity to register with the Postmaster General their desire not to receive sexually oriented advertisements from any mailer.

These laws are working, but the President has requested and the public demands further protection of our youngsters and additional means under which concerned adults can register their objection to receiving obscene and pornographic materials in the mails. H.R. 8805 serves this purpose and will complement the laws on the books.

Mr. Chairman, the right to protect one's home from unwanted, uninvited pornographic material is paramount. Therefore, I urge prompt approval of this legislation.

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

Mr. GROSS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank the gentleman from Iowa for yielding.

I rise in support of H.R. 8805. It is similar to a bill which passed the House during the 91st Congress, but unfortunately was lost in the legislative logjam experienced in the other body late last year. Mostly, I want to take the time to express my deep appreciation for the dedicated and persistent efforts of the gentleman from New York, Chairman DULSKI, and the gentleman from Pennsylvania, Chairman NIX, for their efforts to find workable laws that the Postal Service can use in dealing with pornography. It is my judgment that the root cause of many of the problems in our country is the erosion of our moral fiber. The recent deluge of smut material is a threat to our moral well-being. I feel many of our problems stem from a moral decay which threatens to overcome feelings of concern for the rights of individuals and feelings of patriotism. So, I compliment the gentleman from New York (Mr. DULSKI), chairman of the Committee on Post Office and Civil Service; and the gentleman from Pennsylvania (Mr. NIX), the chairman of the Subcommittee on Postal Facilities and Mail; and Mr. H. R. GROSS, the ranking Republican of the House Post Office and

Civil Service Committee and all members of this distinguished committee whose perseverance on this serious problem is surely in accord with the views of the majority of the American people and will receive their wholehearted support.

At the appropriate time I will offer an amendment designed to add a tool to the authority of the Postmaster General to make it unlawful to use the mail to send money for obscene materials. The amendment is to meet objections of a Supreme Court decision on January 14 of this year which held unconstitutional section 3006 in its present form. Section 3006 may be found in the report accompanying H.R. 8805. Basically, my amendment is in response to suggestions of the Supreme Court concerning guidelines as to an appropriate method under which the Postmaster General may halt the use of the mails and of postal money orders for commerce in obscene materials. If we can devise ways to reduce the profit, we will reduce the flow of smut material.

Mr. GROSS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I rise in support of H.R. 8805.

Mr. Chairman, in a postscript to United States against Reidel, a case involving the constitutionality of section 1461 of title 18, United States Code which prohibits the knowing use of the mails for the delivery of obscene matter, the majority of the Supreme Court opined that—

There is developing sentiment that adults should have complete freedom to produce, deal in, possess, and consume whatever communicative materials may appeal to them and that the laws involvement with obscenity should be limited to those situations where children are involved or where it is necessary to prevent imposition on unwilling recipients of whatever age.

H.R. 8805 deals directly with this recommendation, and in addition, prohibits the use of the mails to make a sale, delivery or distribution or offer thereof of obscene matter. "Obscene" is defined as having a predominantly prurient appeal, when considered as a whole by contemporary community standards.

It also allows a mail patron who objects to receiving potentially offensive sexual material to notify the Postmaster General, who will devise procedures to prevent delivery of such mail.

Mr. Chairman, the mails must not be used to disseminate this filth that finds its way into the American home. It is an intolerable misuse of the mails. It must be stopped—now.

Mr. Chairman, much attention has been given this legislation and, I believe, its enactment will further help to slam the door in the face of the smut merchants throughout the United States.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Chairman, I support H.R. 8805 and urge its adoption by the House today. This legislation is similar to legislation I introduced and which the House passed in the 91st Con-

gress. Unfortunately, the other body did not act on the measure prior to adjournment.

The bill has three purposes: to create a new category of nonmailable obscene matter with respect to minors; to define the term "obscene" with respect to matter that is mailed, imported, broadcast, or transported in interstate commerce; and to provide mail patrons with a means not to receive unsolicited "potentially offensive sexual material."

Of all 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 pervasion. 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.

Using mailing lists derived from a number of legitimate sources, they flood the Nation with offers of hard-core smut which runs the gamut of photographs and written material which, a decade ago, would have been absolutely unmailable. Even the promotional material is obscene by practically any standard of human dignity.

I doubt if there is a Member of Congress who has not received letters from anguished parents, pleading for a way to keep this filth out of the privacy of their homes. They take the position that they should have the right to expect that at least the U.S. mails should be denied those who would make profits from pandering to the curiosity of the young. I agree with them, and I believe that H.R. 8805 fills their legitimate expectations.

The bill prohibits the use of the mails to make a sale, delivery, or distribution or offer thereof to minors of any obscene matter which is described in the bill. Moreover, with respect to unsolicited mail, the bill makes it easier for individuals to exercise an option to not receive offensive material in the first place. Mailers will be required to clearly identify the potentially offensive nature of an envelope's contents, and they will be responsible for seeing that their smut is not mailed to persons who fill out forms to be provided by the Postal Service.

Mr. Chairman, I believe this legislation ought to be passed because it stays within the constitutional parameters established by the Supreme Court, because it allows parents a measure of control over what is pandered to their minor children, and because it shifts a great deal of the burden of protecting decent people to the panders.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I rise today in support of H.R. 8805 which would amend and strengthen Federal postal laws dealing with offensive sexual materials. This new piece of legislation sets forth the mechanics which will be necessary to stem the flow of traffic in obscene materials. By defining the term "obscene," by requiring that sexually oriented advertisements sent through the mails bear an identifiable mark or

notice, and by providing that no materials so marked will be sent to any postal patron who has notified postal officials of his desire not to receive potentially offensive matter, we are providing the first meaningful protection for the postal patron.

One of my greatest frustrations during my years in Congress has been the fact that U.S. postal officials have not had the means of stopping the flow of potentially offensive materials. There will be some who will decry approval of this legislation by the Congress but in my opinion the slight social value in most sexually oriented materials is far outweighed by the interest which we, as Americans, have in order and morality in our country.

Mr. GROSS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, the legislation which we are considering today addresses several aspects of an area which is of deep concern to a great many of us. That is the distribution of sexually oriented material to our children and to those who have not asked to receive it.

In addition to having reservations about the substance of the bill, H.R. 8805 fails to treat one aspect of the pornography traffic which I believe should be dealt with. As presently drafted, the bill would permit a mail patron to reject certain explicit materials by requiring that they be identified by a symbol and by permitting postal patrons to advise the Postal Service to prevent delivery of such mail to them. It is my opinion that when only commercial advertisements are involved that the burden should be upon the distributor to assure that these offensive appeals are not delivered unsolicited. The administration has recommended legislation which would deal with this problem.

I had intended to offer an amendment which would have dealt with this situation by prohibiting any distribution of unsolicited salacious advertising by the use of the mails or other means of commerce. In part because there is some question as to its germaneness, I will not offer this amendment today.

I do, however, intend to press for action on the provisions contained in my amendment before the Judiciary Committee which is considering a bill, H.R. 2332, identical in terms with the amendment.

You may recall that just last year this body passed H.R. 11032 by the overwhelming vote of 322 to 4, a bill identical to the amendment which I had intended to offer and backed by the administration.

That action was taken after lengthy consideration and a favorable and unanimous report on the measure by the Judiciary Committee, of which I am privileged to be a member. Indeed, Subcommittee No. 3, on which I serve, held 14 days of hearings in which more than 150 antiobscenity measures were considered.

The record of the hearing made it quite clear that there is a tremendous volume of salacious advertising being disseminated to unwilling recipients and that there is urgent need for a strong remedy.

The American public needs and de-

serves protection from this type of material.

Congress has an obligation to prevent the unchecked flow of offensive and indecent materials into American homes.

I hope we are able to come back to this House in as short a time as possible with a salacious advertising bill which will provide us with an opportunity to close the door further on the pornography marketeers.

Let me just say this, Mr. Chairman, that I think the gentleman from Illinois and some of the other members of Subcommittee No. 3 were very careful in working out and meeting the constitutional definition of salacious advertising. I think that the value of that bill would have been that it would have prevented—and I repeated, prevented—the distributors of pornography from mailing any kind of advertising into our homes on an unsolicited basis. It seems to me this would have been a stronger bill and a better bill for that reason.

Mr. DERWINSKI. Mr. Chairman, H.R. 8805, a clean bill which I cosponsored, and which was reported out of our Post Office and Civil Service Committee by a vote of 17 to 2, effectively deals with the problem of the carriage of obscene and pornographic matter in the mails.

It is basically the same as another bill I cosponsored, H.R. 2159, except for the additional language requiring the mailer of potential offensive sexual material to place a symbol on the envelope when he sends such material unsolicited to an addressee. Mail patrons who do not wish to receive unsolicited mail bearing the symbol may notify the Postmaster General, who will take the necessary steps to prevent delivery of such mail.

Mr. Chairman, over the years our committee worked continuously to deal with this important issue. In the last Congress, the House passed H.R. 15693 which would have substantially helped to increase the public's protection from unwanted and uninvited obscene material through the mails. However, because of a number of reasons, the other body failed to act on this comprehensive proposal and instead amended the Postal Reorganization Act to include only a part of H.R. 15693. And while this action was a step in the right direction in preserving the sanctity of the family's mailbox, it failed to fully protect the minor, 17 years of age or younger, from being exposed to these mailings.

This, I believe, is what is at stake. And this legislation is, I believe, responsive to that void.

In brief, it will prohibit the use of the mails to make a sale, delivery, or distribution to a minor, or an offer for a sale, delivery, or distribution to a minor, of obscene matter defined in the bill. It further restricts any such mailings to a residence in which a minor resides unless such material is contained in a sealed envelope or sealed wrapper which conceals completely the contents, and unless such material is specifically addressed to a person who is not a minor at that residence.

This provision is based in concept on a New York State statute which was upheld by the Supreme Court.

Mr. Chairman, the time to stop this unwanted, uninvited dissemination of sexually oriented material to minors through the mails is long overdue. However, I believe there is still time to arrest this problem. Therefore, I urge immediate approval of this legislation.

Mr. NIX. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of this bill and particularly I want to commend the gentleman from North Carolina (Mr. HENDERSON) for his contribution to it.

Mr. MURPHY of New York. Mr. Chairman, I rise in support of the legislation now being considered. As everyone in this body who has fought the smut merchants knows, the solicitation and advertising of pornography has largely been through the use of the U.S. mails and the actual sale and delivery has been almost entirely in interstate commerce. These two facts of life make it the concern of the Federal Government.

And there is no one in Congress who is not aware of this. Mail to Members of Congress on pornography has increased in direct proportion to the torrent of unsolicited smut mail received by their constituents.

As I read the protest, the public is no longer willing to tolerate the use of the mails and the channels of interstate commerce for the pandering and sale of obscene picture books and films to children and teenagers.

The point is rapidly being reached where concern for the yet-to-be-decided constitutional rights of pornographers is being outdistanced by the outrage of parents having the down-and-out filth of the ages hand delivered by a Government agency to children already tempted beyond their capacities by the uncertainties of the times, a burgeoning drug and narcotics traffic never imagined only a decade ago and a host of other pressures that have brought our young people to the point of revolt.

Concern for a proper atmosphere in which to bring up their children has moved thousands of parents in New York and the rest of the United States to write me that something be done about this problem.

Seldom do I receive more spontaneous, more serious, and more impassioned letters than from parents whose homes have been invaded by this filth.

It is easy to understand their anger. This mail is vile. It debases the human beings it portrays and those to whom the material is sold.

I do not believe it is essential to demonstrate clinically that pornography has bad effects on children.

It is not necessary to engage in philosophical speculation about the merits of true art and this counterfeit.

There is no merit in arguing the proposition that anything goes, as long as it is labeled free speech.

Private citizens must have the right to decide what kind of reading and viewing matter they will allow in their homes.

Unsolicited, unwanted pandering advertisements are pouring into private homes and schools. Complaints to the

Post Office Department reflect this increase. There were 52,263 citizens who voiced their disapproval of obscene mail in 1962. By 1966 the number quadrupled to nearly 200,000. In fiscal year 1969, 232,072 complaints were registered. About 35 percent of these complaints involved mail addressed to juveniles.

In 1967, Congress passed a law it hoped would solve this problem. Briefly, it prohibited the mailing of pandering advertisements offering for sale matter which a postal patron determined to be erotically arousing or sexually provocative.

The statute provided for the issuance of stop orders on the specific mailing determined to be erotically arousing or provocative and for the removal of the postal patron's name from that particular mailing list.

During the calendar year of 1969 there were a total of 392,782 complaints about offensive obscene mail made to the Post Office Department. Of these, 292,679 were requests for stop orders to be issued to mailers of pornography. Another 100,103 were simple complaints about the lewd mailings.

Unfortunately, these stop orders have not even put a dent into a business which flourishes to the tune of several billion dollars a year; 3,500 cases were referred by the Post Office Department to the Justice Department under the 1967 statute. Although 924 court orders have been entered since January 1970, not a single mailer has been convicted to date for failing to observe a court order to stop the mailings to a postal patron. Only one conviction has been achieved—against a corporation. So it is easy to see that the risk of conviction is slight and the fines are minimal when balanced against the huge profits of the pornography industry.

But there is really no reason for the pornographer to take a chance under the 1967 law. His list may contain 100,000 and if he removes a dozen or so names from that list he loses really nothing.

The 1967 law constituted an immense and unreasonable burden upon the citizen with little or no burden imposed upon the individual mailer. Thus, a postal patron could have his name removed from the mailing list of one distributor of pornography, but the same patron would have to request time and time again to have his name removed from the lists of other mailers.

Provisions in the Postal Reorganization Act of 1970 put more of the burden on the mailers of pornography. A citizen could request that the Post Office Department add his name to a list of those citizens who did not wish to receive any sexually oriented materials in his home. Those in the pornography business could then buy the list and cease mailing to those who had so requested.

But even this statute does nothing to stop that first unwanted and unwarranted intrusion into one's home of pornographic materials.

Its effect upon reducing the unwanted receipt of unsolicited pornography has been minimal at best.

The volume of this objectionable mail has grown and its content has changed drastically in the last 4 years. No longer are partially draped, tiny black and white photographs tucked into mimeographed

advertising copy. Slick color pages of completely nude figures depicting the gamut of sexual aberrations now insult the eye as well as the sensibility of any normal viewer.

This expensive promotion may escape the Supreme Court's pandering concept, but it surely cannot be defended when it is addressed to children. And it is being sent to children. One mailer I know about sent polished ads for the "Photographic Manual of Sexual Intercourse" to names clearly children's nicknames and without adult designations of "Mr." or "Mrs." to many New York homes.

Aware that parents and Congressmen are prone to special wrath when abuse of children is perpetrated, the mailers try to circumvent the postal patron's complaint by printing a disclaimer on the envelope and by having a disclaimer in the order coupon stating that the purchaser is over 21 years old. This subterfuge is so transparent that it insults the intelligence of every parent who has seen it.

Any parent knows, and certainly the mailer does, that a good way to get a child to look at something is to tell him not to look at it. And the mailer knows that a child is flattered to receive any mail at all. Few children get large amounts of mail, so an occasional legal sized envelope with a computerized mailing label makes a child particularly curious.

As we consider the pending legislation we must keep in mind that the present law simply does not address itself to the basic distribution methods of the mail order pornography business. Enacted in 1967 as Public Law 90-206, title 3, and now section 4009 of title 39 of the United States Code, the law in theory can only halt second or subsequent mailings from one mailing company.

It may not do even that.

Because the stop order is addressed to the publisher/mailler, the order to strike a postal patron's name from a mailing list never reaches the list owner. Most mail order businesses do not keep their own lists. They usually rent them from list brokers, whose directory of specialized lists is used to select the group most likely to buy the mail order merchants' product. The broker rents the list to many mail dealers and the company which receives a stop order may never use the same list again.

The difficulty of defining what is legally obscene is sidestepped under the present law by allowing the postal patron to declare only that the mail is offensive to himself.

A recent news item described how one postal patron harassed by junk mail stopped the avalanche by declaring it all undesirable and asking the Postmaster to issue a stop order to the mailers.

Under the antipandering statute passed in 1967, his request was perfectly legitimate. Since the law does not clearly define pornography, a postal patron could conceivably ban "Little Women" from his mail as appealing to prurient interests.

Clearly, the law was never intended to do any such thing. In the legislation we are considering today, there is a clear definition of what constitutes "material

harmful to minors." It is explicit enough to avoid the charge of being obscure, vague, and difficult to determine. The sale or offering of "material harmful to minors" is the offense for which penalties are imposed.

This bill is based on the concepts of the New York State statute which the Supreme Court upheld in the Ginsberg case in a 1968 decision. That criminal obscenity statute prohibits the sale to minors under 17 years of age of material defined to be obscene on the basis of its appeal to them whether or not it would be obscene to adults—Sam Ginsberg against State of New York, April 22, 1968.

The New York statute was upheld on the basis that the publications in question contained pictures which depicted female nudity and that the pictures were harmful to minors in that they had that quality of representation of nudity. The latter was further defined as nudity which predominantly appeals to the prurient, shameful or morbid interest of minors, nudity which is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and, nudity which is utterly without redeeming social importance for minors. While the third standard is not included in H.R. 8805, I agree with the authors of the legislation that this concept is inherent in the language of the bill. In any event, it should not cause the legislative slowdown of this important law to the youth of our country—despite the beatings of the ACLU.

In handing down this decision, the Supreme Court also affirmed the State's power to employ variable concepts of obscenity. The opinion, written by Mr. Justice Brennan, asserts that the New York law "simply adjusts the definition of obscenity to social realities by permitting the appeal of the type of material to be assessed in terms of the sexual interest of such minors." He added:

The State has power to make that adjustment seems clear, for we have recognized that even where there is an invasion of protected freedoms "the power of the state to control the conduct of children reaches beyond the scope of its authority over adults."

The Court further stated:

Constitutional interpretation has consistently recognized that parents' claims to authority in their own households to direct the rearing of their children is basic in the structure of our society. . . . The (New York) legislature could properly conclude that parents and others, teachers for example, who have this primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility.

The New York law "expressly recognizes the parental role in assessing sex related material harmful to minors according to prevailing standards in the adult community as a whole with respect to what is suitable material for minors."

Moreover, the prohibition against sales to minors does not bar parents who so desire from purchasing the magazines for their children.

The Court strongly suggested that obscenity constitutes an abuse which might prevent a child's growth into a

well developed citizen; obscenity might also intrude upon the parent's right to bring up his children as he sees fit. Thus, the Court declared it necessary only to find that—

It was not irrational for the legislature to find that exposure to material condemned by the statute is harmful to minors.

Scientific certainty is not required for legislation. The Court upheld the objective of the New York law to safeguard minors under 17 against harm, without requiring proof by the legislature that such harm would actually be done.

On the questions of vagueness and the requirement that the sales be made knowingly, the Court asserted that the definition of what constitutes obscenity gives "men in acting adequate notice of what is prohibited"—from the earlier "Fanny Hill" decision—and (also from an earlier decision) that—

Only those who are in some manner aware of the character of the material they attempt to distribute should be punished. It is not innocent but calculated purveyance of filth which is exercised . . . (Emphasis made by Justice Brennan).

The bill before us has incorporated provisions similar to the New York law which the Court upheld. Conversations with constituents and their correspondence to all Members of Congress are more than ample evidence of their wish to have some control over the kind of mail they will allow into their homes and into the hands of their children. This legislation does nothing to stop the over-the-counter sale of pornography. I am currently preparing legislation in this area that I plan to introduce in the near future. But for now we must accept our responsibility and pass this piece of legislation. I look forward to its speedy passage in the other body and its passage into law.

Mr. BENNETT. Mr. Chairman, I wish to take this opportunity to speak in favor of the bill before us H.R. 8805 to exclude from the mails as a special category of nonmailable matter, pornographic material offered for sale to minors and to improve the protection of the right of privacy by defining obscene mail matter. I have legislation pending, H.R. 529, the provisions of which are very close to the provisions contained in H.R. 8805. It has become clear to me that the Congress needs to specifically and explicitly define what is pornographic. This legislation sets out such a definition in clear and concise terms.

I believe that this bill is one which will easily be upheld by the courts as constitutional. I say this because the thrust of the bill is to protect minors from receiving unsolicited advertisements for pornographic materials. The Supreme Court has ruled that there is a difference in the law on minors and adults in this matter and that variable obscenity standards, one for minors and one for adults, are constitutional.

An aspect of my bill which is not included in the legislation before us is a provision to limit the appellate jurisdiction of the Supreme Court in matters of fact as distinguished from matters of law, concerning obscenity and related subjects. Adoption of this provision would have the effect of allowing re-

gional differences in the view of the lower courts in regard to what in fact is considered obscene in their areas. Certainly there is a difference in what in fact is obscenity in New York City for example when compared with Des Moines, Iowa. I believe that the Supreme Court should not be allowed to hear matters of fact in obscenity cases when these matters have been decided in the lower courts and that the lower courts rulings should not be appealable in such factual matters; and this is the thrust of my provision. I believe that the Congress should move rapidly in this direction and that this provision would not in any way be unconstitutional. This idea is not without precedent.

I do want to take this opportunity to express my strong support for H.R. 8805 and I hope it will be promptly approved by the House and Senate and quickly implemented to protect our minors from such damaging materials.

Mrs. REID of Illinois. Mr. Chairman, as the sponsor of a similar bill—H.R. 4612—I am pleased to give my support to H.R. 8805, to protect children from receipt of obscene materials through the mail and to afford postal patrons a means to prohibit the delivery to them through the mails of unsolicited potentially offensive material. Similar legislation was passed by the House of Representatives in the 91st Congress with no action being taken by the Senate. I find it encouraging that H.R. 8805 has been brought to the House floor for consideration this early in the session and that it is high on the list of priority measures for final enactment during the 92d Congress.

There is no question that most Americans are deeply irritated by the outpouring of unsolicited obscene materials which come into their homes through the mail. 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 a half million persons have filed complaints with the Postal authorities over the past several years specifically objecting to obscene mailings.

Smut peddlers have sent thousands of unsolicited indecent advertisements into the homes of families throughout the United States. When received, the solicitations could be opened by the youngest, most innocent child in the home. Of course, the purpose of the mailings is to sell this pornographic literature material.

The time has come to act decisively to protect those who do not wish to receive these unsolicited mailings. Recent judicial opinions have indicated a constitutional basis for legislation on this subject and, in reporting H.R. 8805, 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 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. 8805.

Mr. ROBINSON of Virginia. Mr. Chairman, I rise in support of the bill, H.R. 8805, because I believe it most important that the Congress undertake to match in resourcefulness the purveyors of filth.

I need not remind my colleagues that past legislative efforts have been less than successful in denying these pernicious peddlers access, through the mails, to the homes of America and, in particular, the children of those homes.

The Congress has not had effective support by the courts of its lawmaking attempts in the area of pornography control, and it is to be hoped that the carefully drawn language of the bill before us will satisfy the judicial branch.

What is being undertaken here presupposes—accurately, I believe—a widespread concern among parents in regard to the massive increase in the distribution of unsolicited hard-core pornography aimed at the curious young. For the most part, as the advertising circulars forwarded to my office by indignant postal patrons reflect, this trash cannot qualify by even the most liberal standard as possessing a scintilla of redeeming value for the serious psychological investigator or mature student of the aberrations in human sexual conduct.

The bill undertakes a more precise definition of obscene material than contained in existing Federal statutes applying to mailability of sexually oriented matter.

It requires that permitted mailings of sexually oriented matter shall bear an identifying symbol on the envelope or wrapper, in order that its character might be disclosed without opening.

There is the further provision that postal patrons could make known to the U.S. Postal Service their desire to be spared receipt of such mailings—by themselves or minors in their households—with obligation on the Postal Service to intercept such unwanted mailings.

We cannot hope, Mr. Chairman, to eradicate the production of this filth, because it will continue to be manufactured and distributed underground as long as there is a significant adult market for it, despite laws and ordinances intended to constrict public sale. We do have an obligation, however, to deny pornography free passage through the U.S. mails to the homes of the great majority of citizens who abhor it, and have a regard for the impressionable minds of their children.

Mr. DORN. Mr. Chairman, may I commend our esteemed colleague, the distinguished gentleman from Pennsylvania (Mr. Nix) for his leadership in bringing this bill before the Congress and for his skill in so effectively presenting the bill today. This bill represents months and even years of work and study by him and his great subcommittee. Every parent of a young child is indebted to the able gentleman from Pennsylvania. I am proud to call him my friend.

Mr. Chairman, I unequivocally support this bill which is intended to curb the

disgraceful torrent of pornographic filth and smut. The bill would make it illegal to mail to minors under the age of 17 any sexually oriented material which—under the precise standards provided by this bill—is deemed harmful to minor children.

Surely, Mr. Chairman, the Congress is empowered under the Constitution to protect our children from being emotionally upset by the ever-growing flood of unbelievably sordid material. As GI's touring Paris after VE Day we were never exposed to the smut and filth to which our children are exposed today by the hucksters of smut who mail their "literature" unsolicited to children.

No wonder we see about us a breakdown in parental and societal discipline. No wonder that some areas of the nation are plagued by permissiveness and crime. This Nation, supposedly a "nation under God" is being undermined by a moral decay which is most flagrantly manifested by uncontrolled pornography. The American people are growing indignant and they demand relief from the invasion of their privacy and the invasion of their right to be free from offensive and sordid smut. This bill is an important step in that direction.

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 8805, which would raise another defense in this Nation against the onslaught of pornography and obscenity.

Throughout my five terms in Congress, I have consistently opposed the spread of pornography and we have passed laws to curb this threat to the moral fiber of our Nation. But the dealers of smut have found and wriggled through the loopholes and around the laws.

They advertise their wares in living, shameful color. They offer it to people who do not want it and they do not take "no" for an answer. They change the addresses and names of their companies and trade their mailing lists. And they continue to send their advertisements through the mail to people who do not want them.

I am sure every Member in this House has seen the material which comes unsolicited through the mail slot on their front doors. The greatest danger of course, is the effect this material has on teenagers who are at the most vulnerable and impressionable age. It exploits an area of a teenager's imagination which is just being opened up by a natural and insatiable curiosity.

But it does so in an unhealthy manner. Sometimes, pornography comes under the guise of educational information but far more often, it is openly salacious and conveys unhealthy impressions about a natural instinct. From such a formed impression, a young person enters adult life with warped ideas which may take years to overcome, or which may badly affect the life of him and his family.

The only person to gain from the distribution of such material is the pornographer. Doubt it not; he gains and his reward is measured by many thousands and millions of dollars. It matters not to him that pornography can wound and warp a young mind. All that counts to a smut dealer is how healthy are his dollar profits.

This bill, which is supported by the Nixon administration, defines the term "obscene" as it has been defined by the courts. It prohibits the mailing of pornography to persons under the age of 17.

Perhaps even more effective is a provision protecting postal patrons who do not want to be flooded with smut. Under this provision, a patron would fill out a form for the Post Office, explaining that he or she does not want pornography or sexually oriented mail delivered to them. Pornography companies are required to identify their mail with a mark, or a symbol, stamped on the wrapper. Such mail would be deleted from the mails before it could be delivered.

Pornographers failing to use the identifying mark or symbol could be prosecuted. If found guilty, they could be fined up to \$1,000 for sending unsolicited material to no more than 25 addressees. If they sent such material to more than 25, they could be fined up to \$50,000. Such a penalty would hit them where they hurt most.

I do not expect H.R. 8805 to solve the problems which pornography has raised. I think that the smut dealers will find other devious routes to our children. But, H.R. 8805 does give us another line in our defense which we need and I urge my fellow Members of Congress to pass this measure.

Mr. KOCH. Mr. Chairman, last year there were two bills brought before this House on the subject of obscenity, H.R. 15693 and H.R. 11032. The first dealt with obscenity as it relates to minors, and I voted for that bill. The second dealt with obscenity as it relates to adults, and, because I believe that adults may read what they wish, subject only to the limitations placed on pornography by the Supreme Court, I voted against that bill.

Both of those bills passed the House of Representatives but failed to become law because of Senate opposition. This year the committee has brought forth a bill which contains limitations on that which can be made available to both adults and minors. If the bill only applied to minors, I would vote for it, because I believe that minors should be protected from exposure to pornography and obscenity. But the committee has included in the bill provisions which would place additional limitations on materials available to adults, who are able to make judgments in this area themselves. This I will not support, and therefore I am voting no.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 8805, a bill designed to prohibit the mailing of obscene material to minors, and, also, designed to prohibit the use of the mails for the advertising of obscene matter.

I can testify 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 importantly, do not want it to fall into the hands of their children, whom they are trying to prepare for productive, normal lives.

The estimates on the total annual cost of pornography in the Nation vary from \$500 million to over \$1 billion. The Postal Service, in fiscal year 1968, re-

ceived over 167,000 complaints about obscene mail. During fiscal year 1969, the number of complaints jumped to over 234,000.

Mass mailing techniques and direct mail advertising are essential tools of the sellers of smut. If the mails are no longer available to them, as proposed in H.R. 8805, the smut dealers will no longer be able to distribute enough material to make their operations profitable.

For years, law-enforcement agencies have been struggling to interpret, from hazy laws and Supreme Court guidelines, which types of material are obscene. H.R. 8805 defines in precise terms the categories of nonmailable matter which are deemed harmful to minors. The explicit definitions 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.

I urge my colleagues to join with me in supporting this important piece of legislation and I urge prompt passage of this bill to protect the interests of parents and their children in our Nation.

Mr. FULTON of Tennessee. Mr. Chairman, it is with mixed emotions that I rise to support this legislation before the House today, legislation which should and is going to pass by an overwhelming margin.

This bill is designed to protect our children and safeguard their moral training from the smut peddlers who prey indiscriminately upon the innocent or the perverse thrill seeker.

While I support this bill and express the sentiment that it is long overdue, I am nonetheless saddened to think that such legislation is necessary in this country.

Yet, it is obvious that it is, because there are those who would sacrifice developing attitudes and good mental health of our children in order to make the dirtiest dollar to be had today.

I am saddened too that my own community which has long prided itself for its culture, refinement, and rich religious heritage now finds this reputation being overshadowed by a new reputation as one of the smut capitals of the South.

It just takes one or two shrewd operators to give a good community a very bad name and this is what is taking place.

Therefore, I view this bill a very healthy step, albeit a small one, forward in the growing war against smut and pandered perversity in this country which, under the guise of freedom of speech, seeks to infect the moral fiber of the Nation with its debilitating venom for the sake of a few dollars.

This is very similar to legislation which I sponsored with an identical aim, to protect our children. I commend the Committee on Post Office and Civil Service for the work it has done on the bill and for bringing it to the floor.

Mr. PREYER of North Carolina. Mr. Chairman, for a good many years now, a great number of well-meaning and intelligent people have argued against any form of censorship of literature or entertainment. They have won their case, for in the last 10 years censorship in the

United States has to all intents and purposes ceased to exist.

But things have not worked out the way these well-meaning people had hoped. Instead of a great creative flowering, we have live sex shows which you can visit during your lunch hour in Times Square in New York; we have pornographic movies which are a blasphemy against the human spirit; we have the "flush toilet" school of literature. Do not all of us in this country have a feeling that things have gone wrong with our public morality and that it is time to do something about it? Do we not all feel ashamed at the quality of our public life? I support this bill because it is one effort to bring us to our senses.

Pornographic literature can corrupt. If we argue "that no one was ever corrupted by a book," then you must believe that no one was ever improved by a book—or a TV program or a movie. You have to believe, in other words, that all education is irrelevant. Of course it corrupts; common sense tells us that.

Furthermore, there is a point where public authorities must step in to limit "self-expression." No society can be completely indifferent to the ways its citizens publicly entertain themselves. Society no longer permits bearbaiting and cock-fighting, not only out of sympathy for the suffering of the animals, but because they degrade and brutalize the people who watch them. No one would argue that we ought to permit gladiatorial contests in Yankee Stadium, like those in the old Roman Coliseum—even if "consenting adults" only were involved.

This is what pornography does—it brutalizes our citizenry, it is an insult to the human spirit. It must be stopped. When sex is a public spectacle, a human relationship is debased into an animal one.

It is argued that if we allow any kind of pornography to be sold, we will soon become bored with it and it will no longer have any effect. But common experience tells us that sadists don't get bored with sadism, sexual perverts do not get bored with perversion. Instead, there is a sexual regression—it tends to get worse.

The argument that Denmark has abolished all restraints on pornography which has resulted in a reduction in sex crimes ignores the fact that sex crimes have been eliminated; that is, there is no longer a crime of statutory rape so naturally there is less statutory rape. One might as well say we can eliminate burglars by making burglary no crime.

The "quality of life" that we hear so much about these days does not mean just cleaner air, cleaner water, cleaner streets. It also involves the character of the people. Self-government depends on the character of the people who govern. Society is rightly concerned, therefore, about the individual and the influences which educate him or degrade him. Society cannot permit people carelessly to corrupt themselves, and certainly cannot allow traders in smut to use the mails to grow rich while corrupting our young people.

We can control pornography and obscenity without repressive censorship of the valid work of art; we always have until the last 10 years. Pornography

should be made illegal. It is necessary to save the quality of life in our democracy.

Mr. GRIFFIN. Mr. Chairman, I support H.R. 8805, which is designed to shelter American families from the unwanted and unsolicited exposure to forms of obscenity, pornography and perversion. Americans should have the right to raise their children in a decent and moral atmosphere.

The measure before us will establish an effective and workable mechanism to stem the flow of filth into our homes through the use of the mail.

The Supreme Court has so narrowed the scope of obscenity and pornography that virtually anything can be found to come under their definition of having "redeeming social value." These Court decisions have lifted all controls over the distribution of vile publications.

It has only been recently, in the 182 years of our Constitutional Republic, that obscenity and pornography have been found to be worthy of the first amendment protections of freedom of the press. This new loosening of restraints upon the printing of such material has led to the establishment of "mail-order pornography shops." The pandering purveyors of pornography and perversion have, in recent months, begun large scale, unasked for, mailing of their obscene material in innocuous, unmarked envelopes addressed "Occupant" to private homes across the width and breadth of our Nation.

The Supreme Court has so shortened the reach of law, Mr. Chairman, that many Americans are almost afraid for their children to open their mail.

It is the use of the United States Mail Service for the distribution of this unsolicited and unwanted filth to which I and my constituents object.

The measure now before us will prohibit such unsolicited mailing to minors under the age of 17 or, more important, to any home where such a child lives.

It will, significantly, require the identification of such material by a symbol, designed and publicized by the Postal Service, to be affixed to the outside of any envelope or pouch containing such material.

It will set a clear and understandable legal definition of obscenity to clear the air of the confusion which has surrounded it for so long.

Also, and most important, it will provide teeth in the form of a fine of up to \$50,000 for offenders and I can only criticize this penalty for not being severe enough. It should include a jail term.

I urge passage of this measure, Mr. Chairman, because it will provide effective and enforceable relief for American families wanting to raise their children in an environment of moral principles.

Mr. BINGHAM. Mr. Chairman, H.R. 8805 represents an effort to place restrictions on the mailing of matter considered obscene in addition to those which already exist. While the effort is, I am sure, well-intentioned, I am constrained to oppose the bill as unworkable and probably unconstitutional.

The bill has three major aims: First, to develop a new definition of the term "obscene" with respect to matter that

is mailed, imported, broadcast or transported in interstate commerce; second, to create a new category of nonmailable obscene matter with respect to minors; and, third, to provide mail patrons with a means not to receive unsolicited "potentially offensive sexual material."

The bill defines "obscene" as "matter which has its predominant appeal to the prurient interest when considered as a whole by contemporary community standards." Any matter which is found to be obscene by this test is "deemed conclusively to be utterly without redeeming social importance." By establishing a conclusive presumption against redeeming social value, the bill represents an effort to repeal the Supreme Court's requirement that "no redeeming social value" be proven by independent evidence. Furthermore, the provision does not explain what community is to be judge of contemporary standards. Shall it be the national or State community? Or should the standards be set by every individual locality in the country? The tests set up to determine what is a "prurient interest" are not only highly subjective but vary from case to case, depending on the recipient of the material. These tests are so vague as to make it impossible in any given case to decide whether the material to be mailed is or is not "obscene." Moreover, there is no exemption from the definition for works of fine art or scientific or medical material. A painting may be viewed as masterful by one community, while obscene by another. If Congress intends to impose criminal sanctions upon violators of such provisions, it must express its definitions with much greater clarity.

In another section, the bill attempts to provide mail patrons with added means to avoid receiving unsolicited mail which is "potentially offensive sexual material." The bill requires the sender to place a symbol on correspondence which comes within the definition of "potentially offensive sexual material": Then, the postal employee must select out such letters and make sure they are not delivered to persons who have indicated their desire not to receive such matter. The Postal Service would therefore be burdened with the task of contacting mail patrons all across the Nation, determining whether they want to reject such mail, and sorting out all marked material. The Post Office Department opposes this bill on the ground that the complexities of the procedure could well result in serious delays in mail deliveries.

Under existing law—which I support—mail patrons can notify the Postal Service that they do not want to receive salacious advertising, and so forth. The Post Office, in turn, circulates a list of such persons to senders of the mail. The obligation is then on the sender to prevent mail from reaching such people. The committee has not established any compelling need to use a different procedure in this case, which is cumbersome and puts the burden on the Postal Service instead of on the sender.

Additionally, the bill does not exempt scientific works and works of fine art from the definition of "potentially offen-

sive sexual material," but authorizes the Postal Service to draw regulations for such exemptions. There is no assurance that such needed exemptions would be properly made or indeed made at all.

Finally, the bill creates a new category of nonmailable material to persons under 17 years of age. Again subjective tests are used. The proscribed material must be "harmful to minors," and that term, in turn, is defined as "predominantly appealing to the prurient, shameful, or morbid interest of minors and is patently offensive to prevailing standards in the adult community concerning what is suitable material for minors." Again, the question arises as to what "community" is meant and how its "prevailing standards" are to be determined. I cannot believe that such vague standards meet the test long laid down that a criminal statute must be sufficiently precise so that a reasonable person would know whether or not a given action was in compliance with it, or a violation.

Mr. RANDALL. Mr. Chairman, I rise in strong support of H.R. 8805, the bill which creates a category of nonmailable obscene material to minors and which presents mail patrons with a means of rejecting unsolicited material which is potentially offensive.

As I am sure must also be true of most of the Members of this body, our mail has been substantial to heavy in protest against the flood of salacious material going through the mails today. It would be difficult to estimate the number of individual constituents who have written to express their interest in the enactment of a law which could prohibit the movement of unsolicited pornographic material through the postal system. I distinctly recall a concerned official of the Knights of Columbus of Missouri writing us in the early part of this year, speaking for over 22,500 members in the State of Missouri, to plead with us to do all in our power to see that legislation like H.R. 8805 is enacted.

I am pleased to see this measure come before the House today for what I am certain will be overwhelming approval. Back in the early part of this first session of the 92d Congress, I introduced H.R. 1508 to exclude from the U.S. mails unsolicited offers to sell, loan or rent certain obscene materials. My bill covers such things as pictures, photographs, drawings, sculpture, motion picture film, or similar image of a person or portion of the human body, which depicts nudity, sexual conduct, or sado-masochistic abuse in any manner designed to appeal to the prurient interests of the viewer. As I read H.R. 8805 and the accompanying report, the same prohibitions obtain in this bill as in our bill. Let me hasten to add I wish to be the first to acclaim its provisions are an improvement over our own effort because it specifically prohibits the use of the mails to make a sale to minors under age of any such objectionable material.

We all know that the flow of filth entered into the mail by smut peddlers is not only objectionable but has been increasing in volume. Many means have been tried to stop this flow. First, there

was the revocation of post office box privileges; then the forms of notice to be sent to the sender. This form of refusal may have helped some but it seems to me that today we are moving in the better and stronger way we should have done before. Today we are creating a class of material to be prohibited from moving through the mails. This kind of action strikes at the root of the problem and hits the offender where it should hurt most.

The penalties seem to be strong enough because the punishment for the first offense of mailing to minors is a \$5,000 fine and/or 5 years imprisonment and for the second offense it jumps to \$10,000 fine and/or 10 years imprisonment. For the other offenses—failing to provide the required mark on unsolicited "potentially offensive sexual material," the penalty is \$1,000 for mailings of up to 25 addressees and jumps to \$50,000 for mailings of more than 25 addressees.

It appears there are objections to some of the provisions of the bill on one basis or another from those who come forward as opponents. For example, the Justice Department has objected that the description of material which is harmful to minors is defined with greater specificity than required and may thus place an unnecessary burden on the Government in dealing with young people. Then the Postal Service believes that the legislation places an administrative burden on the Postal Service which may possibly delay the delivery of mail and prefers that the burden should be placed on the mailer, rather than on the Postal Service.

Well, our reaction to these complaints is that the effort to stop this flood of smut is so important and so long neglected and so badly needed that these objections should be quickly overruled.

Finally, I have no patience with those who say they must oppose this necessary legislation because they regard the restrictions of the bill as an invasion of the right of free speech and free press. In the eyes of these opponents free speech and free press is an absolute right which should never under any circumstances be infringed. For these opponents our reply is the same as those three dissenting Justices of the U.S. Supreme Court who replied in the case of the Pentagon Papers that no provision of any individual right, even free speech and free press, is an absolute right beyond and above any limits or restrictions. When the exercise of such privileged rights curtails and infringes other rights of the individual, as in this instance, there may be raised some questions of constitutionality.

I hope the Members of this House will support H.R. 8805 on the premise and in the belief that these questions can be resolved and that, when the time comes, the courts will hold that an individual has the moral right to be free from receiving potentially offensive sexual material, as a right such as existence as the alleged right of the profit motivated mailer to mail these offensive materials as an exercise of his right of freedom of speech and freedom of the press.

Mr. RYAN. Mr. Chairman, H.R. 8805 reflects an impatience with the first amendment which I believe to be mis-

guided. Events of recent weeks have demonstrated that we must be vigilant to protect first amendment guarantees. To be sure, the bill before us does not raise the same kind of global issues involved in the "Pentagon Papers" case. Nevertheless, the first amendment values at stake here are no less important.

The bill contains three basic provisions. The first would prohibit the mailing of a special category of nonmailable matter that is "harmful to minors," or advertisements for it, unless mailed to a specified adult. The second would write into Federal law the very broad definition of "obscene" favored by the minority of the President's Commission on Obscenity and Pornography. The third would give the homeowner the right to bar the mail delivery of unsolicited "potentially offensive sexual material" to his home by placing his name on a Postal Service list.

I would like to discuss section 4 of the bill which, in my view, is its most disturbing aspect. It would write into Federal law a definition of "obscene." Anything which fell within that definition could then be barred completely from the mails. Under the proposed definition, material would be obscene if it has "its predominant appeal to the prurient interest when considered as a whole by contemporary community standards."

"Prurient interest" in turn is defined to include:

A shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation.

Any material obscene under the above definition is then "deemed conclusively" to be utterly without redeeming social importance.

Anyone familiar with this problem will recognize in this definition words taken from the Supreme Court's effort to create a workable and constitutional definition of "obscene." Although there has been disagreement and difference among the Justices of the Court, the test which has grown out of the line of cases from *Roth v. United States*, 354 U.S. 476 (1957), to *Memoirs (Fanny Hill) v. Massachusetts*, 383 U.S. 413 (1966), for a constitutionally sound definition of "obscene" has three elements: First, predominant appeal to the prurient interest; second, patent offensiveness; and third, utterly without redeeming social importance.

This bill is an obvious attempt to define "obscene" far more broadly. It would eliminate "patently offensive" from the definition and would conclusively compel a finding of "utter lack of redeeming social importance" once the appeal to prurient interest were identified.

I do not wish to repeat here the debate over whether any or all of these three elements are constitutionally required under the Supreme Court's multiplicity of opinions in this area. For it seems perfectly clear to me that if the Constitution permits any kind of total ban on the distribution of materials because they are obscene, it can only do so under circumstances which do not establish restraints on the flow of ideas.

The requirement that obscene material be utterly without redeeming social importance is the safeguard by which the

Supreme Court has attempted to insure that the flow of ideas will not be interrupted. This is what the first amendment, after all, is all about. In the words of Mr. Justice Frankfurter "the widest scope of freedom is to be given to the adventurous and imaginative exercise of the human spirit." *Kingley Pictures Corp. v. Regents*, 360 U.S. 684 (concurring).

I do not believe that section 4 will be able to meet whatever test ultimately receives Supreme Court approval. If a statute is enacted which will clearly suppress the distribution of material without regard to its esthetic, artistic, or literary merit, abridging the right of the distributor to disseminate and the corresponding right of the public to make its own judgments about the kinds of literary and artistic materials it wishes to obtain, then the constitutional protection will be a paper one, without much meaning in practice.

Any discussion of this section of the bill would be incomplete without a reference to the case of *Stanley v. Georgia*, 394 U.S. 557 (1969) and some comment on the report of the President's Commission on Obscenity and Pornography. In the *Stanley* decision the Supreme Court ruled that an individual cannot constitutionally be prosecuted for possessing obscene material for his own use. In the words of 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. Our whole constitutional heritage rebels at the thought of giving government the power to control mens minds. (394 U.S. at 565.)

The President's Commission on Obscenity and Pornography endorsed this concept and recommended that Federal, State, and local legislation prohibiting the sale, exhibition, or distribution of sexual materials to consenting adults be repealed.

Section 6 of the bill would expand existing section 3010 of title 39, enacted as part of the 1970 Postal Reorganization Act. At present, section 2010 makes it a crime to mail "sexually oriented advertisements" to any person who has placed his name on a Postal Service list as not wanting to receive them. H.R. 8805 would expand this by also making it a crime to send "potentially offensive sexual material" to individuals choosing not to receive them.

I support giving the individual tools to protect his privacy. The Supreme Court has upheld a similar statute giving him the right to do so. *Rowan v. Post Office Department*, 397 U.S. 728 (1970). However, H.R. 8805 contains a very broad standard which could include all kinds of material and indeed would probably cover many publications which have been on the best seller list in recent months.

In conclusion, I would recall the oft-quoted, but no less valid, observation of Mr. Justice Brandeis in *Olmstead v. United States*, 277 U.S. 438, 479 (1928) (dissent):

The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

Mr. MILLS of Maryland. Mr. Chairman, I rise in support of H.R. 8805.

This bill is another big step forward in the fight to protect the American home from unwanted, obscene materials through the mails.

As my colleagues know too well, our Post Office and Civil Service Committee has grappled with this problem of stopping the flow of pornographic materials through the mails for some time. The Postal Revenue and Salary Act of 1967 contained a provision prohibiting the mailing of pandering advertisements. It permitted the postal patron an opportunity to request no further mailings of unsolicited advertisements from mailers who have previously sent them advertisements which they deem sexually offensive in their sole judgment, and it further prohibited mailers from ignoring such requests. This provision of law was challenged and the Supreme Court on May 4, 1970, upheld its constitutionality in *Rowan* against the U.S. Post Office Department.

The Postal Reorganization Act—91-375—which was enacted on August 12, 1970, provided postal patrons the means by which they can register with the Postmaster General their intention not to receive "sexually oriented advertisements" from any mailer, as that term is defined in the law. Violation of this law is punishable up to 5 years' imprisonment, a fine of \$5,000, or both.

And while these two laws provide a measure of protection from unsolicited pornographic mailings, they do not regulate the distribution of sexual materials to young persons. This bill, I believe, closes that gap in the law.

In brief, H.R. 8805, as its main objective would prohibit the mailing of sexual matter, as defined in the bill, to minors under 17 years. These provisions are based in concept on a New York State statute which was upheld by the U.S. Supreme Court. The bill also makes applicable for violation of this new section a criminal penalty of \$5,000 fine and/or 5 years imprisonment for the first offense, and \$10,000 fine and/or 10 years imprisonment for a second offense. This should serve as an adequate deterrent.

There are other important provisions of this bill and they have been adequately explained by the distinguished chairman of the Postal Facility Subcommittee.

Mr. Chairman, passage of this bill is necessary now. We cannot afford to wait.

Mr. ROYBAL. Mr. Chairman, I would like to begin by saying I oppose obscenity. I believe that this legislative body has the responsibility to develop bills that would remedy the proliferation of obscene material.

Honest men and women differ on how this can be accomplished. Obscenity is not a word to be taken lightly. It is a highly explosive issue that invites deep feelings and emotions. The depth of these feelings makes our task as lawmakers more difficult, for it is our duty to put the issues into perspective. The remedy sought requires serious and thoughtful deliberation if we are to pass effective legislation.

H.R. 8805 misses the mark—it is not an effective piece of legislation. This bill

can only make our fight against obscenity more difficult if not impossible.

In trying to remedy this problem, we must be careful not to exchange one excess for another. H.R. 8805 disturbs me, first, because it contains unconstitutional provisions and it violates our first amendment freedoms; second, because it usurps parental responsibility and substitutes instead congressional guidance.

H.R. 8805 so blurs the distinctions between obscene and nonobscene, between permissible and nonpermissible material, that it endangers our constitutional guarantees of free speech and press. Specifically, it ignores standards established by the courts to protect material of redeeming social importance. H.R. 8805 presumes, unconstitutionally, that material it considers objectionable automatically lacks such importance.

Any matter which is obscene under this section shall be deemed conclusively to be utterly without redeeming social importance. Any slight social value in such matter shall be deemed outweighed by the social interest in order and morality.

Further, this bill would have an unconstitutional impact on the mails by banning material protected by the first amendment. It would also put an unconstitutional sanction on a publisher who mails to a minor by mistake without any criminal intent to violate the law.

I consider it vitally important that we act responsibly in this area by producing effective constitutional laws. H.R. 8805 does not accomplish this purpose. The bill ignores the difference in views among honest parents of what is permissible. It sets up its own standard of judgment and censorship in violation of constitutional rights.

The bill's effectiveness rests on an elaborate postal scheme of symbols and insignia which our Postal Service is not equipped to handle. The scheme would cost a great deal of man-hours and delays in all mail delivery without producing the desired effect.

On pages 11 and 12 of the committee's report, General Counsel for the Post Office pointed out:

Assuming that only 10 million people out of a population of more than 200 million wish to be on record as not wanting to receive offending mail, a substantial amount of work and time, with consequent delay of the mail, would be required by postal workers in checking mail addressed to those patrons in order to comply with their expressed wishes. We do not believe that anticipated benefits to be received from the legislation would be commensurate with the burden it would impose on the postal service and the delay it would cause in the mail delivery.

If the Postal Service cannot handle the task, then why enact a bill that cannot be enforced. Once the courts have deleted the unconstitutional provisions, what is left is a paper law that lacks punch or substance.

The remedy will not be found in legislation which runs counter to the Constitution but in ourselves as parents. Congress can never replace the parent in caring for and overseeing the development of his or her child. The issue which underlies this whole debate—and which we must face first—is how can we foster a closely knit family life, which contains

the element of love and openness between parents and children. This cannot be done by merely passing laws. If we begin in the home first, then I think we have gone far in slaying this ogre of obscenity. For these reasons I have decided to vote against this bill.

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

Mr. NIX. 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, That 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. 2. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following new section:

"§ 3012. Special category of nonmailable matter with respect to minors

"(a) The mails may not be used to make a sale, delivery, or distribution to a minor, or an offer for a sale, delivery, or distribution to a minor, 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 therefore 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 a person who is not a minor who resides at that residence.

"(c) As used in this section—

"(1) 'minor' means any person who has not attained his seventeenth birthday;

"(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) 'sadosomochistic 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 sadosomochistic abuse, when it—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors; and

"(B) is patently offensive to prevailing standards in the adult community concerning what is suitable material 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 3008, 3010, 3011, or 3014 of this title."

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding—  
"3012. Special category of nonmailable matter with respect to minors."

Immediately below—

"3011. Judicial enforcement."

Sec. 3. Section 1461 of title 18, United States Code, is amended—

(1) by inserting ", or section 3012" 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 3012 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 3012(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."

Sec. 4. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following new section:

"§ 3013. Nonmailable obscene matter

"(a) The mails may not be used to make a sale, delivery, or distribution, or an offer for a sale, delivery, or distribution, of any obscene matter described in this section.

"(b) For the purposes of this section—

"(1) 'obscene' includes matter which has its predominant appeal to the prurient interest when considered as a whole by contemporary community standards; and

"(2) 'prurient interest' includes a shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation when judged by the following standards:

"(A) if it appears from the character of the matter or the circumstances of its dissemination that the matter is designed for, or directed to, an especially susceptible audience, the matter shall be judged with reference to such audience;

"(B) if the matter is distributed or ex-

hibited to a minor who has not attained his seventeenth birthday, the matter shall be judged with reference to an average person in the community of the same age as the minor to whom such matter is distributed or exhibited; and

"(C) in cases other than those described under subparagraph (A) or (B) of this paragraph, the matter shall be judged with reference to the average person in the community.

"(c) Any matter which is obscene under this section shall be deemed conclusively to be utterly without redeeming social importance. Any slight social value in such matter shall be deemed outweighed by the social interest in order and morality."

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following:

"3013. Nonmailable obscene matter."

Sec. 5. (a) Chapter 71 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Definitions

"As used in this chapter 'obscene' includes the meaning provided for such term by section 3013 of title 39."

(b) The table of sections of chapter 71 of title 18, United States Code, is amended by adding at the end thereof the following:

"1466. Definitions."

Sec. 6. Section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305), is amended by adding at the end thereof the following:

"As used in this section 'obscene' means obscene as defined under section 3013 of title 39, United States Code."

Sec. 7. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following new section:

"§ 3014. Unsolicited mailing of potentially offensive sexual material

"(a) It is the purpose of this section to afford recipients of mail the option not to receive through the United States mail unsolicited potentially offensive sexual material.

"(b) Any person who, for himself or by his agents, mails or causes to be mailed any potentially offensive sexual material to any addressee who has not expressly requested receipt of such material from the sender, shall place on the envelope or other wrapping or cover under which such material is mailed a symbol which the Postal Service shall prescribe. The symbol shall not bear, contain, or consist of language or signs indicating a judgment regarding the nature, quality, or characteristics of the material to which the symbol is required to be affixed. The Postal Service shall prescribe, by regulations, the form, design, placement, size, and other attributes of the required symbol. Insofar as possible, the regulations shall not be of such nature that significant additional expense will be incurred by any person subject to the regulations in order to comply with the requirements therein. The regulations, and any changes therein, shall be published in the Federal Register and initially posted in all United States post offices on the same date; but such regulations or changes shall not require compliance therewith earlier than the ninetieth day after the date of such publication and posting of such regulations or changes.

"(c) The Postal Service shall take such action as it considers appropriate to acquaint the public with the symbol provided for by subsection (b) of this section and with the definition of 'potentially offensive sexual material' provided by this section.

"(d) Any person who receives mail bearing the symbol required by subsection (b) of this section and who does not wish to open such mail may either destroy it, or mark it 'refused'. He may return any such mail so

marked to the post office from which delivery was made for destruction by the Postal Service. The right of destruction or refusal under this subsection may be exercised by a parent or guardian on behalf of any of his minor children residing with him who has not attained his seventeenth birthday.

"(e) Every person who wishes not to receive unsolicited mailings of any potentially offensive sexual material may notify the Postal Service to that effect on a form provided by the Postal Service for that purpose. Such form, which shall contain the definition of potentially offensive sexual material set forth in this section, shall be made available to the public at every United States post office and shall be deliverable to the postmaster through any post office. A notification under this subsection may be made by a parent or guardian on behalf of any of his minor children residing with him who has not attained his seventeenth birthday. A person also may give such notice on behalf of any other adult receiving mail at the same mailing address, if expressly authorized in writing by such other adult to give such notice. The Postal Service shall take suitable steps to inform mail recipients of their option under this section not to receive unsolicited mailings of potentially offensive sexual material.

"(f) Any person who, having notified the Postal Service pursuant to subsection (e) of this section that he does not wish to receive unsolicited mailings of potentially offensive sexual material, wishes to revoke that notification, may do so on a form which the Postal Service shall provide for that purpose. Such forms shall be made available to the public at every United States post office and shall be deliverable to the postmaster through any post office. The Postal Service may, by regulation, prescribe a reasonable period of time before such revocation shall become effective and may further provide, by regulation, reasonable restrictions upon the frequency with which the powers conferred upon mail addressees by subsections (e) and (f) of this section may be alternatively exercised.

"(g) The Postal Service shall devise and implement procedures to prevent the delivery of mail bearing the symbol required by subsection (b) of this section to any person who notifies him pursuant to subsection (e) of this section that he does not wish to receive unsolicited mailings of potentially offensive sexual material. However, if practical considerations so require, the postmaster may restrict the application of such procedures to mail addresses where the option under subsection (e) of this section has been exercised by or on behalf of all persons residing at that address.

"(h) For the purposes of this section—

"(1) 'person' means, as applicable, a natural person, corporation, partnership, association, or other organization;

"(2) 'potentially offensive sexual material' means—

"(A) any pictorial representation, photographic or otherwise, of uncovered adult human genital or public areas, of human sexual intercourse sodomy, masturbation, or direct physical stimulation of clothed or unclothed genitalia, or of flagellation or torture indicating an erotic relationship, or any description of, or advertisement or offer to sell or distribute, such pictorial material if such description or advertisement presents an excerpt or excerpts from, or a detailed verbal description of, such material; or

"(B) any artificial human penis or vagina or device primarily designed physically to stimulate genitalia, or any description of, or advertisement or offer to sell or distribute, such an artificial organ or device if such description or advertisement presents either a pictorial representation or a detailed verbal description of such organ or device in its manner of use; or

"(C) any pictorial or verbal material consisting primarily of instruction in or depic-

tions of human sexual techniques or of detailed fictional or factual descriptions or depictions of human sexual practices, or any description of, or advertisement or offer to sell or distribute, such materials, if such advertisement or description presents an excerpt or excerpts from such material incorporating detailed descriptions or depictions of sexual techniques or practices or presents a summary of the contents of the material describing in detail its treatment of sexual techniques or practices.

Matter otherwise within the definition of 'potentially offensive sexual material' provided by this paragraph (2) shall not be deemed to be 'potentially offensive sexual material' if such matter constitutes only a small and insignificant part of the whole of a single catalog, book, or other work the remainder of which does not primarily treat sexual matters. In addition, the Postal Service shall, from time to time, issue regulations of general applicability exempting certain types of material, or material addressed to certain categories of addressees, such as advertisements for works of fine art or solicitations of a medical, scientific, or other similar nature addressed to a specialized audience, from the definition of 'potentially offensive sexual material' provided by this paragraph (2), if such exemption does not impede the purpose of this section.

"(1) The fact of compliance by any person with the requirement of subsection (b) of this section shall not be used against that person, either as evidence of his violation of laws pertaining to obscenity or related matters or as a reason for initiating or pursuing any investigation of him for violations of such laws, or in any other manner whatsoever. The prohibition of this subsection shall be applicable to all law enforcement officers and all proceedings, whether Federal, State, or local."

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following:

"3014. Unsolicited mailing of potentially offensive sexual material."

SEC. 8. (a) Chapter 83 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 1738. Unsolicited mailing of potentially offensive sexual material

"Whoever knowingly mails or causes to be mailed any potentially offensive sexual material in violation of section 3014 of title 39 shall be fined not more than \$1,000 if the violation consists of the contemporaneous mailing of unsolicited material without the required symbol to not more than 25 addressees, or shall be fined not more than \$50,000 if the violation consists of the contemporaneous mailing of unsolicited material without the required symbol to more than 25 addressees."

(b) The table of contents of chapter 83 of title 18, United States Code, is amended by adding to the end thereof the following new item:

"1738. Unsolicited mailing of potentially offensive sexual material."

SEC. 9. 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. 10. The provisions of this Act shall become effective at the beginning of the sixth calendar month following the date of enactment of this Act.

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, 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.

#### COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. NIX. Mr. Chairman, I ask unanimous consent that the reading of the committee amendments be dispensed with, that they be printed in the RECORD, and that they be considered en bloc.

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

There was no objection.

The committee amendments are as follows:

On page 5, line 19, strike out ", or section 3012" and insert in lieu thereof "or section 3102 of title 39."

On page 12, line 1, strike out the word "him" and insert in lieu thereof the word "it".

On page 12, line 15, strike out the word "public" and insert in lieu thereof the word "pubic" and insert a comma at the end of the line immediately following the word "intercourse".

On page 14, line 22, strike out "39" and insert in lieu thereof "18".

The committee amendments were agreed to.

#### AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: On page 15, immediately before line 15, insert the following and renumber the succeeding sections accordingly:

SEC. 9. (a) Section 3006 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 747; Public Law 91-375), is amended to read as follows:

"§ 3006. Unlawful use of mails to obtain remittances for obscene matter or to provide information regarding acquisition thereof

"(a) Upon evidence satisfactory to the Postal Service that a person—

"(1) is obtaining or attempting to obtain remittances of money or other property of any kind through the United States mail for an obscene matter; or

"(2) is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such matter may be obtained;

the Postal Service may request the Attorney General to initiate and maintain an action, and the Attorney General is authorized to initiate and maintain an action as soon as possible after such request is made, in the United States district court in the judicial district in which such person receives his mail, for an injunction against such person (including, as the Attorney General may consider appropriate, a preliminary injunction or temporary restraining order pursuant to rule 65 of the Rules of Civil Procedure for the United States district courts)—

"(A) to prevent any further use of the United States mail by such person to obtain or attempt to obtain remittances of money or other property of any kind for such obscene matter; or

"(B) to prevent such person from further depositing or causing to be deposited in the United States mail information as to where, how, or from whom such matter may be obtained; or

"(C) both.

"(b) To the maximum practicable extent the district court concerned shall give precedence over other cases on the docket of

such court to an action for an injunction under this section and shall expedite the trial of such action in every possible way. The person sought to be enjoined shall be entitled to a trial of the issues within one day after joinder of the issues. The court shall render its decision within two days after such trial is concluded. Failure by any person or his agents to comply with the provisions of an injunction issued against such person under this section may be punished by the court as contempt thereof.

"(c) For the purpose of this section "obscene" includes the meaning provided for such term by section 3013 of this title."

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by striking out—

"3006. Unlawful matter."

and inserting in lieu thereof—

"3006. Unlawful use of mails to obtain remittances for obscene matter or to provide information regarding acquisition thereof."

SEC. 10. Section 3007(a) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 747; Public Law 91-375), is amended by striking out "sections 3005 and 3006" and inserting in lieu thereof "section 3005".

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. WYLIE) is recognized.

Mr. WYLIE. Mr. Chairman and members of the committee, I rise to urge the adoption of my amendment.

This amendment is in line with the Supreme Court decision on January 14 of this year in the case of Blount against Rizzi doing business as the mail box in which case the Court held that the present section 4006 of title 39, United States Code annotated is unconstitutional.

This section gave authority—and I use the past tense because it has been declared unconstitutional, to the Postmaster General to stamp as "Unlawful" and return to the sender letters addressed to any person and prohibits payment of postal money orders to that person if he finds on "evidence satisfactory to him" that the person is obtaining or seeking money through the mails for an obscene matter or is using the mails to distribute information about how such items may be obtained.

Under the Postal Reorganization Act, this section was changed to section 3006—and that is the way it appears in the report which accompanies this bill.

The Court held three things:

First. That this section did not provide that the censor must initiate judicial review and prove that the material is unprotected expression;

Second. It did not provide for prompt judicial review, which is mandatory within the law to be constitutional; and

Third. Any restraint before a final judicial determination must be limited to the shortest fixed period compatible with sound judicial resolution.

During the course of the opinion delivered by Justice Brennan, the

Supreme Court established guidelines and indicated how the statute could be amended so that it would be constitutional.

Feeling as I do that additional anti-obscenity enforcement tools should be available to the Postal Service, on April 19, 1971, Congressman JOHN HUNT of New Jersey and I introduced the bill, H.R. 7497, as cosponsors to cure the constitutional defects as announced by Justice Brennan in Blount against Rizzi.

On April 28, 1971, the Subcommittee on Postal Facilities and Mail of the Committee on Post Office and Civil Service, under the leadership of the gentleman from Pennsylvania (Mr. NIX), began hearings on H.R. 2159, which in substance is H.R. 8805, the bill we have before us today in final form. As I stated, H.R. 8805 is very similar to H.R. 15963, which passed this House last year, but was not acted on by the other body.

On May 11, I received a letter from the gentleman from Pennsylvania (Mr. NIX) to the effect that—

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

Mr. WYLIE. I am glad to yield to the distinguished chairman.

Mr. NIX. I would like to inform the gentleman that we have considered the amendment on this side and we find it acceptable. It does add something to the bill. It was inadvertently omitted. I also ask the gentleman to yield to the chairman of the committee.

Mr. WYLIE. I thank the gentleman for his significant support and I am glad to yield to the distinguished chairman.

Mr. DULSKI. Mr. Chairman, I rise in support of the amendment, and wish to commend the gentleman in the well for his great contribution to this very important bill. I know that during the last session of the Congress he introduced legislation that became a part of the bill which was passed. Again I say the gentleman from Ohio (Mr. WYLIE), has done a tremendous job in this field.

Mr. WYLIE. I thank the distinguished chairman for his essential support and complimentary remarks.

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

Mr. WYLIE. I am glad to yield to the distinguished gentleman from Iowa.

Mr. GROSS. The minority is pleased to accept the gentleman's amendment, which I understand is endorsed by the Postal Service.

Mr. WYLIE. That is correct. I thank the gentleman from Iowa for his support.

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

Mr. WYLIE. I am glad to yield to the gentleman from Idaho.

Mr. McCLURE. I wish to commend the gentleman not only for his amendment, which I believe is acceptable to all Members of the subcommittee and the committee who have heard this matter, but also for his very strong and untiring support of important legislation in this very difficult field, legislation which will lead to more protection of the young people of our country and respond to the sensitivity of people of various households who are demanding some help.

Mr. WYLIE. I thank the gentleman

from Idaho who has been an integral part of the continuing effort to enact enforceable laws in this field.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 3 line 5, strike out "harmful to minors" and insert in lieu thereof "obscene to minors";

And on page 3, line 14, strike out "harmful to minors" and insert in lieu thereof "obscene to minors";

And on page 5, line 1, strike out "harmful to minors" and insert in lieu thereof "obscene to minors".

Mr. KEATING. Mr. Chairman, this amendment is necessary to avoid confusion and complication of the term "harmful to minors." The language we employ in this statute must remain rooted to established historical concept.

I am offering the term "obscene to minors" in the place of "harmful to minors" in an effort to clarify the intent of the legislation and the meaning of the language. As a former judge, I appreciate the difficulty a jurist encounters when he is required to render judicial interpretation of language which is new or subject to varying explanations.

The language of the bill we are considering, H.R. 8805, was drafted after penal law section 484(h) of the New York code had been established by the New York State Legislature in 1965. The drafters of the New York statute employed the special language "harmful to minors" and the New York Court of Appeals in upholding the constitutionality of such provisions construed the term to mean "obscene to minors." The case was *People v. Charles Tannenbaum* (18 N.Y. 2d 268, 274, N.Y.S. 2d 131), wherein the New York Court of Appeals said:

In response to the deeply felt needs of the community, our State Legislature enacted . . . statutes . . . proscribing disseminations to infants under 17 . . . of materials *obscene as to such infants*.

It was this statute and this interpretation which was upheld by the U.S. Supreme Court in *Sam Ginsberg v. N.Y.* (20 L.Ed. 2d 195 at 206 (1968)).

In order to derive full benefit from these two cases, the present bill should follow the interpretation given to that New York statute by the New York Court of Appeals and approved by the U.S. Supreme Court. There is no question but that the legislative phrase "harmful to minors" was interpreted by these courts to mean "obscene to minors," and the constitutionality of such meaning was upheld.

It is fundamental to constitutional law that the U.S. Supreme Court in reviewing the validity of a State statute must take that statute as interpreted by the highest court of the State from where the case arises. The Supreme Court must accept the State court's construction and proceed to test the validity on that basis. *Kingsley Pictures Corporation v. Board*

*of Regents* (360 U.S. 649 at 688). The statute which was before the U.S. Supreme Court was 484(h) of the New York penal law section and the New York Court of Appeals had held "harmful to minors" in said statute to mean "obscene to minors."

If we are now to codify in Federal law, language which has previously been reviewed by the highest court of the land, I would strongly recommend that we use the same interpretation which was approved by our highest court.

If we are to pass legislation which will have constitutional validity and which will achieve the goals that we as the framers of that legislation intend it to have, we should use the language which is most clear and least susceptible to constitutional attack and judicial misinterpretation.

I, therefore, strongly recommend that the amendment I am offering be adopted by this body to achieve the purpose of this legislation. Failure to make this change would be to ignore established judicial precedent and invite future confusion and misinterpretation.

Mr. Chairman, I yield back the balance of my time, but I do have another amendment at the desk.

Mr. NIX. Mr. Chairman, I rise in opposition to the amendment to substitute the word "obscene" for the word "harmful" as it appears in section 3012.

Subsection (c) (6) of this section defines the term "harmful to minors" to mean that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or abuse, when it predominantly appeals to the prurient, shameful, or morbid interest of minors, and is patently offensive to prevailing standards in the adult community concerning what is suitable material for minors.

Comment on this question is made at page 471 of the report of the Commission on Obscenity and Pornography and our bill overcomes the adverse criticism by including the definition of "harmful to minors."

The gentleman's amendment would destroy the pattern we have worked out for use under this section and for this reason I must oppose the amendment.

However, Mr. Chairman, I would like to read that section of the President's Commission's report on obscenity and pornography, which is found in the last paragraph on page 471:

*Variable Obscenity: Sales to Minors* (b) "Harmful to Minors", as Used in *Sam Ginsberg*, Means "Obscene to Minors" When *Sam Ginsberg v. New York* was handed down April 22, 1968, a blind legislative stampede was started in other states to incorporate into law the provisions of the Special New York Minor's Statute at issue in the *Sam Ginsberg* appeal. In our opinion, a blind application of the language of that statute without more is unwise. If *Sam Ginsberg* is to be properly understood, one must consider the history of the New York statute and the results reached in the New York cases which tested the constitutionality of that provision.

We in the committee have made these determinations. We have studied the issues involved, and we have worked out a bill consistent with the decisions of the

Court and particularly with consideration of that decision.

Mr. Chairman, I oppose the amendment.

Mr. McCURE, Mr. Chairman, I move to strike the requisite number of words.

I commend the gentleman from Ohio (Mr. KEATING), for his interest in strengthening this legislation and in making certain that the Court interpretation of the law will not be ineffective in its application. I believe all of us should join in our commendation of him for that interest.

However, I am constrained to join with the chairman of the subcommittee in stating it is our belief that the language contained in the definition on page 5 of the bill will overcome the objection raised by the Supreme Court and therefore render unnecessary the proposed amendment.

I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MIZELL

Mr. MIZELL, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIZELL: On page 9, strike out line 1 and all that follows down through the second period in line 11 on page 15, and insert in lieu thereof the following:

"§ 3014. Unsolicited mailing of potentially offensive sexual material

"(a) Any potentially offensive sexual material which is unsolicited by the addressee is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(b) For the purposes of this section, 'potentially offensive sexual material' means—

"(1) any pictorial representation, photographic or otherwise, of uncovered adult human genital or pubic areas, of human sexual intercourse, sodomy, masturbation, or direct physical stimulation of clothed or unclothed genitalia, or of flagellation or torture indicating an erotic relationship, or any description of, or advertisement or offer to sell or distribute, such pictorial material if such description or advertisement presents an excerpt or excerpts from, or a detailed verbal description of, such material; or

"(2) any artificial human penis or vagina or device primarily designed physically to stimulate genitalia, or any description of, or advertisement or offer to sell or distribute, such an artificial organ or device if such description or advertisement presents either a pictorial representation or a detailed verbal description of such organ or device or its manner of use; or

"(3) any pictorial or verbal material consisting primarily of instruction in or depictions of human sexual techniques or of detailed fictional or factual descriptions or depictions of human sexual practices, or any description of, or advertisement or offer to sell or distribute, such materials, if such advertisement or description presents an excerpt or excerpts from such material incorporating detailed descriptions or depictions of sexual techniques or practices or presents a summary of the contents of the material describing in detail its treatment of sexual techniques or practices.

Matter otherwise within the definition of 'potentially offensive sexual material' provided by this subsection shall not be deemed to be 'potentially offensive sexual material' if such matter constitutes only a small and insignificant part of the whole of a single cata-

log, book, or other work the remainder of which does not primarily treat sexual matters."

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91-375), is amended by adding at the end thereof the following:

"3014. Unsolicited mailing of potentially offensive sexual material."

SEC. 8. (a) Chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1738. Unsolicited mailing of potentially offensive sexual material

"Whoever knowingly mails or causes to be mailed any potentially offensive sexual material in violation of section 3014 of title 39 shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first such offense, and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for each such offense thereafter."

Mr. MIZELL (during the reading). Mr. Chairman, since both desks have a copy of the amendment, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MIZELL, Mr. Chairman, I rise at this time to offer an amendment to H.R. 8805, prohibiting pornography dealers from sending "potentially offensive" material through the mail unless it has been specifically ordered.

Before I expand on the reasons behind this amendment, I would like to commend the distinguished chairman of the Post Office and Civil Service Committee, Mr. DULSKI, the ranking minority member, Mr. GROSS, and the full committee membership for reporting an excellent, effective and much-needed piece of legislation.

Their efforts to provide more stringent controls on the distribution of pornography surely meets with the approval of the overwhelming majority of the American people.

But there is one concern I have, that this bill does not go far enough. The people I represent in North Carolina have expressed great displeasure that they are required to fill out a form to keep this kind of filth out of their homes.

Our common law, and our written statutes, have traditionally recognized the fact that "a man's home is his castle," not to be penetrated by anyone or anything without the permission of the owner.

A man is not required to register at the police station in order to have his home protected from thieves. Why should he have to register at the postoffice to keep merchants of filth from intruding with their unwanted wares?

The burden of the law should be weighted as heavily against the pornography dealer who invades the American home.

My amendment would serve that purpose. It is a simple amendment, but it has great significance. It protects the American home from unwanted, unsolicited pornographic material, and it puts pornography dealers on notice that to violate the sanctity of the home is to violate the law.

Mr. Chairman, I want to express my strong support for the efforts that have been made, and that are being made today, to strengthen the right of the private American citizen not to be subjected to the onslaught of pornographic material in his own home.

Pornography is a cancer in this country, growing ever more widespread every year. Private homes are bombarded with the worst kind of filth that even the basest sense of decency must recognize as being "obscene."

I firmly believe that every legal, financial and procedural burden involved in the distribution of pornography should be placed squarely on the man who sells pornography for profit.

I cannot see any reason at all why we should require private citizens who do not want this filth in their homes, who are not at all interested in this kind of material, to go to the trouble of making a trip to the post office and having to fill out a form in order to protect their homes from pornography.

The right to peddle pornography should end at the door of the American home, and the penalty for violating the sanctity of that home by use of the mail should be severe.

With this in mind, I offer my amendment to all the bill presently considered, prohibiting pornography dealers from mailing potentially offensive material to private homes unless that material has been ordered by the resident.

I wish there were a way we could rid our society of this trade in filth, in all its forms.

It has now reached the point that the people I represent in North Carolina can not even take their families for a drive through the countryside without being subjected to explicit, sickening, and tasteless scenes of sexual activities that are the current fare at thousands of open air, drive-in theaters.

I hope we can continue the efforts we are beginning today, until we reach the point at which pornography is once again relegated to the filthy environs from which it first sprang, and not featured on thousands of theater screens and millions of book covers for children and decent adults to endure.

My amendment is an important first step in that direction. I think it is time we took that step.

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

Mr. MIZELL, I am happy to yield to my colleague from North Carolina.

Mr. HENDERSON, I thank the gentleman for yielding.

As I understand your amendment, it would strike out section 3014 of the bill and substitute the language you propose in your amendment. Is that correct?

Mr. MIZELL, My amendment would strike on page 9, line 1, through line 11 on page 15 and insert in lieu thereof the language contained in my amendment.

Mr. HENDERSON, Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with a great deal of reluctance that I oppose the amendment offered by my good friend from North Carolina, because I know of his longtime interest in getting at the very

roots of the problem we are considering here today.

I do join him in the objectives of his amendment. I wish the amendment was prepared as an addition to the bill rather than in the form which strikes section 3014 of the bill.

The section now in the bill entitled "Unsolicited mailing of potentially offensive sexual material" was recommended by the President's Commission on Obscenity and Pornography. While it does require the mail patron or householder to put his name and those of the minors in his household on a local list, the problem has been created by the interpretation of the court as to what rights mailers have and what protection they have under the Constitution.

Many of us are dissatisfied with the decisions of the courts in this area. But, having studied those decisions, I have concluded Congress cannot make this matter nonmailable; inasmuch as the courts have held that the sender has a right to mail it; and the recipients, if they want it, have a right to receive it.

Mr. Chairman, I wish we could put this language in a separate section of the bill and again let the Court decide its Constitutionality. I am sure the gentleman does not intend that the section which we have in the bill and which has been recommended by the President's Commission, and which I think is better than the present pandering law fall with his amendment. In other words, the effect of the gentleman's amendment would be to knock that language out of the bill and substitute the language which many of us feel the Court would hold unconstitutional.

We would like to put as many tools into the law as we can, hoping that the Court would uphold the legislative action where it does not violate the Constitution and thereby give some protection to the mail patron.

We believe that this section will be held within the framework of the Constitution. I am afraid that the gentleman's amendment would be held unconstitutional because it makes this material nonmailable.

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

Mr. HENDERSON. I am delighted to yield to my colleague from North Carolina.

Mr. MIZELL. I am well aware of my colleague from North Carolina's efforts in this field. I know of his deep concern and certainly his expertise in this particular field. However, I do not think we can legislate in anticipation of what the Supreme Court decisions might be, at least based upon the ones which they have handed down recently. So, I think we should take as strong position as possible this afternoon to try and protect the privacy of the American home and put the burden on those who are peddling this pornography for profit, instead of upon the residents of an American home.

I commend the committee and the gentleman from North Carolina in their efforts, but I feel my amendment strengthens this privacy of the American home.

I thank the gentleman for yielding and

hope the committee will adopt my amendment.

Mr. HENDERSON. I would not object to the amendment and I would not oppose it if it were a separate section, even though I might have some doubts about its constitutionality. But, I must oppose it as it seeks to strike section 3014.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MIZELL).

The question was taken; and on a division (demanded by Mr. MIZELL) there were—ayes 20, noes 33.

Mr. MIZELL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 7, line 22, strike out "conclusively"; and on page 7, line 25, strike out the quotation marks and the second period;

And on page 7, immediately after line 25, insert the following:

"(d) This section shall not apply to persons who may possess or distribute obscene matter or participate in conduct otherwise proscribed by this section when such possession, distribution, or conduct occurs in the course of law enforcement activities, or in the course of bona fide scientific, educational, or comparable research or study, or like circumstances of justification. If this issue is not presented by the prosecution's evidence, the defendant may raise the same as an affirmative defense by presenting some evidence thereon. Where raised, the prosecution must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue."

Mr. KEATING. Mr. Chairman, I am offering this amendment to avoid constitutional attack on this statute, which may result if the word "conclusively" remains in this section. The use of the word "conclusively" presents a situation in which the statute might be attacked constitutionally on the ground that it does not permit the handling of such materials in situations where their use might offer redeeming social value, as was the case in *U.S. v. 31 Photographs* (156 Fed. Supp. 350), cited in *U.S. v. Ginzburg* (16 L. Ed. 2d 31 at 40).

In that case, material which was obviously hard core obscenity was held not to be obscene when handled by specific audiences. In this case, it was a group of sociologists who were using the material for legitimate purposes.

The trial judge in the 31 Photographs case acquitted members of the group when the use was shown to have social value.

The present language of H.R. 8805, in this particular section creates an irrebuttable presumption that material is deemed to be obscene and does not allow for a situation where the materials may be used for other purposes, for instance, law enforcement purposes.

The problem with this language is that it may well allow a legitimate constitutional attack and, therefore, endanger the validity of the statute before the courts.

My amendment would allow for an affirmative defense to be presented by the defendant in an action under this section. I want to point out that the prose-

cutors' burden would in no way be increased by this amendment, but, on the contrary, would make it incumbent upon the defendant to come forth with an affirmative defense to an action under this bill.

The fact that the 31 Photographs case was cited in a footnote by the U.S. Supreme Court indicates that the Court approves of a situation where obscene materials may, under certain limited circumstances, be used by legitimate groups, such as law enforcement, social, and so forth.

Again, I believe my amendment would in no way endanger the effectiveness of this legislation, but in fact, provide for a legitimate affirmative defense in the event such materials are used by legitimate groups.

Mr. NIX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the inclusion of the word "conclusively" as recommended by the committee removes any question of a presumption as to the matter being utterly without redeeming social importance and precludes any rebuttable argument being made on this point.

One of the recommendations included in the statement of Morton A. Hill and Winfrey C. Link and concurred in by Charles H. Keating, Jr., included in the report of the Commission on Obscenity and Pornography on page 418, is that as a matter of public policy, anything which is obscene by definition shall be conclusively deemed to be utterly without redeeming social importance.

Our committee attempted to carry out this recommendation by including the provisions, as the committee did, in subsection (c) of section 3013. That is why we took this course.

As to the second paragraph of this amendment, and I read, beginning at (d):

This section shall not apply to persons who may possess or distribute obscene matter or participate in conduct otherwise proscribed \* \* \* etc.

I point out that what this amendment seeks to do is to have this committee write into the bill the people who are excluded—and not the people and situations which are included in the law at this time.

Mr. Chairman, if we allowed ourselves to be drawn into this sort of exercise, we would have to change all of the criminal statutes of this country in order to include those who do not come under the provisions of the law.

Mr. Chairman, I urge the defeat of the amendment.

Mr. McCLURE. Mr. Chairman, I oppose the amendment offered by the gentleman from Ohio although I do so rather reluctantly because I think he has pointed to an area that has demanded some concern on the part of each of us and that is the legitimate uses of some materials which in the hands of some would be determined to be obscene or pornographic but in others are legitimate efforts of people engaged in scientific research or in educational pursuits.

I do think, however, that the amendment has a couple of defects which lead me at least to oppose the adoption of this amendment. One is the fact that the bill we have presented to the Congress

from our committee deals with the mailability and this amendment is much broader than that and deals with possession and conduct as well as distribution and, therefore, I think is far beyond the purview of the statute we are discussing here today.

The second one is that I think in this very difficult and very troublesome area for definitions to hinge on commas and where interpretations are fought over by various members of the courts who are compelled to rule upon the interpretation, we must be extremely careful in the wording of a statute that we adopt.

I would say to the gentleman who has offered this amendment that I understand his purpose and I agree with him that we want to avoid unnecessary attacks upon the constitutionality of proposed legislation. I will pledge to him my continued effort to get before our committee consideration of the affirmative defense which he has here sought to have imposed in one section of the bill.

I think it is worthy of noting in that connection that we have felt it was necessary and did include in another section of the bill that affirmative defense with respect to the mailability of obscene materials to minors.

Similarly there may be an area of an affirmative defense that ought to be available under this section of the legislation as well. However, I do believe it ought to be subject to hearings. It ought to be subject to rather protracted and detailed consideration and not adopted in this manner on the floor of the House. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING).

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 17, noes 43.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEEP, 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. 8805) 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 improve the protection of the right of privacy by defining obscene mail matter, and for other purposes, pursuant to House Resolution 516, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were 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. McCURE. 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 Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 356, noes 25, not voting 52, as follows:

[Roll No. 179]  
YEAS—356

Abbutt	Dickinson	Johnson, Calif.
Abernethy	Diggs	Johnson, Pa.
Abourezk	Dingell	Jonas
Adams	Dorn	Jones, N.C.
Addabbo	Dowdy	Karth
Anderson,	Downing	Kazen
Calif.	Dulski	Keating
Anderson, Ill.	Duncan	Kee
Anderson,	du Pont	Keith
Tenn.	Eckhardt	Kemp
Andrews, Ala.	Edmondson	King
Andrews,	Edwards, Ala.	Kluczynski
N. Dak.	Eilberg	Kuykendall
Annuzio	Erlenborn	Kyl
Archer	Esch	Kyros
Arends	Eshleman	Landgrebe
Ashbrook	Evans, Colo.	Latta
Ashley	Evins, Tenn.	Leggett
Aspin	Fascell	Lennon
Aspinall	Findley	Lent
Baker	Fish	Link
Begich	Fisher	Lloyd
Beicher	Flood	Lung, Md.
Bell	Flowers	Lujan
Bennett	Flynt	McClory
Bergland	Foley	McCloskey
Betts	Ford, Gerald R.	McClure
Biaggi	Forsythe	McCullister
Blackburn	Fountain	McCormack
Blanton	Frelinghuysen	McDade
Biatnik	Frenzel	McDonald,
Boggs	Frey	Mich.
Boland	Fulton, Pa.	McEwen
Brademas	Fulton, Tenn.	McFall
Bray	Fuqua	McKay
Brinkley	Galifianakis	McKevitt
Brooks	Gallagher	McKinney
Broomfield	Garmatz	McMillan
Brotzman	Gaydos	Macdonald,
Brown, Mich.	Gettys	Mass.
Brown, Ohio	Giamo	Madden
Broyhill, N.C.	Gibbons	Mahon
Broyhill, Va.	Goldwater	Mailliard
Buchanan	Gonzalez	Martin
Burke, Fla.	Goodling	Mathias, Calif.
Burke, Mass.	Gray	Mazzoli
Burleson, Tex.	Green, Pa.	Meeds
Burlison, Mo.	Griffin	Metcalfe
Byrne, Pa.	Griffiths	Michel
Byrnes, Wis.	Gross	Miller, Calif.
Byron	Grover	Miller, Ohio
Cabell	Gude	Mills, Ark.
Camp	Hagan	Mills, Md.
Carney	Haley	Minish
Carter	Hall	Minshall
Casey, Tex.	Hamilton	Mizell
Cederberg	Hammer-	Mollohan
Chamberlain	schmidt	Monagan
Chappell	Hanley	Montgomery
Chisholm	Hansen, Idaho	Moorhead
Clancy	Harsha	Morgan
Clark	Harvey	Mosher
Clausen,	Hastings	Moss
Don H.	Hathaway	Murphy, Ill.
Clawson, Del.	Hawkins	Murphy, N.Y.
Cleveland	Hays	Myers
Collier	Hébert	Natcher
Collins, Ill.	Hechler, W. Va.	Nedzi
Collins, Tex.	Heckler, Mass.	Nelsen
Colmer	Helstoski	Nix
Conable	Henderson	Obey
Conte	Hicks, Mass.	O'Hara
Cotter	Hicks, Wash.	O'Konski
Coughlin	Hillis	O'Neill
Crane	Hollifield	Passman
Culver	Horton	Patman
Daniel, Va.	Hosmer	Patton
Daniels, N.J.	Howard	Pelly
Davis, S.C.	Hull	Pepper
Davis, Wis.	Hungate	Perkins
Delaney	Hunt	Pettis
Dellenback	Hutchinson	Peyser
Dennis	Ichord	Pike
Dent	Jacobs	Poage
Devine	Jarman	Podell

Poff	Schmitz	Thompson, N.J.
Powell	Schneebeli	Thomson, Wis.
Preyer, N.C.	Schwengel	Thone
Price, Ill.	Scott	Tiernan
Price, Tex.	Sebelius	Ullman
Pryor, Ark.	Shipley	Van Deerlin
Pucinski	Shoup	Vander Jagt
Quile	Shriver	Vanik
Quillen	Sisk	Veysey
Randall	Skubitz	Vigorito
Rarick	Slack	Waggoner
Rees	Smith, Calif.	Ware
Reid, Ill.	Smith, Iowa	Watts
Reid, N.Y.	Smith, N.Y.	Whalen
Rhodes	Snyder	Whalley
Riegle	Spence	White
Roberts	Springer	Whitehurst
Robinson, Va.	Stafford	Whitten
Robison, N.Y.	Staggers	Widnall
Rodino	Stanton,	Wiggins
Roe	J. William	Williams
Rogers	Stanton,	Wilson, Bob
Roncalio	James V.	Wilson,
Rooney, N.Y.	Steed	Charles H.
Rooney, Pa.	Steele	Winn
Rostenkowski	Steiger, Ariz.	Wright
Roush	Steiger, Wis.	Wyatt
Rousselot	Stephens	Wydler
Roy	Stokes	Wylie
Runnels	Stuckey	Wyman
Ruth	Sullivan	Yates
St Germain	Symington	Yatron
Sandman	Talcott	Young, Fla.
Sarbanes	Taylor	Young, Tex.
Satterfield	Teague, Tex.	Zablocki
Saylor	Terry	Zion
Scherle	Thompson, Ga.	Zwach

NAYS—25

Abzug	Drinan	Reuss
Badillo	Edwards, Calif.	Rosenthal
Bingham	Fraser	Roybal
Bolling	Harrington	Ryan
Burton	Koch	Scheuer
Celler	Mink	Seiberling
Conyers	Morse	Waldie
Dellums	Railsback	
Dow	Rangel	

NOT VOTING—52

Alexander	Edwards, La.	Matsunaga
Baring	Ford,	Mayne
Barrett	William D.	Melcher
Bevill	Grasso	Mikva
Blester	Green, Oreg.	Mitchell
Bow	Gubser	Nichols
Brasco	Halpern	Pickle
Caffery	Hanna	Pirnie
Carey, N.Y.	Hansen, Wash.	Purcell
Clay	Hogan	Ruppe
Corman	Jones, Ala.	Sikes
Danielson	Jones, Tenn.	Stratton
Davis, Ga.	Kastenmeier	Stubblefield
de la Garza	Landrum	Teague, Calif.
Denholm	Long, La.	Udall
Derwinski	McCulloch	Wampler
Donohue	Mann	Wolf
Dwyer	Mathis, Ga.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Brasco with Mr. Blester.  
Mr. Matsunaga with Mr. Halpern.  
Mr. Danielson with Mr. Gubser.  
Mr. Donohue with Mr. Bow.  
Mr. Purcell with Mr. Derwinski.  
Mr. Pickle with Mr. Hogan.  
Mr. Nichols with Mr. Mayne.  
Mr. Mann with Mr. Pirnie.  
Mr. Melcher with Mr. Ruppe.  
Mr. Kastenmeier with Mr. Teague of California.  
Mr. William D. Ford with Mr. Mitchell.  
Mr. Corman with Mr. Clay.  
Mr. Bevill with Mr. Wampler.  
Mr. Denholm with Mr. Barrett.  
Mr. Udall with Mr. Baring.  
Mr. Mathis of Georgia with Mr. Wolf.  
Mr. Stratton with Mr. Edwards of Louisiana.  
Mr. Hanna with Mr. Long of Louisiana.  
Mrs. Hansen of Washington with Mrs. Dwyer.  
Mr. Jones of Tennessee with Mr. Mikva.  
Mr. Landrum with Mrs. Grasso.  
Mrs. Green of Oregon with Mr. Davis of Georgia.  
Mr. Sikes with Mr. Stubblefield.  
Mr. Caffery with Mr. Alexander.  
Mr. Carey of New York with Mr. Jones of Alabama.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### AUTHORIZING CLERK TO MAKE CORRECTIONS IN H.R. 8805

Mr. NIX. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill H.R. 8805, be authorized and directed to make such changes in section numbers, cross-references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### GENERAL LEAVE

Mr. NIX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 8805 and to include extraneous matter.

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

There was no objection.

#### ADDITIONAL LEGISLATIVE PROGRAM

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

Mr. O'NEILL. Mr. Speaker, I take this time to announce that tomorrow we will call up H.R. 19, the Federal Boat Safety Act of 1971. The Rules Committee today granted an open rule with 1 hour of general debate.

The reason for this addition to the program at this time is to pass the bill during National Boat Safety Week, which this week was proclaimed by the President, who was acting pursuant to a resolution of the Congress.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority whip yield for a question?

Mr. O'NEILL. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. As I understand it, the program for Thursday will be the Export-Import Bank extension bill, the desalting program expansion bill, and that bill the gentleman announced a moment ago.

Mr. O'NEILL. That is correct. Rules were granted on those bills today.

Mr. GERALD R. FORD. Will they come in that order?

Mr. O'NEILL. They will come in that order.

Mr. GERALD R. FORD. I thank the distinguished gentleman.

Mr. O'NEILL. And there will be no session on Friday of this week.

#### A TRIBUTE TO LOUIS ARMSTRONG

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

Mr. ROSENTHAL. Mr. Speaker, Louis

Armstrong—one of the world's greatest jazz musicians—died this past Tuesday morning at his home in Corona, Queens, N.Y. While Mr. Armstrong was a constituent of mine, he was really a citizen of the world and one of this Nation's greatest natural resources.

"Satchmo" was not only a great performing jazz artist. He was more importantly, an inspiration and teacher to his fellow musicians and the major driving force behind 20th century jazz. Most importantly, he provided countless millions of people in many countries with hours of exciting music.

With the possible exception of musical comedy in the legitimate theater, jazz music is probably the only art form whose origins are exclusively American. And because jazz, as an art form, is basically improvisational in character, it took a man with great individuality and depth to create and nurture that art form. Louis Armstrong was that man. From the streets of New Orleans to the jazz halls of America and the palaces of Europe, he expressed his incredible love of life with his trumpet and his songs.

Louis Armstrong was an American "original." He was one of that rare breed of persons who is instantly loved, even by those who are not his friends or acquaintances. He will be missed. But, above all, he will be remembered.

I know that all my colleagues in the Congress join with me in our deep sorrow at his passing and in our expression of condolences to his family.

#### LOUIS ARMSTRONG

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

Mr. HÉBERT. Mr. Speaker and Members of the House, I thank my colleague, the gentleman from New York, for his tribute to the great Louis Armstrong.

Louis was a constituent of my colleague, the gentleman from New York—but he was my constituent when he was born. He was born on July 4, 1900, in the city of New Orleans in the district I have the honor to represent.

It was one of my privileges to have known Louis Armstrong throughout his entire career. I consider him as one of the finest musicians in the country, and coming from a city which has given the world the greatest musicians.

It was my pleasure to have had a chat with Louis, the old Satchmo, at the National Press Club when another distinguished citizen of New Orleans, Vernon Louviere, was inaugurated its president. I agree with the gentleman that the world has lost not only a great musician but a great person, and who was a credit to the race he represented.

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

Mr. HÉBERT. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, it was my privilege to become acquainted with Louis Armstrong one time when he came to my part of the State of Michigan, in my district, and performed as he always did with great skill. He was a

tremendous hit with people of all races and all ages and it goes without saying that not only has the United States lost but the world has lost a most talented musician and a great citizen.

Mr. HÉBERT. I yield to the gentleman.

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

Mr. HÉBERT. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I was saddened to read of the death of Louis Armstrong and I join with the gentleman from Louisiana, Mr. HÉBERT, in paying tribute to the memory of this great American.

I well remember the first records of Louis Armstrong that I heard in the early thirties. Recording on the old Okeh label, he sang such numbers as "Chinatown, My Chinatown," "Star Dust," "Sleepy Time Down South," "Just a Gigolo," and many others. With the ebullient power of his trumpet rising above the sometimes uninspired accompaniment and with his raspy, but warm and rhythmic voice and above all with the power of his enthusiasm and his phenomenal energy, he made an impression that was instantaneous and lasting.

Although unschooled and brought up in poverty, he retained throughout his life his pleasant disposition and his willingness always to look upon the constructive and progressive side of life. He kept to the end his innate simplicity, and in the midst of tawdriness, degradation, and artificiality, he found human goodness, sacrifice, and charity.

Louis Armstrong rose from the role of playing the trumpet in the red light district of New Orleans to that of unofficial ambassador of good will throughout the world on behalf of the United States. In Europe, in Africa, and behind the Iron Curtain, he did more for the image of our country than a thousand official members of the Foreign Service.

Although music was Armstrong's forte, from time to time he wrote an article for a prominent periodical and in his warm, artless, unmannered but expressive style, he duplicated the genius of his music and left a memorable record of his early days, his family life, his friends and his musical career that the finest literary craftsman could not have improved.

That musical genius and the warm humanity of Louis Armstrong lightened my life on many occasions over the years. I feel that I have lost a friend and I know that the United States has lost one of its most illustrious and admirable citizens.

Mr. HÉBERT. I thank the gentleman from Connecticut.

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

Mr. HÉBERT. I yield to my colleague, the gentleman from New Orleans.

Mr. BOGGS. Mr. Speaker, I agree with the very fine remarks of my colleague from New Orleans, but I would remind him that in later years those districts were moved so that at least at the time of his death, Louis Armstrong was a constituent in the Second Congressional District, which is my district, so I have a little claim to him, too.

Mr. HÉBERT. I thank the gentleman for his observation. But come the next election, he will be back in my district.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to associate myself with the gentleman from New Orleans in his tribute to this great American, Louis Armstrong.

Yesterday, one of the great Americans of our time or any time died in his sleep. I do not qualify that description of Louis "Satchmo" Armstrong, as is customary on such occasions, by saying a great entertainer or a great American musician or a great American Negro. The fact is that this country lost a great American. He excelled at everything he tried, largely by excelling at what he knew best. His music, in the process, became our music; his gift to the Nation became this Nation's gift to the world; his musical idiom became the hallmark of an age, setting its style, its tone, its whole way of life. With his roots in the birthplace of the blues and jazz, New Orleans, he drew upon his local surroundings, its sounds and its soul, to create and transform what came natural into a new art form. So successful and so closely identified was this great man with the whole jazz culture that as long as he was with us, all of us knew that the age of great men was still with us and was not over. For Louis Armstrong was truly a legend in his own time and this Nation was indeed fortunate that his time with us was so long. Fortunately, with him and his talents grew the recording industry, so that present and future generations will continue to be able to enjoy the genius of this great man. As Mr. Slusser says in the article which follows:

He was not just a star, he was a constellation.

And if you think the horizons of this all too gloomy world are darkened a little bit more whenever a star goes out, think of the gloom resulting from the passing of a whole constellation. Although he walked with kings and mixed with all nationalities, he never let it go to his head or lost his down-to-earth appeal. I will leave it to others to give this man the big funeral he obviously expected. I simply want to rise today to pay my respects to his memory in the only way I can. At this point, I would like to enter into the RECORD two excellent articles from the Washington papers, paying tribute to this great man:

[From the Washington Star, July 7, 1971]

"THIS ONE'S FOR YOU, REX"

(By Richard Slusser)

("This one's for you, Rex."—Louis Armstrong to King George V. of England in 1936.)

Louis (Satchmo) Armstrong, the little man with the big trumpet, died this morning in his New York home, two days after celebrating his 71st birthday.

Only recently released from a hospital where he had been admitted in critical condition with kidney and heart trouble, Armstrong was practicing an hour a day on his gold-plated trumpet for a return to work.

It was not just a big trumpet and hand-

kerchief that made Louis Armstrong one of America's most effective nonpolitical ambassadors. He was one of the world's great trumpet players, a composer of songs, a singer in his own inimitable gravelly-voiced style.

His innovations in traditional American jazz are beyond measure in their contributions to popular music. He also, quite simply, was a helluva showman.

Anyone who ever heard or saw Satchmo perform cannot forget that smile, the teeth, the handkerchiefs wiping the sweat, the clowning, and, most of all, the music. Anyone who heard him knew he was not just a star, but a constellation.

After he called King George Rex, the audience was startled, but the king just nodded.

Again in London, 20 years later, where he received a great ovation, the audience became hushed after he said: "We've got one of our special fans in the house and we're really gonna lay this one on for the princess."

Princess Margaret, like her grandfather, was unruffled. Mr. Armstrong performed as promised.

When he performed—from Holland to Hawaii and Singapore to Sweden—he always "laid one on," always with his music.

"We don't want to get mixed up in any politics. We just want to blow," he once said. "I ain't got nothin' to do with politics, daddy, an' I don't know nothing about 'em."

On a European tour in 1955 he was in Geneva, where the Big Four foreign ministers were meeting. "Unify Germany?" he exclaimed, "Why, man, we've already unified it. We came through Germany playing this ol' happy music, an' if them Germans wasn't unified, then this ain't ol' Satchmo talking to you."

An American society woman once asked Satchmo for a definition of jazz. "Lady, if you got to ask, you'll never know," he said.

Mr. Armstrong generally did not talk about politics and civil rights causes. He said, he contributed money for the latter.

Louis Armstrong was born in New Orleans, the birthplace of jazz, on July 4, 1900. His mother, a former servant, and his father, a turpentine worker, were separated when he was five. He went to live with his great-grandmother in the area of Liberty and Perdido Streets.

Satchmo and three friends sang at night, roaming around the Storyville area, the Red Light district, passing a hat for pennies. His first instrument was a guitar made of a cigar box and four copper wires.

When he was about 11 he would go whenever possible to the Dago Tony Honky Tonk to hear Bunk Jones play the cornet. Jones taught him to play by ear and also provided a great influence in his musical career.

#### WORKED IN A DAIRY

In 1913 he was sent to the Waifs Home in New Orleans for a year. He mastered the bugle at the home and later the cornet and became the leader of the home's brass band.

After selling newspapers and working in a dairy he listened to King Oliver, who later gave him trumpet lessons. Oliver went to Chicago in 1917 and Mr. Armstrong took King's place in Kid Ory's band.

Two years later he played in Fate Marable's orchestra on the Dixie Bell excursion boat. During the boat's 2,000-mile summer cruises in 1920 and 1921 he learned to read music from Dave Jones, a melophone player. He later played at the Orchard Cabaret in New Orleans and at the Real Thing.

During this time he composed "I Wish I Could Shimmy Like My Sister Kate," which he sold for \$50.

#### RECORDED WITH BESSIE SMITH

King Oliver brought Louis Armstrong to Chicago in 1922. There he made his first recordings with the band, but soon became first trumpet for Ollie Powers at Dreamland.

Satchmo went to New York in 1924 to join Fletcher Henderson's band at Roseland Ballroom. During the year there he made blues recordings with vocalist Bessie Smith which now are collectors' items.

He later appeared in Chicago at the Vendome Theater and the Sunset Cabaret, recorded Louis Armstrong's Hot Five for Okeh records, and began playing the trumpet instead of cornet.

In the 1920s white musicians crowded the Sunset to hear Satchmo, and in 1928 he began playing at the Savoy Ballroom in Chicago.

#### BEHIND THE IRON CURTAIN

Returning to New York with his band in 1929, he played at Connie's Inn, then one of the city's leading night spots. He and "Ain't Misbehavin'" became famous through the "Hot Chocolates" revue.

He went to Hollywood's Cotton Club and made many records before touring Europe. Satchmo broke box office records for a band at London's Palladium Theater and toured England and Scotland.

He returned to New York in 1932 and the next year toured England again, also appearing in Denmark, Sweden, Norway and other countries.

Other foreign tours include Europe in 1954-55, Africa in 1956, Australia and the Far East in 1963, Norway, Austria and Iron Curtain countries in 1965.

#### "PENNIES FROM HEAVEN"

Satchmo's first film was with Bing Crosby in "Pennies From Heaven" in 1936. He appeared in several others including "High Society," also with Bing Crosby.

Many of his some 1,500 recordings are worth hundreds of dollars. One of his most recent hits, "Hello Dolly," in 1964, outsold many rock and roll recordings.

He also was known for appearances at jazz festivals in Monterey, Newport, Cincinnati and abroad, and for his classic renditions like "Back Home in Indiana," "Basin Street Blues" and "When It's Sleepy Time Down South."

His first marriage was to a childhood sweetheart, Daisy Parker in 1917; his second was in 1924 to Lillian Hardin, a pianist and composer who aided his musical career; his third, in 1942, was to Lucille who lives at the 12-room home in the Corona section of Queens, N.Y.

"Musicians don't retire," Mr. Armstrong once said. "They only retire when there are no gigs . . . or when they die. Then you lay them out and give them a big funeral march."

In an appearance on a television program with the late Edward R. Murrow, Mr. Armstrong was asked, "What would your mother have said if she could see you now?"

He answered: "She'd say, 'is that my boy blowing all that horn?'"

[From the Washington Post, July 7, 1971]

"SATCHMO": JAZZ SYMBOL, AMERICAN ORIGINAL

(By Hollie I. West)

Louis Armstrong, a New Orleans street singer for pennies as a boy and the world's best known trumpeter for a generation, took his music out of the ghettos of New Orleans and Chicago and made it an international language.

Known to millions the world over as "Satchmo," he became the symbol of jazz and a goodwill ambassador across the globe. He died yesterday at 71.

Mr. Armstrong had been in poor health since September, 1968, when he was hospitalized with kidney and liver ailments. He did not perform in public after that until he attended birthday celebrations for him last July.

The first night of the 1970 Newport Jazz Festival last July 10 was a grand tribute to

Mr. Armstrong. About 8,000 excited persons shouted their approval at his arrival.

Musicians from all over the country came to pay homage six days after the trumpeter's 70th birthday. There were brass and ragtime bands from New Orleans and gospel singer Mahalia Jackson performed.

One of the high points came when six major trumpeters, ranging in age from Wild Bill Davison, then 64, to Jimmy Owens, then 26, played pieces associated with the master.

Dizzy Gillespie, a leader of the bebop revolution of the 1940s, prefaced his rendition of "I'm Confessin'" with a warm salute: "Louis Armstrong's station in the history of jazz is unimpeachable. If it hadn't been for him, there wouldn't be none of us. I thank Mr. Louis Armstrong for my livelihood."

This may seem like extravagant praise for a man whom the young and uninitiated older listeners associate with low comedy and Uncle Tom manners, the genial "Satchmo" on television or the smiling trumpeter who entertains tired businessmen. But the evidence of Mr. Armstrong's majestic talent and worldwide influence is there for those willing to look.

In his life time, he literally changed a substantial part of Western music, jazz and otherwise. Before Mr. Armstrong emerged in the 1920s, jazz was primarily an ensemble art, but beginning about 1925 he began liberating the music for the soloist. No other instrumentalist had dominated his surroundings with Mr. Armstrong's power and authority. His influence reached beyond the trumpet to touch all instrumentalists, who imitated his music, style of dress and quick wit.

#### EXTENDED RANGE

At the same time, he was extending the range and flexibility of the trumpet. In the 1920s, the acceptable high note range for the trumpet was high C. Anyone who played above this range was considered exceptional. But Mr. Armstrong came along and startled his listeners by playing high Fs with ease. Sometimes he would blow 250 high Cs in a row and top them off with a high F.

Cornetist Rex Stewart told the story of how trumpeter Jabbo Smith challenged Mr. Armstrong at an Easter morning breakfast dance in Harlem during the 1920s. Smith, a member of the Charlie Johnson Orchestra, played well, fanning his brass derby on high Cs.

When Mr. Armstrong's turn came, Stewart recalled "He blew a searing, soaring altissimo, fantastic high note and held it long enough for every one of us musicians to gasp. Benny Carter, who has perfect pitch, said, 'Damn! That's high F!'"

Mr. Armstrong could do this because he possessed almost perfect physical characteristics for a trumpeter. His ideal lip size allowed maximum compression for high notes, his relaxed and open throat muscles sustained a clear and full tone and his broad and powerful diaphragm furnished the push for the air that produced his unwavering sound.

Mr. Armstrong's impact caused concert composers to demand more of brass instrumentalists. Symphonic trumpeters now play with a slight vibrato because Mr. Armstrong had one.

The trumpeter's influence on the vocal arts was also profound, despite a dark, gravelly voice. He introduced new ideas of rhythms and phrasing that affected singers as diverse as Bing Crosby and Billie Holiday. In 1950, Crosby said, "... Just as Bix (Beiderbecke) himself found inspiration in Armstrong out on the South Side of Chicago in the late 20s, so did I. I'm proud to acknowledge my debt to the Rev. Satchelmouth. He is the beginning and the end of music in America."

Through Crosby, Mr. Armstrong touched Perry Como, Frank Sinatra, Dean Martin, Tony Bennett, Andy Williams, Steve Lawrence, Jack Jones and the list goes on.

The trumpeter was best known to the

masses as a vaudevillian, a role he first took about 1930. This made him known to audiences all over the world, to people he would never have reached without his music.

At his best, Mr. Armstrong succeeded in combining great art with comedy, suggestive of his basic outlook on life. Pianist Joey Bushkin once asked Mr. Armstrong, "Tell me, Pops, when you're improvising what do you think about. How do you get the feeling?" Mr. Armstrong replied: "Joe, just close your eyes and remember the good times you had when you were a kid. Then you'll find music will just come out."

Those who criticized Mr. Armstrong's mugging and forced jokes as Uncle Tom humor were usually unmindful of the social conditions under which black entertainers became prominent in the 1920s and 1930s. Poet Sterling Brown explained: "I think you've got to understand Louis' grinning and all the rest and see that as an approach that they had to take at that time. The music is not grinning. What he does with his horn is a very important thing."

#### BECAME "SATCHMO"

Nevertheless, the trumpeter's grin and flashy teeth became a symbol. In England, where he acquired the nickname "Satchelmouth" (later shortened to "Satchmo"), a billboard sign showing his famous smile was all that was needed to announce his arrival for a concert tour.

Mr. Armstrong never let any surroundings intimidate his natural wit and informality. In 1932, when he made his first European tour, the trumpeter gave a command performance for King George V at the Palladium in London. At one point during the concert, he bowed to the royal box and told the king, "This one's for you, Rex," and tore into "You, Rascal, You."

Twenty years later, he was equally gallant to a granddaughter of the late king, Princess Margaret. "We're going to lay this one on the princess," he said before soaring into "Mahogany Hall Stomp," a New Orleans jazz classic that celebrates one of the old Storyville sporting houses.

Mr. Armstrong had an audience with Pope Pius XII in 1949 and said he "floored him with a couple of good belly laughs." According to the trumpeter, the pope, who spoke English, asked whether he and Mrs. Armstrong (who was present) had any children. Armstrong replied: "Not yet, but we're having a lot of fun trying."

He also enjoyed joking about Swiss Kriss, a laxative he took faithfully for 30 years and of which he made a virtual fetish. Although he watched his health closely over the years, the numerous and exhausting one-nighters did not begin taking their toll until 1968 when he suffered kidney and liver infections that kept him from making public appearances for almost two years. But birthday celebrations in 1970 at Newport and Los Angeles found him in trim condition, at 5 feet 8 and 170 pounds.

#### "DOLLY" SUCCESS

The 1960s were kind to Mr. Armstrong musically. His popularity, which had declined in the late 1950s, soared again with the enormous success of his recording of "Hello Dolly" and "It's a Wonderful World," which topped hit parades throughout the world. In 1969, he also appeared in his 36th motion picture, the film version of "Hello Dolly" with Barbra Streisand.

His international tours were huge financial successes, taking him to all points of the globe. Although the trumpeter had toured Europe on many occasions, he did not achieve an international reputation until after World War II.

His first trip to Africa in 1956 resembled the return of a conquering hero. More than 100,000 persons turned out to hear him in Accra, Ghana. Mr. Armstrong, who said he

was a "pure-blooded" black, believed his ancestors came from Ghana. He described his first visit to the country as the second most exciting event in his life (the first was when he joined King Oliver's band in 1922).

Later tours took him to Central and Eastern Europe. In 1965, he played a concert for 91,000 persons at the NEP Stadium in Budapest. Mr. Armstrong never realized his dream of performing in the Soviet Union. He was scheduled to tour the country for the State Department in 1957 but canceled in anger over the way the Eisenhower administration handled the Little Rock school integration crisis.

He accused President Eisenhower of being "two-faced" and denounced then Arkansas Gov. Orval Faubus as "an uneducated plow-boy."

On tour in the Plains states at the time, Mr. Armstrong said, "My people—the Negroes—are not looking for anything. We just want a square shake. But when I see on television and read about a crowd in Arkansas spitting and cursing at a little colored girl, I think I have a right to get sore—and say something about it. After all, America is my country, too, and I've always tried to do anything I could to help it."

It was not characteristic of Mr. Armstrong to take a public stand on a social issue, although he reportedly contributed generously—and anonymously—to black organizations.

Mr. Armstrong was once described by Duke Ellington as "an American standard, and an American original." Indeed, his birthdate, music and patriotism all had a strong American imprint.

Daniel Louis Armstrong was born July 4, 1900, in a two-room, 50-cents-a-month shanty in James Alley, in the poorest black section of New Orleans—the area called "back o' town." His mother, Mary Ann, had been a domestic, and his father, Willie, was a turpentine worker. They lived with Mr. Armstrong's maternal grandmother, a former slave.

But the couple quarreled frequently and by the time Mr. Armstrong was 5, his parents had separated and he, and his sister, Beatrice, lived with the two women at Liberty and Perdido Streets in the third ward.

Mr. Armstrong's musical ability showed itself early. He sang in a strolling quartet that performed for pennies. Drummer Zutty Singleton recalled years later how he saw Mr. Armstrong at age 12 or 13 singing with a quartet at a tent show. He went on the recommendation of legendary New Orleans trumpeter Bunk Johnson, and said, "Louis was singing tenor then, and they broke it up that night."

On other nights, Mr. Armstrong made the rounds of bars and whore houses in the famed Storyville section of New Orleans, the city's red light district that was considered the most open in the nation until it was closed down by a U.S. Navy order in 1917. During these visits, he heard the famed cornetists who were to later influence his playing—Buddy Bolden, Bunk Johnson, King Oliver, Freddie Keppard.

The musician remembered those years as carefree ones. He celebrated New Year's Eve, 1913, by firing a .38-caliber pistol his stepfather had left behind. Mr. Armstrong was arrested and wound up in the Colored Waif's Home for a stay of less than two years.

This was considered the major turning point of his life. At the home he learned discipline and self-reliance, but most importantly, he learned to play the bugle. Later he went on to the cornet under the tutelage of "Captain" Joseph Jones, director of the home, and warden professor Peter Davis, both amateur musicians.

Before the year was out, Mr. Armstrong was leading the home's brass band and once had the pleasure of marching down his own street in front of his mother's house.

On discharge from the walf's home in 1915, Mr. Armstrong, using a rented horn, got a job playing in a honky-tonk. He also peddled newspapers, delivered coal and searched garbage cans for food to take home or sell to restaurants.

The hours were long. He did not get away from the honky-tonk until 4 a.m. He would sleep briefly and then report for work hauling coal from 7 a.m. to 5 p.m. At age 15, he made 75 cents during the day and \$1.25 plus tips at night.

During this time, the musician also performed at parades, dances and funerals. King Oliver, who was then the acknowledged jazz master in New Orleans, took the younger man under his wing and regularly gave him tips on music and life. It was the beginning of a master-pupil relationship that lasted well into the 1920s.

When Mr. Armstrong ran errands for Oliver's wife, Stella, he was paid off in trumpet lessons from the master. "I could not have asked for anything I wanted more," he said.

Shortly after Oliver left New Orleans for work in Chicago, in 1918, Mr. Armstrong began playing with Kid Ory's band, where he learned valuable lessons from another master. But the younger man had to continue supplementing his income with odd jobs.

#### BOAT BAND

Not until he joined Fate Marable's band on the Sydney, the Mississippi excursion boat, in 1920 did he get a permanent, well-paying musical job. During the summers of 1920 and 1921 on the trips up the river to St. Louis, Mr. Armstrong's clear tone, formidable technique and rhythmic freedom began making him a drawing card. By this time he also had acquired the nickname "Dippermouth," sometimes shortened to "Dipper."

This period also saw him write a song, "Get Off Kate's Head," which was published as "I Wish I Could Shimmy Like My Sister Kate." The publishers did not give Mr. Armstrong composer credit or the \$50 they had promised him for the song.

The trumpeter left Marable's group to return to work in New Orleans after a steamboat captain asked the group to imitate Paul Whiteman's Orchestra. Fletcher Henderson, touring as a pianist with a group that accompanied singer Ethel Waters, heard him during this time and asked him to join the group. Mr. Armstrong declined.

His next move, however, was significant in the history of jazz. Successful with his Original Creole Jazz Band in Chicago, King Oliver sent for Mr. Armstrong in July, 1922, and his former pupil became second cornetist in the band.

The younger man recalled his arrival vividly: "I'll never forget the night I joined the Oliver band. They were playing at the Lincoln Gardens, at 31st near Cottage Grove . . . I didn't come in on the train that Joe was supposed to meet. So that makes me come in all by myself. I looked all around and I didn't see anybody. I said: 'Lord, what's going to happen now?' and I wondered if I should go right back on the next train. I was just a youngster from New Orleans, and I felt real lost in Chicago. But a redcap told me: 'Why don't you get a cab and go out to the Lincoln Gardens.'

#### "CATS WERE GLOWING"

"When I got there and got out of the cab, I heard this band. They were really jumping, and I commenced to worry all over again. I wondered if I could ever fit into that band. Oh, those cats were glowing!"

He fit in all right. The recordings he made with this band are unanimously acclaimed as jazz classics. Before long young Chicago musicians were coming around to learn from Mr. Armstrong.

The trumpeter married Lillian (Lil) Hardin, pianist with the Oliver group in 1924 and both left the band the same year. He subsequently left Chicago for New York to

take the third-trumpet chair in Fletcher Henderson's orchestra.

Although he was paid only \$55 a week, \$20 less than he received from Oliver, this was an important phase in his career. It helped prepare him for the stardom he was to achieve.

Mr. Armstrong was exposed to an entirely new set of influences in New York and on the road with the orchestra. Although none of the Eastern musicians had the New Orleans blues feeling or power in their playing, they had technical polish and precision, which he was to add to his style.

The story is frequently recounted about how Mr. Armstrong, in one of his first rehearsals with the Henderson group, played at full blast throughout a piece. Henderson, a meticulous musician, asked the new recruit if he had noticed the letters "pp" and added that they stood for pianissimo, or play very softly. Armstrong said: "I thought that meant 'pound plenty!'"

The Henderson Orchestra of this period, the forerunner of many present-day large jazz ensembles, included such musical notables as Coleman Hawkins, Charlie Green and Don Redman. Mr. Armstrong's fresh and uninhibited style made as strong an impact on them as their smoothness had on him.

On his return to Chicago in 1925, Mr. Armstrong was hot property. He was on the brink of replacing his former idol, King Oliver, in the public eye. In New York, he had switched from the mellow-voiced cornet to the more piercing-toned trumpet and started singing.

Under his wife's steady encouragement to become a leader, Mr. Armstrong organized a group that played at the Dreamland. He also began a series of recordings—the Hot Five sessions—that established him as a genuine innovator.

During one of the sessions, while recording "Heebie Jeebies," Mr. Armstrong is reported to have dropped the sheet music and delivered some scat-singing (wordless singing) in place of the lyrics. Although others had scat-sung before, this record popularized the practice.

Later came the Hot Seven sessions, which were one more step removed from the New Orleans tradition than the Hot Five recordings. It was during this time that Mr. Armstrong, while leading a group at the Sunset Cafe, had his first contact with Joe Glaser, owner of the cafe. Glaser, later the head of Associated Booking Corp., managed the trumpeter for more than 40 years before dying in 1969. He is generally credited with making Mr. Armstrong a millionaire through shrewd bookings and careful investments.

In 1928, Mr. Armstrong and pianist Earl Hines combined for a series of recordings—"Weather Bird," "West End Blues," "Fireworks" and others—that set new standards for jazzmen everywhere. The trumpeter gave advanced, virtuoso performances that served as the foundation for jazz trumpet developments in the 1930s and 1940s. The discs stand today as examples of sublime melodic and rhythmic invention and dazzling technical display.

In a 1966 appreciation of Mr. Armstrong, jazz critic Whitney Balliet wrote of the trumpeter's work in the 1920s and 1930s: "He created the sort a super, almost celestial art that few men master; transcending both its means and its materials, it attained a disembodied beauty . . . Armstrong's outpouring emotion was universal. There were peaks and cloud kingdoms and heavenly pastures in his playing that summoned the listener, elated him and sent him on his way."

A turning point in Mr. Armstrong's career occurred in the 1930's when he began to perform in front of mediocre big bands that were usually led by someone else. The inferior quality of his surroundings seemed to hurt his playing.

He did not return to the small group format until 1947 when he organized an all-star band

that included jazz greats Hines, Jack Teagarden and Barney Bigard. In their presence, his performances took on new life.

In 1949, Mr. Armstrong played at the inauguration ball for Illinois Gov. Adlai Stevenson and was crowned King of the Zulus at the New Orleans' Mardi Gras. Edward R. Murrow made a CBS television documentary, "Satchmo the Great," of Armstrong in 1956.

During all this success and acclaim, he continued living with his wife, Lucille, in a comfortable but modest home in Corona, Queens, New York. He frequently enjoyed eating his favorite New Orleans dish, red beans and rice.

The musician was born a Baptist but always wore a Star of David around his neck. He rarely went to church but always said grace before meals.

Mr. Armstrong's first marriage, to Daisy Parker, ended in divorce in 1917. His second marriage, to Lillian Hardin, ended in 1932. He had been married to his present wife, Lucille, since 1942.

Mr. HÉBERT. I thank the gentleman from Massachusetts.

In conclusion, may I say I had one connection with Louis Armstrong that I am sure nobody in the House has had. I was his press agent when he played in New Orleans at the Old Beverly Club. I was on the newspaper at that time and nobody can top that.

#### TO CORRECT INEQUITIES IN WHEAT PRICE SUPPORT PROGRAM

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

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation which will offset the locational differences in the certificate value of domestic wheat. Under this proposal, the producer's marketing certificate shall be adjusted, either up or down, so that it is equal to the national average price support loan rate in fact as well as in theory.

In my State of Wyoming, wheat values are lower than in many other areas of the United States. Variations in wheat value by location reflect solely the transportation cost of wheat to a utilization point.

To say that the parity price for wheat shall remain the same throughout our country in order to reflect the difference between parity price and the average price producers receive for wheat, and then to not compensate for the distance to terminal markets, is to state that one will be fair with all producers, but "more fair" with some than with others.

I am hopeful this proposal can receive full consideration. Wheat growers are already operating on a marginal profit, and equalization of the certificate value of domestic wheat would be a real boon to my State, and to other areas across this Nation that are some distance from major domestic wheat utilization points.

At this time, I would like to insert the following article from the Western Nebraska Observer written after an interview with Mr. George Haldeman of Albin, Wyo.

#### ALBIN FARMER SAYS WHEAT PROGRAM UNFAIR TO AREA

George Haldeman of Albin, Wyo., is resting the theory that one man really can change things if he works at it. He is instigating a

campaign to get wheatgrowers in this area fired up to write their Congressmen and work through the Department of Agriculture to try to get the present interpretation of a part of the government wheat program changed.

He has been presenting his idea (which he feels would help equalize income of wheatgrowers in this area with those living near terminal markets) to county agents, newspapers, bankers, ASCS personnel, wheat growers' groups and individuals. And he has been picking up quite a little support. He had also written his Congressman.

To clarify his idea, Haldeman uses a graph (see cut—not reproduced in the RECORD). Shaded portions of the vertical bars represent average market prices of wheat from July to November, 1970. The one on the left is for eastern Wyoming (\$1.15), the middle the national average (\$1.37) and the right the average terminal market price (\$1.59) estimated by Haldeman.

Average market price of wheat in this area has the cost of freight to the terminal subtracted from the price paid for wheat at the terminal.

White portions of the bars represent the estimated certificate value of \$1.50 per bushel which is set by subtracting the national average market price from parity. Parity (fair price farmer should get for his product in relation to costs and other price levels) has been set at \$2.87. Certificate payments are made to farmers on the part of his production which represents his share of the domestic wheat allotment.

Thus Haldeman's graph illustrates that the national average wheat price plus the \$1.50 certificate payment (middle bar) exactly equals parity price of \$2.87.

However, the eastern Wyoming price of \$1.15 plus the \$1.50 certificates only brings parity in that area (and also western Nebraska) to \$2.65, while farmers delivering to or near terminals are getting parity near \$3.09 (estimated).

This reflects an approximate 44 cent difference between parity in this area and parity in areas near terminals.

To correct this situation, Haldeman proposes that certificate values be determined on a county-by-county basis by subtracting the average market price (or perhaps the county loan rate which would be simpler to implement) to determine the certificate values.

Haldeman says that production costs in this area are comparable to those in areas with more favorable market prices and that adjustments in certificate payments could help producers here get a price comparable with other areas at least on their share of the domestic wheat.

With the small margin of profit (or less) with which farmers are now operating, he feels his plan is important enough to this area that all wheat growers should write letters to their Congressional delegations and keep pushing until something concrete is accomplished.

#### FREEDOM OF THE PRESS

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

Mr. MIKVA. Mr. Speaker, I am deeply disturbed by last week's vote of the House Commerce Committee to call into question the contents of a news broadcast by CBS which happened to be critical of the Pentagon public relations machine and the Government's actions in Indochina. I am even more deeply disturbed at the possibility that the House will seek to use its contempt power to coerce compliance by CBS with this un-

warranted and unconstitutional interference with the freedom of the press.

One need not find the program "The Selling of the Pentagon" worthwhile, or even fair, to be opposed to the subpoena of out-takes and notes used in preparing the show. The freedom of the press is not conditioned on its being a fair press. Indeed, every dictatorship professes to be for a free press, as long as it "tells the truth" as the dictatorship sees it. The greatest sins against freedom have been committed in the name of protecting the people from "untruths." Well-meaning motives of the censor have never been sufficient protection for personal liberty. The American colonists knew this only too well, and they insisted that their Constitution protect them in clear terms from any government attempting to decide for the people what they should or should not be entitled to know and to be told.

The fact that the technical nature of broadcast frequencies necessitates "regulation" to prevent electrical interference does not by any stretch of the imagination justify interference with freedom of speech or of the press by supervising the content of broadcast programs. The power to license television stations in order to regulate traffic on the limited number of available frequencies, does not invest the Government with the power to license the truth. Investigation of the content of a television news broadcast by the Government violates the first amendment just as surely as it would if "The Selling of the Pentagon" had been printed in the Washington Post.

Two hundred years after the adoption of the first amendment, we should not have to reenact the debate over whether the Federal Government is the proper one to decide whether the people are getting a straight story in the newspapers and in news broadcasts on radio and television. The first amendment makes it crystal clear by its terms and by its history that the Government has no business whatsoever deciding for the people what they should or should not be told.

The importance of shielding the press from being held accountable by the Government, particularly where the right to criticize the Government is involved, was first established in America in the trial of John Peter Zenger in 1734. Although it was more than 40 years before the Constitution was drafted, the people who sat on the jury which acquitted Zenger expressed their determination that in America, people should be free to criticize their government without being subjected to legal process.

Subsequent cases involving the Alien and Sedition Acts, obscenity cases, and even the recent New York Times case involving the Pentagon papers, have given rise to the questionable notion that the first amendment rights of free speech and free press are less than absolute—that even though the first amendment says Congress shall make no law abridging the freedom of speech or of the press, Congress may nevertheless pass some laws abridging free speech or freedom of the press.

What makes the proposed contempt

citation against CBS particularly heinous is that, unlike these previous cases, the press is being prosecuted not because of the substantive content of the speech, but because of the alleged lack of objectivity with which it was said. It is not claimed that "The Selling of the Pentagon" poses a clear and present danger comparable to the crying out of "Fire" in a crowded theater, or threatens the national security or "imperils the safety of a transport already at sea."

Allegedly, the Government has no interest in the contents of the program, except the question of whether the presentation was truthful, by whatever standard of truth the Government claims to apply. There is nothing in the history of the first amendment or the cases decided thereunder which would justify the kind of action this House of Representatives is being asked to take.

How could we have strayed so far from the clear design of the Constitution to shield the people from this kind of arrogant imposition of censorship by the Government? Like a seduction, the rape of a free democracy progresses by imperceptible degrees. No single advance seems serious enough to fight off, until in retrospect we look back and wonder how it ever went so far.

We are asked by a majority of the Committee on Interstate and Foreign Commerce to force a retrial of the Peter Zenger case. We are asked to require that news broadcasters obtain a license to publish their views, conditioned on governmental approval of the truthfulness and objectivity of the contents. This is utterly inimical to the fundamental principles of a free society, and completely contrary to the Constitution by which even the Congress is supposed to be governed.

No one ever claimed that a free society is without risks. It should be obvious that freedom of speech or press involves freedom to be wrong as well as to be right. The whole premise of a free democracy as contrasted with an authoritarian system of government, is that the people will be better served in the long run by "open and robust debate" than by receiving only "the truth" as defined by the Government. The dangers represented by Government censorship are obviously more grave than those posed by possible lack of objectivity in the press. That is why we have the first amendment.

If CBS lies to me, there is some hope and likelihood that NBC or ABC or even Herb Klein will counter those lies with countervailing lies of their own, and I will have a basis for making a judgment as to where the truth lies. But if the Government refuses to let CBS tell me anything, then where do I look for the truth? I am forced to rely on one side only. No one side ever has a monopoly on the truth. Every individual perceives and understands the same events differently, as judges and juries and lawyers in personal injury suits find out constantly. The truth, whatever that term means, always lies somewhere in between—closer to Aristotle's golden mean than to the golden tongue of either SPIRO AGNEW or ROGER MUDD.

In a free society such as ours, the only proper remedy for faulty speech is more

speech—that is the heart of the freedom we used to hold dear in the United States. The truth will best be served by allowing and encouraging all viewpoints to flourish, to compete for acceptance in an open marketplace of ideas—not by permitting only those which meet Government standards of acceptability.

A free democracy rests on the assumption that the people are capable of and have the right to determine the truth for themselves. That faith in the people seems to be dissipating in the councils of the executive branch. A majority of the House Commerce Committee seems to have caught the pernicious disease of disdain for the people from Mr. Mitchell, Mr. Kllendienst, Mr. AGNEW and their lot. Let us hope that the House as a whole will show more sensitivity to the Constitution and more respect for the ability of the people of America to judge the truth for themselves.

There are two types of possible responses to criticism. One is to attack the critic. The other is to attack the critic's arguments. The former kind of response betrays weakness. The latter requires the strength of conviction to be willing to place one's own views alongside one's critic's, and let them compete for acceptance in the marketplace of free speech, based on their respective merits.

I regret that a majority of a committee of this House has gone with the forces of weakness, and has displayed the same kind of careless disregard for the traditions and meaning of the first amendment that we have come to expect from the administration.

I urge my colleagues to reject the temptation to impose on the electronic press a Government-approved standard of truth.

It is regrettable that the president of CBS was asked by the committee to subject the news network to Government scrutiny. It would be a travesty of constitutional principles if he were held in contempt for properly resisting this official imposition on the freedom of the press to speak directly to the American people without interference from the Government.

It would be tragic if "The Selling of the Pentagon" were to provide the occasion for the selling of the first amendment by the Congress. This House should not be party to such an assault on the Constitution.

#### PROPOSED SALE OF DULLES AND NATIONAL AIRPORTS

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

Mr. BROYHILL of Virginia. Mr. Speaker, the President in his annual budget message of January 29, 1971, for fiscal year 1972 proposed the sale of Dulles International and Washington National Airports by the Federal Government.

Since that date, several proposals to acquire these airports have been set forth. Among them are: purchase by the already existing Airport Authority in

the Commonwealth of Virginia, purchase and ownership and operation by the Washington Council of Governments, purchase by a separate Regional Authority which would own, control, and operate not only these two airports, but Friendship Airport as well. There have also been rumors of a willingness to purchase these two airports by private groups.

The main stumbling block in all of these proposals has been the inability of any of these groups to approach the Federal Government with cash-in-hand, ready, willing, and able to strike a business bargain.

Recently, I have been informed that certain airlines of this Nation are in a position to guarantee or to underwrite the necessary bonds required to finance the purchase of Dulles International Airport and Washington National Airport from the Federal Government. The airlines are also willing to finance \$50 million above the amount necessary for purchasing the airports for expansion of these facilities.

It is also my understanding that the airlines are willing to make this offer to any local government or group of local governments or their duly constituted corporation or authority or any responsible private group.

I am very enthusiastic about this proposal. Especially since these two splendid airports are in the congressional district which I have the good fortune to represent in the Congress. I see this offer as giving northern Virginia citizens and their elected officials a realistic option to the plans that have heretofore merely been flirted with.

Recently, I held a conference with the administrative heads of the counties of Arlington, Fairfax, and Loudoun, which represent the primary jurisdictions wherein these airports are located. It was my purpose in informing them so that they might properly put these proposals before their respective county boards for consideration.

To further facilitate the action proposed by the President, I am drafting legislation, which I shall shortly introduce, to authorize the executive branch to sell these facilities to an appropriately constituted authority.

It is my personal judgment that these three northern Virginia jurisdictions should have first consideration to purchase these airports from the Federal Government. This right stems from a simple and undeniable position that the lands to build these airports came from these jurisdictions. By the same token, these jurisdictions should also have a priority right over the economic byproducts resulting from the future operations of the airport.

Some of my friends in northern Virginia might have reservations regarding the magnitude of such an undertaking. I say to them, I would agree if we were attempting to build these facilities from scratch at today's prices. But it is my understanding that it is the Government's intentions to dispose of these two airports at a price which represents the Government's equity in these facilities, a price which will be considerably lower

than building them at today's costs. Second, I realize that some persons in northern Virginia are concerned about air and noise pollution which presently comes from these two facilities. This is a valid position. Again, I say to them, the airports are here and serve a much needed service not only to our community, but to the Nation. The airports are not going to fold up and silently steal away into the night; instead those disturbing aspects affecting our environment shall have to be corrected and are being corrected. In this regard, I believe it is wiser to have control over the operation of these airports vested in a level of government in which those affected the most have the best chance to bring their influence to bear on the management and operation of the facility than at some higher level of government over which they have less influence.

It is also important to note that each of these communities already has substantial economic, political, and social interest in these two airports. They daily deal with problems originating from their operations. They shall continue to face these problems in the future regardless of who owns these airports. However, these problems could better be solved, and the public and the airports better served if they were a more direct part of these communities.

It is my recommendation that the communities of northern Virginia should agree to purchase these two airports if they find a thread of advantage to these communities in the proposal offered by the airlines.

It is my judgment that the northern Virginia communities should own and operate Dulles International and Washington National Airports. I also believe that the Federal Government should give priority rights in the sale of these airports to those several communities wherein these facilities are geographically located, over consideration to any other group of communities or regional entities which might want to buy and operate these airports.

#### RELEASE LEGISLATION TO SAVE OUR SCHOOLS

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

Mr. YOUNG of Florida. Mr. Speaker, while our Federal courts work relentlessly to destroy the neighborhood school system and quality education in America, critically needed remedial legislation remains bottled up in committee.

Time is running out—plans for the fall term at public schools across the Nation are now being made. Unless we act promptly, there will be massive forced busing, without regard for the welfare of students or the wishes of their parents, in thousands of communities, and we will be embarked irrevocably on a course that will have grave consequences on this and future generations of young Americans.

To right this tragic wrong, I introduced a proposed constitutional amendment, House Joint Resolution 600, on April 29, aimed at guaranteeing that the right of

students to attend the public school nearest their residence shall not be denied or abridged because of race, color, national origin, religion or sex.

Today, I am filing a discharge petition to get this bill on the floor where the people of America, through their elected representatives, will have the opportunity to vote on it. The destruction of our schools—resulting in the erosion of yet another of our freedoms—is too important a matter to languish any longer in committee.

The choice is inescapable: Congress already has been asked to appropriate hundreds of millions of dollars in public funds to help communities try to solve problems brought about by the senseless and discriminatory rules set down by the courts.

Right now, the South is the whipping boy. The South cannot have an all-white or an all-black school, regardless of neighborhood living patterns. Yet such schools are permitted in the North.

But my colleagues from other sections of this great Nation cannot rest easy—their turn may well be next, for those who are bent on forcing their social schemes on the public are not going to be satisfied until every school system in America conforms to their arbitrary standards.

This struggle involves all of us, and I urge my fellow Congressmen to join in this cause by signing the discharge petition to bring House Joint Resolution 600 to the floor where we can decide this great issue in behalf of the American people.

#### ENCOURAGING NEWS WITH REGARD TO ENDING THE VIETNAM WAR

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

Mr. TIERNAN. Mr. Speaker, over the past weekend we received some of the most encouraging news we have had in a long time with regard to ending the Vietnam war. This was the seven-point plan presented by Mrs. Nguyen Thi Binh, the Chief Vietcong delegate at the Paris peace talks. We were further encouraged yesterday to hear that both Mrs. Binh and Mr. Le Doc Tho, a member of the Politburo of the ruling Communist Party of North Vietnam, stated this was not a take-it-or-leave-it proposal.

I am certainly aware of the position in which this action places the Nixon administration. They would not be wise to blindly accept or refuse to adopt this entire plan, but it would also be unwise and foolish to do nothing. Ambassador David Bruce should be willing to negotiate at least on point I at the next peace talk meeting which takes place tomorrow. In addition, Henry Kissinger, who will be in Paris later this week, should make a point to meet with Mrs. Binh and Mr. Tho. Mr. Tho has already indicated he would like to talk with the President's national security adviser.

We have an opportunity here to end America's decade long involvement in Southeast Asia. Many of us have long been advocating that we set a definite

withdrawal date by the end of this year. The Nixon administration and many of my colleagues have refused to go along with this, mainly because of the question of our prisoners of war. Point 1 of the Communist proposal solves this problem. If we set a date, the Communists will begin to release our men. It is important to note here that we are speaking of both the North Vietnamese and the Vietcong. Many people have expressed concern that those Americans held by the Vietcong would not be considered in any settlement of the war.

In an interview yesterday, Mr. Tho stated:

I think the setting of a final date of troop withdrawal and the release of prisoners of all parties (emphasis added) is the first settlement of the war. It is our desire to achieve that. It does not mean that only Point 1 is settled and we stop there.

Every American who desires peace in Southeast Asia cannot help but concur with these thoughts. Further negotiations will be necessary, particularly with regard to the release of prisoners in Laos and Cambodia. But if we fail to act favorably now, then we will be hard pressed to deny the allegations made that we do not truly seek peace.

This is the first time the Communists have officially become flexible in their position. Let us now respond in a positive way to this new opportunity.

#### ARMS AID TO PAKISTAN

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

Mr. MORSE. Mr. Speaker, on July 1, 1971, I introduced House Joint Resolution 765 which affirms that "all military assistance, and all sales and deliveries of military equipment and weapons" to Pakistan and "all licenses for military sales including those already approved" shall be suspended for a period of 365 days unless the President determines that such assistance, sales, or deliveries are required for reasons of overriding national interest and so reports to the Congress. Senator MATHIAS will introduce similar legislation in the other body today.

As a joint resolution, this legislation will not only convey the sense of Congress. It will also have the force of law.

It is important that Members understand the urgent need for rapid action on this resolution. An editorial in the July 5 Washington Post traces the background of our policy regarding arms deliveries to Pakistan. From my understanding of this editorial, several points of interest regarding my resolution emerge:

First. The Department of State until late June 1971, was convinced that following the eruption of civil war in East Pakistan on March 25, 1971, the United States had been able to bring to a halt all arms deliveries to Pakistan.

Second. On the strength of this conviction, the Department of State repeatedly and formally stated to the Congress and the press that no arms had been or were being provided to Pakistan on or after March 25, 1971.

Third. In all likelihood without the knowledge of administration officials at the policy level, on May 8, 1971, the *Sonderbaas*, a Pakistani ship carrying arms still in the supply pipeline as of March 25, 1971, set sail for Pakistan from New York.

Fourth. On June 22, a second Pakistani ship carrying U.S. arms still in the supply pipeline set sail for Pakistan from New York. At this point solid investigative reporting by the New York Times uncovered the existence of the supply pipeline loophole.

Fifth. On July 2, a third Pakistani ship carrying supply pipeline arms left New York for Pakistan.

Sixth. Four to five more ships are scheduled to leave in July and August and even then no one can be certain the supply pipeline will be unclogged and exhausted.

By its decision, still in force, to suspend further arms sales to Pakistan, I believe the United States demonstrated that it was adopting the only policy appropriate for an outside power with respect to the tragic civil war in East Pakistan; namely, a policy of neutrality, noninterference, and noninvolvement. In my judgment, the important step which we had to take from the standpoint of our military sales policy was this halt in all further sales. But we cannot at the same time ignore the diplomatic and political significance of the pipeline deliveries.

In an article in the New York Times former Ambassador to India Chester Bowles warns on July 6 of the possible sequence of events which may soon confront us. It is:

First. India "in a desperate effort to cut off the flow of refugees, return the present refugees to their own homes, and prevent the establishment of an extreme left-wing government in East Pakistan" may move troops into East Pakistan.

Second. Pakistan may then be expected to reply by attacking India in Kashmir and the Indian Punjab.

Third. China may deliver an ultimatum to India.

Fourth. The Soviet Union may then support India to ward off China and the escalation may continue.

In this scenario, which Ambassador Bowles believes is a "very real possibility," could the United States ultimately avoid involvement? I believe the minimal step which the United States must take is to halt all arms deliveries to Pakistan including those deliveries in the supply pipeline which have not left our shores. With each one of our actions we must convey conviction that we favor an immediate standstill in the level of violence in East Pakistan.

In spite of our hopes that the strife will soon end and thus permit the United States to avoid some of these painful policy decisions, the July 6 New York Times reported that Bengali insurgents have now knocked out the Dacca electrical power station. This suggests that resistance is far from ended. It may continue for months, perhaps years.

I insert the Washington Post editorial and Ambassador Bowles' observations in the RECORD at this point:

[From the New York Times, July 6, 1971]

**SOUTH ASIA: THE APPROACH OF TRAGEDY**  
(By Chester Bowles)

ESSEX, CONN.—Unless two rather unlikely developments occur, South Asia is in imminent danger of erupting into a tragic, need-led war.

These developments are: First, that the ruling West Pakistan Government turns away from the path of terror against its own subjects in East Pakistan and agrees to a settlement that will stem the flow of frightened, homeless refugees into India; and second, that the world community soon mounts a massive campaign to relieve India of the burden of supporting nearly six million refugees who have already crossed the border.

The Indian Government is making a Herculean effort to provide food, medical assistance and shelter to these destitute and frightened people. The cost, which is estimated at more than \$10 million a week, is being assumed by India at a time when its economic assistance from the World Bank and the Consortium (the United States, Britain, France, Italy, Germany, Japan and Canada) has been sharply reduced and more than \$500 million in principal and interest on past debts is scheduled to be repaid this year alone.

These economic constraints are compounded by political factors. Prime Minister Gandhi has emphasized that the refugees belong to "every political persuasion—Moslem, Christian, Buddhist and Hindu." But reports are now spreading that the West Pakistan military has begun to focus its fury on the Hindu minorities throughout East Pakistan. If this is true it is bound to create religious tension with India's 65 million Moslem minority.

Finally, India fears that an independent East Bengal may encourage West Bengal, where the Communist party Marxists are the largest single element, to merge into a single Bengal nation and thereby create a target for Chinese intrigue and subversion.

In a recent speech in the Indian Parliament, Mrs. Gandhi asserted, "This is not as some say 'an internal problem' of Pakistan. It is a problem which threatens the peace of South Asia. Has Pakistan the right to compel at bayonet-point not thousands, not hundreds of thousands, but millions to flee their homes? This is an intolerable situation. This Government may have its faults, but it does not lack courage. It is not afraid to take a risk that is a necessary risk."

The possible sequence of events that may soon confront us is appalling: (1) India in a desperate effort to cut off the flow of refugees, return the present refugees to their own homes and prevent the establishment of an extreme left-wing government in East Pakistan may move troops into East Pakistan; (2) Pakistan may then be expected to reply by attacking India in Kashmir and the Indian Punjab; (3) China may deliver an ultimatum to India (similar to the one she delivered in October of 1965 toward the end of the East Pakistan war); (4) the Soviet Union then supports the Indian position and wards China off, and the escalation continues.

This scenario may be dismissed by many as a bad dream. In my opinion it is a very real possibility, and if the situation continues to drift, a probability.

Mrs. Gandhi's government has acted responsibly in its handling of the crisis on its northeast border, but the financial and political pressures are rapidly pushing India to the breaking point.

The world community through the United Nations channel, by direct initiative or any other means, must act. What is happening in East Pakistan is an immoral and humanitarian outrage which must be condemned and stopped. At the same time India must be relieved of the responsibility for the care of the six million refugees. This, long-suffering,

struggling, democratic country which a few months ago seemed about to achieve economic self-sufficiency must not be allowed to suffer, perhaps go under, because of a situation not of its own making.

It is reported in the press that members of the Consortium and the World Bank with the exception of the United States have agreed to stop economic aid to Pakistan until a political understanding is reached with East Pakistan and the East Pakistanis are assured their full share.

Since the outbreak of the struggle in East Pakistan in late March the United States has shipped three cargoes of military equipment to Pakistan that can only be used against her own people in East Pakistan or against India. This step has been taken despite a solemn assurance to Congress that no arms would be sent. It was first accepted as just another bureaucratic blunder which did not represent United States policy. However, in the last few days there is evidence this was not an accident but a deliberate decision.

If this is in fact correct the United States, once again, has committed an abysmal error in Asia, one that historians may find even more difficult to condone or excuse than the debacle in Indochina.

[From the Washington Post, July 5, 1971]  
**U.S. ARMS FOR PAKISTAN: A SHAMEFUL RECORD**

The Pakistani army undertook to crush the autonomy movement in East Pakistan on March 25. Soon after, as word of the army's appalling and indiscriminate slaughter began to seep out, the question was asked in Washington whether arms sold or given by the United States were being used and, further, whether the supply of these arms was continuing. Here is the record of the answers given in Washington.

April 2: The State Department said it could neither confirm nor deny reports from the scene that American equipment was being used.

On April 20, the fact no longer deniable, the Department informed Senator Kennedy that it had "expressed our concern over the use of American arms in East Pakistan"; it added that "arms acquired from a number of countries, including China, the U.S.S.R. and the U.K., also have been used."

Three days later: The Department specifically acknowledged to Senator Fulbright that "some M-24 tanks and F-86 aircraft have been observed in use in East Pakistan in recent weeks." It did not acknowledge that these tanks and planes had been employed against ragged desperate men armed with little more than rifles, if that.

April 6: Mr. Fulbright had asked Secretary of State Rogers for information on the "status of any current shipments" of military equipment to Pakistan. The following week a department spokesman, speaking to reporters, denied that the United States has "a large on-going military assistance program with Pakistan" and declared, "There is no repeat—no equipment in the pipeline and none has been delivered" under a one-shot October, 1970, arms deal. Referring to a "modest" sales program dating from 1967 for non-lethal military equipment, spare parts for equipment already in Pakistani hands and some ammunition," he said: "Insofar as shipments under these agreements are concerned, we have this matter under review."

April 14: An unattributed report appeared in The Washington Post saying that arms shipments were continuing but with minimum publicity. The next day, however, a department spokesman concluded a review of the subject this way: "In short, no arms have been provided to the Government of Pakistan since the beginning of this crisis, and the question of deliveries will be kept under review in light of developments."

April 20: The department told Senator

Kennedy: ". . . none of these items [on the 1967 'non-lethal' list, including ammunition] has been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan March 25-26, and nothing is presently scheduled for such delivery."

May 6: Senator Fulbright was told: "In short, no arms have been provided since the beginning of the crisis and the question of deliveries is under review."

May 8: The *Sonderbans*, a Pakistani ship carrying arms to Pakistan, sailed from New York, without public announcement or public knowledge.

June 17: The State Department told reporters, as reported in this newspaper the next day, that "no deliveries of military equipment has been made to Pakistan since March 25, when the fighting began."

June 22: The department, responding to a story in the New York Times, acknowledged that two shiploads of arms were going to Pakistan and explained that they had been licensed before March 25. The same day the second ship, the *Padma*, sailed.

Six days later: The administration said it would allow further shipments of military material if licensed before March 25. The first reason cited was to apply "leverage" to induce the Pakistan Government (1) to bring about a political accommodation in East Pakistan (it has yet to do so) and (2) to take back the six million refugees who had fled to India (the flight continues, according to report, at a 40,000-a-day rate). The second reason cited by the administration—which had earlier downgraded use of American arms in the carnage by saying Soviet, Chinese and British arms also were used—was to discourage Pakistan from shifting to other arms suppliers.

June 29: It was revealed that four or five more arms ships were scheduled. The *Kap-tai* sailed July 2.

This is, we submit, an astonishing and shameful record, with two meanings. The first is that, for the shabbiest of political reasons, the United States is supplying military equipment to a brutal regime that has killed an estimated 200,000 of its citizens and driven some six million others out of their country. The second meaning must be read in the context of the current controversy over the Pentagon Papers, which turns on the public right to know and the government's right to conceal. Here we have a classic example of how the System really works; hidden from public scrutiny, administration officials have been supplying arms to Pakistan while plainly and persistently telling the public that such supplies were cut off. We assume that this deception is due to a combination of organizational confusion and bureaucratic dissimulation and not to deliberate deceit. The fact is: arms ships still sail. It is up to the President to stop them—assuming the government is serious about its proclaimed policy.

**LEGALIZED GAMBLING SCHEMES  
THREATEN THE NATION**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, in 1967, I was accused of spreading "hillbilly morality" when I proposed that the commercial banks be prohibited from operating the New York State lottery.

I quite happily accepted this label and today, as in 1967, I feel that this country does, indeed, need a good dose of "hillbilly morality."

All over this Nation, we are seeing "get rich quick" schemes being proposed in the guise of raising revenues to support

public projects and programs. Hidden behind high-sounding purposes, these proposals are rapidly pushing the Nation toward all-out legalized gambling. The effort is centered in New York State which now has legalized both a state-wide lottery and off-track horse betting. The disease is rapidly spreading to other States.

Mr. Speaker, this is a dangerous trend, and it is one which the Congress must carefully watch. If necessary, the Congress should consider legislation which will control—if not stop—some of these more outlandish schemes to raise public moneys through gambling.

Despite bitter attacks, we were successful in the 90th Congress—in 1967—in stopping the banks and other financial institutions from handling the New York State lottery. At the time, I felt it was ironical that financial institutions were promoting thrift at one window and selling lottery tickets at the next window. Of course the whole concept of introducing gambling as a major banking function was against the public interest and highly damaging to the image of these financial institutions. To the lasting credit of the 90th Congress, we were able to put a stop to this effort, but the gambling craze continues to spread, not only in New York but in smaller States.

Recently, the New York Times surveyed the legislatures and spotted widespread interest in adopting the New York "get rich quick" concept of separating the people from their money. The article noted the rapid growth of the New Jersey State lottery and described proposals for new legalized gambling schemes in such States as Connecticut, Virginia, Hawaii, Minnesota, Missouri, Colorado, Delaware, and Florida. Other news articles have mentioned new or renewed gambling proposals in Arkansas, California, Maryland, and Rhode Island. Undoubtedly, there are other areas which have been missed in these nationwide surveys, but the evidence is clear that the concept of gambling as a legitimate means of raising public moneys is gaining new strength.

Three States—New Hampshire, New York, and New Jersey—actually operate full-scale lotteries and Connecticut has just joined the parade. New York City, of course, now has its city-operated horse parlors—the so-called offtrack betting run by Howard Samuels, who used to run the Small Business Administration in Washington.

Mr. Speaker, I place in the RECORD a clipping from the New York Times of April 17, 1971, entitled "Offtrack Betting Attracting Nationwide Interest" and another article from the Washington Post from February 14, 1971, with the headline, Legal Gaming Luring States:

OFFTRACK BETTING ATTRACTING NATIONWIDE INTEREST

(By Charles Grutzner)

The financial yield from the legalized off-track betting that started here last week may eventually affect many more Americans than those who wager \$2 or more on a horse.

Legislators in several states, along with voters and varied special interests, have their eyes on the experiment here to see whether it can, after its false starts produce the prom-

ised millions in state revenues to take some of the pressure off burdened taxpayers.

Lawmakers in California, Florida, Maryland and Rhode Island are giving serious thought to offtrack betting as a means of replenishing state treasuries.

Howard J. Samuels, president of this city's Offtrack Betting Corporation, has received requests from a number of other states for details of the New York experiment—the nation's first full-scale offtrack venture—while it was still in gestation.

Mr. Samuels believes offtrack betting will yield at least \$25 million to the city and \$2.8 million to the state in its first year of full operation.

With about \$5.5 million spent on salaries, computer rentals, office space and other preparations in the nine months since the public corporation was created, Mr. Samuels expects the operation will lose money during the first three months of betting, until the number of betting locations is increased from its present two to at least 20 and until this form of legal gambling takes popular hold.

Under the state's local-option law adopted a year ago, other cities and counties may set up offtrack betting of their own.

Mr. Samuels has said that the expected flow of money into the city and state treasuries would be, for him, "a very welcome but only a secondary" aspect of his operation.

"Our first purpose," he said, "is to take away much of the gambling business from organized crime."

There is wide disagreement in law enforcement and in gambling circles on how much damage legal gambling can do to the illegal numbers game and bookmakers.

Some New York City officials are hopeful that off-track betting will be successful enough to widen legal gambling. They plan to ask the State Legislature to open all sports to legal wagering and to lower the legal age for gambling from 21 to 18.

#### MORE LOTTERIES POSSIBLE

A survey by The New York Times of state legislatures and public opinion across the country indicates little likelihood that any state will follow New York's lead and legalize off-track betting this year. The chances are better that one or more legislatures may authorize state lotteries, which are limited at present to New Hampshire, New York and New Jersey.

The phenomenal financial success of the New Jersey lottery has quickened interest in several states as a "painless" alternative to higher taxes. The five-month-old New Jersey lottery has been generating an average of \$3.5 million a month for education after meeting the prize money and administrative costs.

#### NO EVIDENCE AT HAND

The four-year-old New York lottery has yielded an average monthly net of only \$2.5 million.

New Jersey officials say frankly that they profited from the mistakes of New York which used a dignified "soft sell" stressing that the lottery's profits would go to education.

New Jersey lottery officials use the "get rich quick" lure in their weekly drawing with 50-cent tickets.

How well the state lotteries will succeed in crimping the gambling operations of the underworld is a big question. There is no evidence so far that legalized gambling has hurt the illegal business.

With parimutuel betting at horse-race tracks already legal in 30 states (seven of which also permit betting at dog tracks) the survey indicated that this form of legal gambling is most likely to be adopted eventually in additional states. In at least half a dozen states the take from parimutuels has eased the taxpayers' burden by hundreds of millions of dollars over the years.

In Connecticut, where all gambling is outlawed except bingo and bazaar games sponsored by churches and other nonprofit groups support is growing in the General Assembly for at-the-track parimutuel betting, off track betting and a state lottery.

Gov. Thomas J. Meskill has such confidence in adoption of a lottery bill this year that he included anticipated gambling revenues in his proposed budget for fiscal 1971.

#### VIRGINIA SETS UP PANEL

There have been efforts to permit parimutuel betting at horse tracks in Hawaii, Minnesota, Missouri and Wyoming, but 1971 is not the year for their realization.

In Virginia, where a new State Constitution removed the absolute ban on all forms of gambling, a combination has been set up to study pari-mutuel betting. This could lead to legislation in 1972 to permit horse-race betting but it would face strong Baptist opposition.

Several states, New York and New Jersey in particular, are toying with the idea of legalizing and then taxing gambling casinos. In New Jersey, where powerful interests are trying hard to establish Atlantic City as an Eastern Las Vegas, the casino issue has sparked hot controversy at public legislative hearings.

Foes of the proposal have cited the evils that wide-open gambling has generated in Nevada, such as underworld infiltration of hotel, casino and related business operations corruption of some public officials and an influx of swindlers and prostitutes. Nevada this year became the first state to legalize brothels on a local-option basis.

Pari-mutuel betting at horse tracks has over the last 37 years contributed greater revenues to state governments than any form of gambling. In many states it has been the only lawful kind of gambling.

#### PERSUASIVE FIGURES

But the tax yield from Nevada's wide-open legal gambling has persuaded many local and state legislative leaders that legal casinos, now permitted only in Nevada and Puerto Rico, bear close examination as revenue producers.

Nevada collected \$39,473,230 last year from legalized gambling other than horse-race betting and its county and local governments split \$19,017,091 in taxes. Nevada's tax yield from legal betting on horse races was, by contrast, a meager \$4,242.

This yield, the lowest of any state's except Wyoming, which collected only \$3,911 in taxes on pari-mutuels, compares with more than \$164 million that went into New York State's treasury from pari-mutuel betting last year.

Nevada residents pay no state income tax, yet the state spends as much per capita for education as does New York.

#### "CHEATING" IN LAS VEGAS

In New Jersey, State Senator Frank X. McDermott, Republican of Westfield, whose bill would permit casinos in Atlantic City, has claimed that revenues would be enough to make a state income tax unnecessary.

But Gov. William T. Cahill, the Senate leaders and the State Attorney General are opposed on the ground that legal gambling might open the door to further infiltration of the state by members of organized crime.

Col. David B. Kelly, Superintendent of State Police, and other New Jersey law-enforcement officials who went to Las Vegas to observe casino operations, agree with the Governor's fears. Colonel Kelly told the public hearing that he had found "cheating" at all levels of licensed gambling in Nevada.

Casino gambling advocates have made some headway in New York State and city legislatures for legalization as a possible "easy money" plaster for governmental fiscal ailments.

Dreams of pumping vast amounts of gamblers' money into state and municipal

coffers took shape in Albany and in City Hall early this year. Earl W. Brydges, Senate majority leader, announced on Jan. 6 that he would offer a bill to permit licensing "under strict state supervision" of casinos in which all sorts of games of chance could be played.

The next day City Councilmen Matthew Troy Jr., Democrat of Queens, and Monroe Cohen, a Brooklyn Democrat, proposed creation of a "Las Vegas of the East" on the city-owned North Brother Island in the East River. But neither of the Councilmen has taken any formal step to test legislative reaction.

#### BRYDGES' REASONING

Senator Brydges' proposal received more serious consideration, largely because of the public stature of its sponsor. Mr. Brydges, a Niagara Falls Republican and one of the most powerful members of the Legislature, is a churchgoer who until making his proposal had been a foe of gambling. He argued that since the state had already legalized lottery and off-track betting it would be consistent to remove the bar against casinos, potentially the richest tax source in the field of gambling.

His proposal was denounced by the State Council of Churches, which represents 90 per cent of the Protestant church membership in this state, as "a sort of legalized 'con game' by the Legislature" to "avoid the hard reality of raising taxes." Mr. Brydges has since retreated to the less controversial ground of seeking the creation of a state commission to study the casino gambling proposal.

In the 30 states where on track parimutuel betting is legal, a total of \$461,498,886 was collected in taxes on racetrack operation in 1969, the latest year for which complete figures are available. Of this, \$303,205,668 came from thoroughbred racing, \$147,518,108 from harness racing, and \$10,775,110 from quarter horse and state fair racing.

Two-thirds of all this tax yield was produced at tracks in four states. New York's take was \$164,880,039, California's was \$62,860,689, Illinois got \$43,335,772 and New Jersey, \$35,033,501.

#### GAINING ADHERENTS

The most conservative estimate in law-enforcement quarters is that for every dollar that goes through a pari-mutuel machine at least six dollars is bet illegally with bookmakers.

The tax potential in this vast lawless enterprise plus the even larger amounts that now change hands in illegal betting on sports events and in numbers play, dice and roulette is making gambling appear more attractive to some who have opposed gambling.

California, in the tightest fiscal bind since Ronald Reagan's first year as Governor in 1967, has legislative proposals for casino gambling, off-track betting and a state lottery.

A group reportedly with financial backing to move into Catalina Island as soon as casinos are legalized, wants to revitalize its sagging appeal as a resort area by making it a "little Monaco." But passage of any of the gambling bills is unlikely in 1971.

#### SITUATION IN ARKANSAS

Only in Puerto Rico are there more forms of legal gambling than in Nevada. Betting at race tracks was legalized in 1916, a limited form of off-track betting in 1922 and casinos in 1949. The lottery has been legal since days of Spanish rule, and cockfight wagering is also legal.

Puerto Rico has kept its casinos free of underworld control, but the commonwealth has been less successful in keeping the underworld out of the lottery business. The legal lottery, which does an annual business of \$120-million, must compete with bolito, the illegal lottery, which does about \$50-million in business a year. Tickets for the weekly government lottery are sold out in the first

day or two, with the result that speculators who manage to obtain blocks do a brisk black market business selling 25-cent shares for 35 or 40 cents.

In Arkansas, where pari-mutuel wagering has been legal only since 1956, the state tax on the pari-mutuels at one horse track and one for dog racing yields about \$4.5-million a year. During the racing season the police still catch bookmakers in Little Rock, but the illegal casinos that once made Hot Springs famous have been effectively closed.

The Colorado Legislature, where a perennial sweepstakes bill had always gone down to defeat, came within six votes of passing it last year. The bill came up again this year, with adoption still doubtful.

In Delaware, State Representative Thomas L. Little is trying to line up support for his bill to license a private contractor—who would be chosen in competitive bidding—to run a weekly lottery with the state's share earmarked for medical services.

In Florida which divides its revenue (about \$20-million) from pari-mutuels at horse and dog tracks and jai alai games equally among its 67 counties, Miami Beach business interests keep trying for legalization of casinos. A straw vote last year rejected the casino proposal by about 9,000 to 7,000. The Mayor and civic and church groups all opposed the proposal.

#### LEGAL GAMING LURING STATES

(By Karl E. Meyer)

NEW YORK.—The big wheel whirled in Trenton, N.J., not long ago and Gov. William T. Cahill picked from a drum ticket No. 394584 as the first winner of the state's brand-new and thoroughly legal lottery.

In Albany, N.Y., after hearing Gov. Nelson A. Rockefeller deliver a doleful report on the state's financial crisis, the Majority Leader of the State Senate had a helpful suggestion—legalize casinos.

In New York City, a strange new company—the Off-Track Betting Corp.—is advertising that New Yorkers will soon be able to "bet by phone (legally)." It is being soberly forecast that the OTB soon will be grossing \$1 billion a year, yielding a profit to the city of \$100 million.

And everywhere in New York State, citizens are being exhorted to do what was once considered illegal or immoral or both—to bet themselves blind. "Hit it once," says an ad for the New York State lottery, with unsubtle directness, "and your troubles are over."

All of these are symptoms of the mood of increasing desperation among state and local governments in the search for painless ways to raise money. In places such as Florida, Arkansas and California there are periodic proposals to legalize gambling and thereby (so the theory goes) unloose a river of money into state treasuries while dealing a blow to organized crime.

But in the view of the experts, it hasn't worked out that way, partly because bureaucrats make poor professional gamblers.

Doubters point to the experience of the New York State lottery, which was supposed to produce \$30 million monthly in sales, with 45 per cent of the take going to the schools. In fact, the highest single monthly sweepstakes was the first, which yielded only \$6.4 million in \$1 sales in June, 1967.

In an effort to fatten the pot, New York experimented this year with a \$1 million first prize. The novelty appeal worked, and \$16.7 million in \$3 tickets were sold last summer. But the second million-dollar drawing fell well below that figure.

Defenders of the lottery reply that in three years a total of \$199 million in tickets have been sold, meaning that the state has painlessly earned nearly \$90 million for the schools. This, however, is far below the initial grand expectations.

In New Hampshire, the first state to hold a legal lottery in modern times, the experience has been the same. The inaugural year of 1964 saw the peak return—the sales of 1.9 million tickets at \$3 each, producing \$2.8 million for education.

The poor showing of the state lotteries may seem strange since the odds are fairer to the bettor than the illegal mob-run numbers game.

An ad for the New York sweepstakes boasts: "Not only are our odds better than the numbers—our numbers are better than the numbers."

Police and gamblers are in accord in explaining why the lotteries have made so little impact on the numbers. In the numbers racket the action is faster: There is a daily payoff for a dime bet made through a local candy store.

By contrast, the average New York lottery bet costs \$1 and the player may wait more than a month for a drawing.

"Let's face it," says Jimmy (The Greek) Snyder, of Las Vegas, the country's leading odds-maker, "bureaucrats don't understand anything about gambling. If they legalized casinos in New York, they'd mess that up too."

Jimmy the Greek contended in a telephone interview that the Bahamas might be hurt by Nevada-style casinos in New York, but that Las Vegas would scarcely notice the difference. Nevada has the experience, the hard-to-find trained personnel, the lavish entertainment and the nearby tourist attractions of California—especially Disneyland—that New York could never match, he said.

Nevertheless, Earl W. Brydges, the Majority Leader of the State Senate, wants the Legislature to put to a public referendum a local-option measure that would legalize casinos by 1974.

"We've come so far down the road that there's no turning back now," Brydges said. "This action won't convert non-gamblers into gamblers. What will happen is that people who used to fly off to Vegas or the Caribbean to gamble can do their betting right in their own backyard."

Brydges, a powerful figure in the New York Legislature, gave these odds for approval: "Three-to-two and take your choice."

Jimmy the Greek sees it a little differently: "Without any research, I'd say a 20-to-1 shot that New York will approve legalized casinos in the next four years."

The decision on the casinos may hinge on New York City's experiment in off-track betting, which is being guided by the hard-driving Howard Samuels, an upstate millionaire and Democratic candidate for governor last year.

Samuels is given high marks among professional gamblers for his effort to understand the bettor's mentality. His Off-Track Betting Corp. plans to have up to 60 parlors open in a year to handle an estimated annual volume of \$250 million in computer-processed wagers. He hopes the volume will quadruple in three to five years, with the city getting a clear 10 per cent profit.

"If anyone deserves to succeed, Howard does," said Jimmy the Greek. "But they have some funny ideas in New York—how about that rule against lottering in a bet shop? Whatya supposed to do, walk in and out like a deaf mute?"

"I think the only way they could make gambling pay is if they let The Greek take it over, at one-half per cent."

If Samuels does succeed, however, it is a fair bet that the click of dice and the soft sounds of the croupier's rake will be heard—legally—from Manhattan to Niagara Falls.

Mr. Speaker, it is easy to sympathize with the plight of our cities and States which are hard-pressed for funds to meet basic needs of their citizens. Edu-

cation, public works, sanitation and a host of other activities are becoming more and more difficult from a cost standpoint, but none of this can excuse the efforts to resort to gambling to solve a fiscal crisis.

Completely aside from the moral issues involved in legalizing a vice such as gambling, these schemes unquestionably place a heavy burden on the poor, on the people who work for a living. For any of these gambling efforts to succeed, it is necessary for them to attract the great mass of people, the low-income families included.

They are the ones being encouraged to buy the lottery sheets and the \$2 tickets at the off-track betting windows. They are the ones being encouraged to gamble their savings in hopes of some distant "jackpot" that will put them on easy street for the rest of their lives. For hard-working people—with few advantages and comforts—such a prospect is highly appealing and hard to resist, but it is a disgrace when their own government supports and promotes such delusions.

The winners of the big jackpots are given great publicity in the news media. The million dollar winners are glorified and the public is encouraged to believe that they, too, can hit the jackpot and "get rich overnight." A great snare and delusion promoted by public officials in cooperation with the news media.

But, the newspapers and the publicity chiefs for the gambling operations never publicize the poor soul who gambles away his last savings, or his family's rent money in one of these legalized, government-operated betting parlors. The social problems created by government-promoted and government-owned gambling are never pictured in the press, and the public gets a steady diet of stories and pictures of the winners—the big winners.

Legalized gambling is the greatest form of regressive taxation that can be imposed on the people. It socks the poor and lets the rich—who do their gambling in stocks—off the hook. Instead of taxing the banks, the corporations, the foundations and the other holders of great wealth, local governments are turning to gambling devices in an attempt to extract money by trickery from those who can least afford to pay.

This is a country that prides itself on "progressive" taxation and now we have the most regressive of all taxation schemes gaining favor with local governments.

Invariably, the promoters of legalized gambling come up with the old cliché that they are driving the illegal, corner-cutting sharpies out of the gambling rackets. This idea that legalizing a vice will cleanse it has never been supported with hard evidence. In fact, many experts feel that the legalized gambling device gives the entire vice a "respectability," luring new customers into games of chance and providing gambling rackets with a whole new clientele.

The Kefauver Committee debunked the idea that legalized gambling would drive out the gangster element. In a report filed in the 81st Congress, Senator Kefauver stated:

The legalization of gambling would not terminate the widespread predatory activities of criminal gangs and syndicates. The history of legalized gambling in Nevada and in other parts of the country gives no assurance that mobsters and racketeers can be converted into responsible businessmen through the simple process of obtaining State and local licenses for their gambling enterprises. Gambling, moreover, historically has been associated with cheating and corruption.

The committee has not seen any workable proposal for controlled gambling which would eliminate the gangster or the corruption.

The Christian Science Monitor last year surveyed Great Britain and called attention to the gangster element that has moved in with the legalizing of gambling in that nation.

In an April 11, 1970, edition, the Monitor said:

In 1960 that was changed. Gaming was legalized, betting (it was hoped) reformed. The wheel of the giddy permissive society was set spinning.

It was a gamble that did not pay off. Britain was left wide open to the gangster.

Without question, gambling strikes right at the nerve center of the Nation—at its basic moral fiber. It promotes the idea that somehow success and happiness can be achieved by chance through some easy get-rich-quick scheme. It creates a state of euphoria where a properly placed \$5 bet put the gambler on easy street for the rest of his life.

It is the same kind of thinking that has promoted the "drug culture" where everything is gambled for instant euphoria—anything for a quick kick. Gambling contributes to this national sickness, to the belief that life is a series of artificially induced "high" with no worry about the ultimate consequences to the individual or society.

And this sickness is not made any more palatable simply because the proponents of these gambling schemes claim they are helping "education" or some other worthy cause through the proceeds.

The March 8, 1967, edition of the Christian Century refers to this fact:

Perhaps on the questionable theory that a questionable practice for a worthy cause becomes unquestionable, some promoters have attempted to identify their legal lotteries with patriotic or high moral themes.

This theme is expanded on by the Baptist Standard which carries an article entitled, "Gambling Grows in American Life" in a recent issue. Mr. Speaker, I place a copy of this article in the RECORD:

#### GAMBLING GROWS IN AMERICAN LIFE

If as New York goes so goes the nation, Americans will have to recognize that gambling will be a factor in their lives from the cradle to the grave.

What some segments of society and many churches have condemned as vice, what others have frowned upon but countenanced, and what some churchmen have feared, widespread gambling, is about to be built into the framework of U.S. life, "respectable" but dangerous, legal but lethal for some, all because the American city is crumbling.

In New York City, according to one critic, the truly public-spirited citizen is one who,

in another era, would have been regarded as a dissolute person. He smokes (taxes), he drinks (taxes), he pollutes (gasoline taxes) and now he gambles. He may never vote but so long as he steps up to the \$2 window with frequency, and his money holds out, he presumably will help save America's dying cities.

In an era of high taxes that has produced taxpayer revolts, the politician has thrown in the towel and taken dead aim on so-called petty vices as a money-making target. Thus it was this year that Easter and Passover fell within the octave of legalized off-track betting in New York City.

Maundy or Holy Thursday produced \$66,000 gross at two city-operated horse parlors, Good Friday's take was \$4,000 higher, and the Easter Saturday-Passover betting operation brought about \$80,000 in bets to New York's windows.

#### CANT BE IGNORED

Nobody but nobody, as Gimbels would put it, can possibly ignore racing and gambling, or even escape it, if he lives in New York.

Protests against the city's operation has been relatively light. Churchmen who fought the idea as immoral lost at both the city and state levels and in the legislature. It's the law.

However, Howard Samuels, the businessman some thought would reach New York's governorship before he became commander-in-chief of the Off-Track Betting Corporation, may have stirred some concern with an off-hand remark. It was made as he opened his third "betting office"—in a Bronx area where the residential population is 90 per cent Puerto Rican and black and 10 per cent Irish and Italian.

Where thousands had jammed Grand Central Station to bet on opening day, only 60 patrons were waiting in line in the Bronx. Samuels remarked:

"The Spanish people in this area don't play the horses. They're numbers-oriented. We hope to educate them to play the horses."

The word "educate" was unfortunate. While it accurately reflected the almost evangelizing concern of a man to promote betting for the benefit of the stone-broke city, it clashed head-on with a comment made in late 1970 by an official of the Council of Churches of the City of New York.

"Any extension of gambling," the churchman said, "preys upon those least able to afford it—persons with low incomes caught up with the desire to get the pot of gold at the end of the rainbow. This group should be the major concern of government, not its prey."

A "rhubarb" of sorts may develop in the New York State Legislature over a series of bills endorsed by the Off-Track Betting Corporation, a controversy that churchmen may enter. These bills would:

Allow betting by 18-year-olds in New York State.

Exempt all track winnings from city and state taxes.

Permit racing on Sunday, presumably to make the city's off-track betting a seven-day operation.

#### SPORTS GAMBLING

Samuels is seemingly intent on the city's taking over all forms of gambling, particularly betting on sports events. Major League baseball has long used security men to prevent known gamblers from entering or operating in a ballpark. In most cases they were ousted from the stadium, with full police approval. Commissioner Bowie Kuhn might be expected to protest any move to spur betting on baseball, which nearly perished as a major professional sport amid the Black Sox scandals of a half-century ago.

New York City has yet to make its first dollar of profit from off-track betting and it will be some time before any profits ma-

terialize. In fact, Samuels' operation began several million dollars in the red, it being no inexpensive matter to set up a computerized, electronic operation; at one point, the city shifted some welfare funds temporarily to finance equipment, offices and personnel.

Despite these early troubles, off-track betting almost inevitably will be exported to other beleaguered major cities and perhaps even to some states having financial difficulties. The success of New Jersey's state-run lottery is also a factor. More popular than New York's with cheaper tickets and more frequent drawings, the New Jersey lottery has rolled up profits far exceeding the most sanguine of predictions.

Eastern politicians are studying New York's horse betting and New Jersey's lottery for possible use in their own bailiwicks. And, according to a survey by *The Christian Science Monitor*, a variety of gambling measures, some of them advocating off-track betting, are being prepared in Massachusetts; New Hampshire, whose lottery is a flop; Maryland; Delaware; Colorado and Wyoming.

The *Monitor's* survey also produced some data from law enforcement leaders to counter the argument in New York and elsewhere that "legalized gambling . . . would knock the props from under the Mafia." It also noted that a number of tax experts scoff at the notion that gambling taxes will solve the cities' money woes.

Undoubtedly, some gambling will be siphoned from racketeers' grosses, but it is noteworthy that a quick survey of off-track bettors at Grand Central Terminal found that many New York bookies won't take \$2 bets, rejecting them as "penny ante."

Spread of off-track betting seems certain to draw the churches into campaigns of opposition at the city and state levels as mayors and governors bid for gambling dollars to avoid heavier taxes. State councils of churches almost uniformly have condemned gambling as immoral and an inadequate substitute for taxation.

On the latter point their views are supported by Charles F. Conlon, executive director of the Federation of Tax Administrators. "Most people in public finance and taxation take a dim view of gambling as source of revenue," he says.

Conlon told *The Christian Science Monitor* that if public services have to be paid for, then cities and states need a system for enforcing payment on a fair and equitable basis. Governors and mayors are foolish to depend on voluntary contributions of those who gamble, he held.

#### SOUTHERN BAPTISTS

In the forefront of opposition to gambling as a tax device have been the nation's Southern Baptists. In several areas Baptists and some Methodist bodies have been successful in stemming gambling promotion by government. There is no doubt but what they will accept the challenge in each state where such revenue-raising is suggested.

The churches, at the same time, will have to consider their role in a society in which gambling will grow. The compulsive gambler is but another form of alcoholic, experts say. Thus, the churches who have done much to promote the spectacularly effective Alcoholics Anonymous movement may well turn to greater cooperation with Gamblers Anonymous.

Mr. Speaker, this craze is part of the moral decay of this Nation. And I sincerely hope that the State and local governments will reconsider their efforts to promote gambling. The Congress, however, cannot dodge its responsibility in this area and if these efforts continue to grow, we must consider the need for remedial legislation. In the coming weeks, I shall have more to say on this subject.

#### THE PENTAGON PAPERS AND PRESS FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, the debate concerning the publication by the New York Times of classified papers taken illegally from the Pentagon has mistakenly been viewed as a dispute over "freedom of the press," with the Government one side, and the press on the other.

There are, however, many other considerations and the issues are far more complex than many simplifiers in the media would lead us to believe.

How can our country, for example, conduct negotiations with foreign governments, many of them concerning highly controversial matters, if the representatives of those governments are not assured that such discussions will remain private?

In an editorial broadcast over *Metro-media News*, columnist and commentator Robert Novak states that:

If the ability of the U.S. to protect the confidentiality of its dealings with foreign governments is suspect, then the ability of the United States to function as a great power in world affairs is seriously impaired.

Unfortunately, as Mr. Novak points out, many of those who hail the action of the New York Times advocate a new American isolationism and support the Times action not so much because of questions about freedom of the press as because they applaud every effort which hamstringing our country in world affairs. Mr. Novak states that:

The greatest ultimate tragedy of Vietnam may be that it led America back to isolationism, and the publication of the secret documents certainly contributes to that end.

I wish to share this commentary with my colleagues and insert it into the RECORD at this point:

#### COMMENT BY ROBERT D. NOVAK—METROMEDIA

Whatever the outcome of the present litigation concerning the Vietnam papers and whatever the long-range political effects, the release of the secret documents already has had one clear-cut result. It is this: in the foreseeable future, no foreign diplomat can sit down across from a U.S. official and have confidence that what they say and do will remain secret. The first installment of the papers had scarcely appeared in the New York Times than diplomats were saying precisely this.

Now, freedom of information is a wonderful thing, but diplomacy simply cannot be conducted in a fishbowl. And if the ability of the U.S. Government to protect the confidentiality of its dealings with foreign governments is suspect, then the ability of the United States to function as a great power in world affairs is seriously impaired.

Within the last day or two, I have mentioned this prospect to several liberal Democrats who have been rejoicing over the publication of the papers. Their reaction: So what! Better that the U.S. should not be wheeling and dealing in world affairs.

And herein lies the real significance of the disclosure of the Vietnam papers. This is but part of a great fight over the future role in the world of the United States. The papers add fuel to the arguments of those who want America to get out of world affairs, to draw in upon itself like a muscle-bound Switzerland. The greatest ultimate tragedy of Vietnam may be that it led America back to isola-

tionism, and the publication of the secret documents certainly contributes to that end.

This is Robert Novak, *Metro-media TV News*, Washington.

Mr. Speaker, the real issue we face in the case of the publication of stolen, classified documents is not so much what the particular documents, once published, reveal, but whether the Nation's security can withstand the approval of such publication.

These particular documents, for example, reveal that the Democratic administrations of John F. Kennedy and Lyndon Johnson acted in such a way as to seriously mislead the American people concerning the nature of our commitment in Vietnam and their own policy decisions with regard to it. On this basis, then, the Republican administration of Richard Nixon should have welcomed the publication of the documents.

To see this issue only from such a limited, partisan perspective, however, is to misread it. No one elected the editors of the New York Times to determine what is in the national interest and what is not. They are under no obligation to return to the people for reelection, at which time the people have an opportunity to make some judgment about the actions of their elected officials. They have assumed powers which they do not, and should not, have.

Unfortunately, the Supreme Court seems to have acted in undue haste in this matter. In his dissent to the Court's decision, Mr. Justice Blackmun said that the haste of the Court and of the lower courts in a climate of "panic and sensationalism" had produced inferior opinions. He argued for continued partial injunctions, leaving "comparatively few documents specified by the Government" under seal until their secrecy can be more carefully litigated.

Chief Justice Burger, in his dissent, stated that:

We all crave speedier judicial processes but when judges are pressured as in these cases the result is a parody of the judicial process.

Mr. Justice Burger pointed out that the Court was acting in the dark about the facts in the cases. Noting that the Times had the material for 3 months before publishing them June 13, he asked:

Would it have been unreasonable, since the newspaper could anticipate the government's objections to release of secret material, to give the government an opportunity to review the entire collection and determine whether agreement could be reached on publication?

Freedom of the press has never meant the publication of stolen, classified, documents. The Nation's security is at stake, and this is a far more important consideration for the future than the substance of these particular documents in today's political debate. Hopefully, we will turn to that consideration in our discussion of this question.

The important point that freedom of the press is less involved in the current debate than are other considerations is also highlighted in an important speech given by Vice President SPIRO AGNEW.

Mr. AGNEW notes that:

The First Amendment does not provide an umbrella to cover newspapers which invade the privacy or slander the good name of American citizens. It does not give a news-

paper the right to publicize crucial intelligence or military secrets. It does not place the editors above the laws of the United States.

In his speech, the Vice President illustrates the fact that the New York Times took precisely the opposite position 9 years ago, in 1962 when, in the wake of the Cuban missile crisis, it published an editorial entitled "Breach of Security."

At that time the Times was critical of a magazine article "purporting to tell what went on in the executive committee of the National Security Council." The Times declared that:

The secrecy of one of the highest organs of the United States has been seriously breached . . . What kind of advice can the government expect to get under such circumstances? How can there be real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable?

At that time the leak injured one of the Times' favorite public servants, Adlai Stevenson. If such leaks injure the reputation of someone supported by the Times, Mr. AGNEW points out:

They are a moral outrage, an unconscionable breach of security . . . However, if an opportunity presents itself to savage Lyndon Johnson and discredit the war effort in Vietnam—then one cannot quibble over insignificant considerations such as top secret classifications and the security interest of the United States.

The Times, as a result of its own past statements, sounds less than sincere when it advances "freedom of the press" as the reason for publishing stolen, classified material. The reason it seems, lies elsewhere.

I wish to share Vice President AGNEW's thoughtful discussion of this subject with my colleagues and insert it into the RECORD at this time:

#### STATEMENT OF VICE PRESIDENT AGNEW

Mr. President, for a fortnight now, we have heard it charged that the President has been censoring legitimate news. That the Administration seeks to suppress the truth about the war in Vietnam. That the Government of the United States has been trampling with impunity upon the First Amendment Rights of the New York Times.

These charges are propaganda—malicious, deceitful and false.

They are a smoke screen hurried, thrown up to cloud the central issue at hand. They are being broadcast, morning and evening, to shift the focus of national attention away from what the Times did—and to evade if possible the rightful censure the Times deserves, for its arrogant and reckless mishandling of secret documents affecting the security interests of the United States.

Like a veteran burglar, being hauled in for his umpteenth arrest, the first thing the Times did on arriving at the station house was to accuse the arresting officer of violating its constitutional rights.

This gambit—swearing one's innocence and proclaiming one's virtue, while denouncing the prosecutor—has been partially successful.

The reasons are twofold. First, many, if not most American journals see the controversy as institutional in nature—a conflict in rights between government and press—and they have sided with their own. Secondly, the dominant media which controls how the controversy is presented to the American public, is itself, largely con-

trolled, by soul brothers of the New York Times.

Thus, my purpose is to present arguments that have not been fully aired before the American people—to attempt to redress the imbalance in the national news coverage.

I do not agree with those who have already conceded to the New York Times the Pulitzer Prize for a triumph in investigative reporting. Investigative Reporting seems to me, as it does to columnist John Roche, a "strange description of having a truckload of documents dumped on your doorstep."

No enterprise was required for the Times to lay hands upon these documents. If any courage was required it was on the part of the sneak thief who violated the trust his government placed in him, who violated the laws of the United States, who smuggled out top secret documents of government office—and surrendered those documents to the New York Times.

In receiving, in publishing those smuggled papers, the New York Times was thus collaborating with a thief and trafficking in stolen goods.

That may not be the image the New York Times sees as it gazes into the mirror—but it is often salutary to view ourselves as others view us.

For the Times justifies publication of the papers by falling back upon its time-honored claim to be a principal mid-wife of the people's right to know.

But neither the first Amendment right of free press, nor the "people's right to know," is an absolute right in a free society. The First Amendment does not provide an umbrella to cover newspapers which invade the privacy or slander the good name of American citizens. It does not give a newspaper the right to publicize crucial intelligence or military secrets. It does not place the editors above the laws of the United States.

And when one recognizes the somersault on principle the Times had to execute in a decade to publish the Pentagon papers, its motives appear less savory and more sinister the simplistic rationale that the Times acted solely in the public interest.

Nine years ago, in 1962, in the wake of the Cuban missile crisis, in an editorial entitled "Breach of Security," the Times was hot with rage over a magazine article "purporting to tell what went on in the executive committee of the National Security Council." Here is a sampling:

"The secrecy of one of the highest organs of the United States has been seriously breached." The Times exclaimed, and asked rhetorically, "What kind of advice can the President expect to get under such circumstances? How can there be real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique."

"The various positions of the members of the NSC taken during deliberation must remain secret . . . the integrity of the National Security Council and the advice received by the President, is at stake."

From the track record, it appears that for the Times there is but a single controlling principle on security leaks. If they injure the reputation of a Times' hero like Adlai Stevenson, they are a moral outrage, an unconscionable breach of security.

However, if an opportunity presents itself to savage Lyndon Johnson and discredit the war effort in Vietnam—then one cannot quibble over insignificant considerations such as top secret classifications and the security interest of the United States.

Perhaps the people's right to know has become one of those splendid phrases in whose name many crimes are committed.

Let us consider briefly the men whose repu-

tations have been most damaged by the publications within the pages of the Times.

I do not wish to speak or act as public defender for either the Johnson Administration—or Mr. Rusk, Mr. McNamara, Mr. Bundy, or General Taylor.

Their Vietnam policy is not something for which this Administration must answer. President Nixon opposed these men and their Administrations in the election of 1960, in the election of 1964 and in the election of 1968. He changed their policy in Vietnam; he altered the course of American involvement. With President Nixon's taking the oath of office, American disengagement from the Vietnam War at last began.

But, regardless of the fact that these men were the Administration's political opponents, they are entitled to a fair trial in the court of public opinion—and they have not received anything like that fair trial at the hands of the Times.

What the country has been led to believe is that the Times publicized and sensationalized coverage of the papers represents a comprehensive history of the American involvement in Vietnam. The Times' reports contain but a fraction of that. The Times reports contain but a very small selection of secret papers extracted by anti-war editors and writers from a 47-volume war history prepared by an anti-war minority in a single department of a departed Administration. And that is all.

As General Maxwell Taylor wrote in his defense, the principle served by the Times "was not the people's right to know all about the Government's policy, but rather the right of the Times to determine what parts the public should know about it."

With these documents, however, the Times and those who want out of Vietnam now and without regard to consequence, have found the peg on which to hang their hats. If it can be reasonably argued that they were lied to, deceived, duped into backing the war in Vietnam—then their former support can be explained away with a good conscience. And they can, without a troubled conscience, denounce as immoral and rotten to the core the very military effort they were proclaiming half a decade ago.

Democrats who stood in the convention hall at Atlantic City chanting "All the Way with LBJ" are now proclaiming that they were innocents led down the primrose path. Writers who were war hawks in the middle sixties now denounce men who merely ask that we leave Vietnam with honor intact. Democratic Senators who declaimed their support of the Tonkin Gulf Resolution, who cheered the arrivals of American troops in Vietnam, who played the jingo in the middle years of the past decade, now condemn the President's men for supporting a war they charge is not just only wrong-headed but immoral. Former Cabinet officers who sat contentedly in war councils with Lyndon Johnson during the years of escalation now parade forth denouncing President Nixon as a failure because he is not ending fast enough a war they could not win and could not end. Even a former Vice President can now be found before the television cameras pleading total ignorance of the vital decisions of an Administration whose primary publicity man he was proud to be.

Men who happily rode the Johnson coat-tails in 1964 and prospered in the Johnson Presidency now openly denounce and deny their old leader for having mislead them all.

What a sorry spectacle today is the liberal wing of the Great Democratic Party. Many of its articulate members are demanding investigations of what their Administration was doing when they were its voices and defenders in the Senate.

Democrats controlled every office in the Cabinet. Their unanimous convention choice

sat in the White House. Their Democratic Party controlled both Houses of Congress by enormous margins.

Today, six years later, they come forward, piously protesting that despite their positions of power and influence and dominance over the American Government, none of them had any idea what was going on.

Of all the political sins committed by or charged against Lyndon B. Johnson, none of them surely merits the backstabbing, the desertions, the disloyalty, and the turn-coating on the part of his beneficiaries dependents and wards now running for cover all over Capitol Hill.

If some of these young ambitious liberals were so palpably ignorant as they claimed to be—of their own President's decision—they should resign from office on the grounds of incompetence.

But let us go to the heart of the matter. Why, it is asked by the President's friends, and demanded by the President's enemies, have we moved to block publication of these top secret documents. Why have we interfered with freedom of the press; why have we censored the *New York Times*. What does the Nixon Administration have to hide.

The answer is the Administration has nothing to hide. There are no political interests of the Nixon Administration remotely involved in embarrassing revelations about the Democratic Administration which was defeated in 1968.

The Department of Justice acted not in the Administration's political interests—but in the national interest.

This Government is charged with enforcing the law—and with publication of those documents in violation of a law, a wholesale breach of national security occurred. The Government had to act. Without acknowledgment of which secret documents, communiqués and memoranda, the *Times* possessed, the Government could not possibly know if whether or not publication would compromise American secret codes, reveal national secrets, endanger the war effort, jeopardize its national defense, or compromise communications with friendly governments.

Nor was this Government about to sit idly by waiting patiently while the editors of the *New York Times* decided each day which top secret documents they would de-classify for the world the next morning. To have adopted that passive posture would have been to abnegate their duty to Congress and the people.

When the Government witnesses what appears to be a deliberate and massive breach of national security it has a duty to act—despite the fact that the perpetrator is an institution of the unrivaled pretensions of the *New York Times*.

I recognize, and would readily admit, that within the Nixon Administration as in others, documents have perhaps been classified not for reasons of national security, but reasons of political security. This is a falling common to all Administrations.

But there are other and excellent reasons for maintaining the secrecy of government documents. There is the question of matters relating to national defense. There is the need to protect the security of American codes and intelligence sources. There is the vital need for confidentiality in diplomatic dealings with both friendly and hostile governments.

My contention is not that each of the secret documents released deserves a top secret clearance. My argument is that it is not the *Times'* right to decide which secret document can be published and which should remain classified.

If the Congress, wishes to give the power and right of declassification to Mr. Sulzberger or Mr. Reston, they would have so specified that in the past. But Mr. Sulzberger and Mr. Reston are not mentioned in the law; and they do not have that right.

And by what Mr. Stewart Alsop calls the most serious breach of security in modern history—they have arrogated to themselves a right they do not possess.

Who elected the editors of the *New York Times* to decide which Government official secrets should remain secret from the world? The answer is no one.

The *Times* has finally itself taken up the practice of civil disobedience it has so long excused in others. It has placed itself above the law which is supposedly above us all. It has told the nation that it and it alone will make the judgment as to which of its smuggled secret documents will be released to the nation and the world.

So the Administration acted and I believe rightly.

Mr. Speaker. While making it clear that the prerogative to determine what is classified and what is not cannot rest with newspaper editors, we must also be aware of the fact that in many instances classifications relate more to the interests of the bureaucrats making such determinations than they do to the national interest.

For many years we have faced a situation in which government bureaucrats label as secret or confidential material which in no way relates to the country's vital interests, but which does assist them in avoiding embarrassment.

Let us consider one instance of such classification. Prof. Julius Epstein of Stanford University is seeking access through the courts to government documents dealing with "Operation Keelhaul" following World War II. Under this operation, a million or more Soviet nationals in German POW camps at the end of the war were handed back against their will to Soviet authorities by the United States and Britain. It is commonly believed that they were given long camp terms, if not executed by Stalin.

Professor Epstein states that:

In 1954, I discovered the existence of a documentary dossier 'Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul' in the Historical Records Section of the Army. . . . When I ordered the dossier, I was told by an embarrassed librarian that it was classified and the index card should never have been placed in the catalogue.

While newspaper editors have no right to publish stolen material which is classified, government bureaucrats should similarly have no right to label as classified all things they would rather keep to themselves. What is needed is a legislative solution which clarifies what kinds of material shall be classified and which provides criminal penalties for the violation of such classification. Hopefully, this case will result in that kind of legislative action.

To further illustrate this problem, I would like to enter in the RECORD a statement by Prof. Julius Epstein which was reprinted in the Washington Post of June 20, 1971:

[From the Washington Post, June 20, 1971]

... AND A SCHOLAR GOES TO COURT

NOTE.—The following remarks were delivered by Julius Epstein, a historian at the Hoover Institution, Stanford University, at a National Archives conference last week in Washington.

I'd like to make a few remarks concerning the accessibility to government documents dealing with World War II. I'll restrict my-

self to one single example—"Operation Keelhaul."

(Under "Operation Keelhaul," a million or more Soviet nationals in German POW camps at the end of the war were handed back against their will to Soviet authorities by the United States and Britain. It is commonly believed that they were given long camp terms, if not executed, by Stalin.)

In 1954, I discovered the existence of a documentary dossier "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul" in the Historical Records Section of the Army, Alexandria, Virginia. When I ordered the dossier, I was told by an embarrassed librarian that it was classified and the index card should never have been placed in the catalogue.

Since that day, I have waged a battle for the access to the Operation Keelhaul files. I was, of course, unsuccessful.

Then, the horizon brightened when President Johnson signed the so-called "Freedom of Information Act" on July 4, 1966. It went into force on July 4, 1967. I decided to test the Act in the American courts.

I filed my complaint in the District Court of San Francisco against the Secretary of the Army, Mr. Stanley Resor. I maintained that the "Operation Keelhaul" file was improperly classified Top Secret and that therefore, it should be declassified and released to the American people.

When Judge Carter raised the question in the District Court what the intent of Congress was when it created the Freedom of Information Act, I suggested to Rep. John E. Moss (D-Calif.), the main sponsor and author of the Act, to submit a sworn affidavit to the Court. Congressman Moss did this.

In his affidavit, he said, and I quote:

"It was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant to the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section "(e)" of the Act; and that the powers granted to the Court and the burdens granted to the Court and the burdens placed upon the Government in Section "(c)" were meant to include rather than exclude the exemptions."

The Top Secret classification of the "Operation Keelhaul" dossier was mainly based upon President Eisenhower's Executive Order 10501, of Nov. 5, 1953, which provides that this classification, and I quote:

"... shall be authorized . . . only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount and the unauthorized disclosure of which could result in exceptionally grave damage to the nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

I maintained in my lawsuit against the Secretary of the Army, the first of its kind in American history, that de-classification of the "Operation Keelhaul" file and release to the American people could not result in "exceptionally grave damage to the nation such as leading to a definite break in diplomatic relations" or in "outbreak of war or in the

compromise of military or defense plans, or in intelligence operations or scientific or technological developments vital to the national defense," the only reasons for the use of the Top Secret classification.

It was of no avail. I lost in the District Court. I lost in the Court of Appeals. Then, I filed my petition of certiorari with the Supreme Court:

On June 15, 1970, I was informed by the Supreme Court:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

On April 22, 1971, Congressman Ashbrook of Ohio introduced House Resolution 399, asking for the creation of a Select House Committee to investigate forced repatriation, past and present and especially the unwarranted secrecy classification of the "Operation Keelhaul" file.

This resolution, now pending in Congress, may also lead to an amendment of the Freedom of Information Act in order to prevent its misinterpretation by the courts.

#### TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

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. The Atomic Energy Commission was established in 1946, which created a five-man commission of civilians to develop and utilize atomic energy toward improving the public welfare, increasing the standard of living, strengthening free competition in a private enterprise, and promoting world peace.

#### MILITARY PAY BILL MAY PROVIDE LEGISLATIVE REORGANIZATION ACT WITH ITS FIRST MAJOR TEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, in one of the finest hours of the 91st Congress, this body enacted the Legislative Reorganization Act of 1970. That legislation, designed to reform and modernize the legislative process, may soon come under a major test of its effectiveness.

One of the key provisions of that legislation is embodied in a committee amendment, proposed by the distinguished gentleman from California (Mr. SISK). Recognizing that the will of the House has often been altered in conference as a result of actions taken by the other body, he proposed to provide a clear definition of the matters upon which a conference committee held authority. Under clause 3, rule 28, the conference committee is only authorized to consider the differences between the versions passed by both bodies. As a result of the amendment to the Legislative Reorganization Act, clause 3 of rule XXVIII now holds that the report of conferees: "shall not include matter not

committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee."

It now appears that we will soon be confronted with a test of the substantive effect of this measure. As my colleagues will recall, both the House and the Senate have overwhelmingly approved military pay increases of \$2.7 billion to be effective on the first day of the first month after enactment. These increases were supported not only by the proponents of the voluntary military, but also by those who wanted to provide an equitable pay scale for our GI's, whether they be volunteers or draftees. It has now been widely reported in the press that the conferees have decided to postpone enactment of the pay increases until October 1.

Mr. Speaker, I cannot imagine a more blatant violation of the Legislative Reorganization Act. Section 14 of the draft bill passed by the House (H.R. 6531) regarding the pay provisions states:

Sections 4-11 of this Act are effective on the first day of the first month after enactment.

As passed by the Senate, the parallel—section 206—states:

The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment. . . .

Likewise, the committee reports are explicit on the matter of military pay.

House Report 92-82 states on page 44:

##### EFFECTIVE DATE

Sections 4 through 10 of the bill, which include all of the changes in basic pay, quarters allowance, and special pay, would be effective the first day of the first month after enactment.

Senate Report 92-92 states:

##### SECTION 206

Provides that all the pay portions under Title II would be effective on first day of the first calendar month following the month of enactment.

In view of the identity in enacting clauses in the House and Senate versions, there is clearly no difference which could be committed to conference to be amended. Therefore, it would do violence to the intent of both Houses to set an effective date of October 1, as opposed to the more immediate day in the bills passed by each body.

The only possible reason for delaying enactment of the bill would be on account of "budgetary constraints." Yet, Mr. Speaker, I recall the words of the Armed Services Committee in reporting a competitive pay scale which exceeded the administration's request by \$1.7 billion:

If the standard of equity established sets the level of pay demanded for military personnel at a higher level, then compelling reasons would be required to justify not going to that level.

Under repeated questioning, however, the only justification for not going to the 1973

(competitive) rates now that was given to the Committee by the Assistant Secretary of Defense for Manpower and Reserve Affairs was "budgetary constraints."

The Committee would recall the words of the Assistant Secretary himself that we should not use the draft as a means of compelling young men to serve at substandard pay.

Specifically, the Assistant Secretary said, "Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinately low pay levels."

The Committee would also note that the preponderance of witnesses questioned on this point by the Committee supported the increased rates of the Department of Defense fiscal year 1973 program and concurred in the opinion that if constraints were to be placed on the budget, they were not to be placed there at the expense of young men who make an inordinate commitment to their country by being inducted into the Armed Forces.

Are these words, Mr. Speaker, any less valid today than when the committee bill was passed by the House, or when a competitive pay scale was approved by the Senate? Are our GI's making any less of an "inordinate commitment" today? Must they and their families continue to suffer, through the summer and fall, the degradation of inadequate housing and the humiliation of dependence on welfare and food stamps?

I would point out to the budget conscious that, due to the slow action on this bill by the other body, a savings of about \$225 million has already been achieved through delaying the date of enactment past July 1. Furthermore, I would find it hard to accept the proposition that the conferees can decide for the Congress on the matter of budgetary constraints, after both Houses have overwhelmingly decided that an expenditure of \$2.7 billion is acceptable.

This body has clearly decided that the authority to induct must be extended. It was also my belief we had decided that the use of the induction authority to enforce poverty level wages had been ended. Yet now the press has reported that the conferees want to extend the authority to induct at poverty level wages through October 1. As a supporter of equity in military pay I am disappointed, and as a proponent of the Legislative Reorganization Act, I fear that this reform will be rendered meaningless. A point of order will be clearly justified if the conference committee in fact, seeks to thwart the will of both Houses; and I am hopeful that the Rules Committee, which labored so diligently for passage of the reorganization, will not approve any requests for a waiver of points of order against clause 3(2) of rule 28.

Mr. Speaker, it should also be noted it is reported that the conference committee has reduced the rates of pay for the recruit grades to a figure lower than that adopted by either body. This manipulation of the pay scales is theoretically possible, because the House provided raises in basic pay and quarters and subsistence allowances, while the Senate places nearly all of its increases in basic pay. Thus, since the Senate provided no quarters allowance increase, it is pos-

sible for the conferees to take the lower pay figure of the House, and whatever fraction of the House quarters the conferees wished to choose.

By using the technical distinction between basic pay and the quarters allowance, it is reported that the conferees managed to reduce the benefits in the pay bill by over \$300 million in the following manner:

[In millions of dollars]

	House	Senate	Compromise
Basic pay.....	1,825.4	2,667	1,825.4
Dependents Assistance Act.....	184.1	79	105.9
Quarters allowance.....	640.1	0	409.8
Subsistence allowance.....	37.8		
Total.....	2,687.4	2,746	2,341.1

The result of this compromise is to provide the first-termers—who were the target of the pay increases in the first place—with a lower annual rate of compensation than they would have had in either the Senate or House versions. But the careerists, who have been favored in every pay increase since the end of World War II, are given a compromise that splits the difference between the two bills. As can be seen in the table below, increases for the careerists are achieved by reducing the increases for the privates, corporals, and lieutenants:

COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION

Pay grade	House bill	Senate bill	Compromise
O-10.....	\$43,872	\$40,827	\$42,725
O-9.....	39,169	36,319	38,107
O-8.....	35,772	33,042	34,751
O-7.....	31,654	29,065	30,689
O-6.....	27,197	24,850	26,389
O-5.....	21,821	19,796	21,122
O-4.....	18,234	16,527	17,630
O-3.....	15,025	13,591	14,501
O-2.....	11,474	11,138	11,045
O-1.....	8,985	9,611	8,659
W-4.....	17,653	16,088	17,074
W-3.....	14,537	13,097	14,023
W-2.....	12,299	11,108	11,859
W-1.....	10,138	9,195	9,738
E-9.....	14,919	13,417	14,392
E-8.....	12,812	11,571	12,334
E-7.....	11,063	9,980	10,634
E-6.....	9,550	8,647	9,160
E-5.....	7,691	7,248	7,356
E-4.....	6,457	6,329	6,189
E-3.....	5,893	5,831	5,663
E-2.....	5,484	5,530	5,311
E-1.....	5,036	5,320	4,872

<sup>1</sup> Compromise falls below both House and Senate versions

Moreover, if we use the figures as reported in the press, the compromise will give the average private—E-3—an annual increase of \$1,532, while a brigadier general will get a \$1,624 hike, and a two-star general will receive a raise of \$1,709.

I should like to make it very clear that I am not opposed to increases for the careerists, especially since their BAQ is in need of adjustment. It is for this reason—and the generous increases that were provided for first termers—that those of us who introduced the Gates Commission legislation supported the pay bill which was reported by the Armed Services Committee. But I would find it very hard to support a bill which provides increases for senior people by reducing junior men to a figure that was

less than that mandated by both Houses of Congress.

Unlike the change in date of enactment it is possible that the technical difference between basic pay and quarters may allow the conferees to reduce the amount without violating rule XXVIII—but it is a clear violation of the spirit of that rule. As the gentleman from California said in explaining his amendment to the Legislative Reorganization Act:

For example, the House passes a piece of legislation authorizing \$1 million; the other body after having considered the legislation passes a bill authorizing \$5 million; then the conference committee could not come back and report \$10 million or, going the other way, report \$500,000.

The point is that it should stay within the scope of what the two bodies have done initially.

Mr. Speaker, I would add that the technical differences in the components of military compensation should not be manipulated so as to deprive the individual, serving his nation in uniform, a fair wage. I would again like to recall the words in the report of the Committee on Armed Services—House Report No. 92-82, page 24 and following—in justifying the pay scales which were overwhelmingly approved by this body:

The Congress in Public Law 90-207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or kind every payday: basic pay, quarters allowances, subsistence allowance, and tax advantage received because the quarters and subsistence allowances are not subject to Federal income tax.

It is the Regular Military Compensation that is used to establish competitive military pay levels which bear a reasonable relationship to civilian wages for equivalent levels of work. . . .

In developing the pay proposals on which the Committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life. . . .

The Committee's bill would provide total increases in Regular Military Compensation costs of \$2,687.4 million per year. This includes \$1,825.4 million in basic pay increases, \$824.2 million for increases in basic allowances for quarters and \$37.8 million for increases in basic allowances for subsistence.

It is abundantly clear, Mr. Speaker, that the committee regards the regular military compensation standard as the means to equate military and civilian pay, and that basic pay and allowances are merely elements of the package. Given the committee's strong support for the RMC standard—and their demonstrated concern for the welfare of the individual serviceman—it is simply incomprehensible to me that the conferees would provide the recruit with a lower rate of pay than the bills passed by either House. Therefore, while the conferees are still engaged in finalizing the details of the draft bill, I would hope that they would reconsider the pay sections which have been reported in the press, and provide our GI's with the adequate wages they have been granted by both Houses of Congress.

Mr. Speaker, at this point I include two articles describing the conference com-

mittee's actions and a number of editorials supporting restoring these pay raises in the RECORD at this point.

[From the Baltimore (Md.) Sun, July 5, 1971]

ANALYSIS: CONGRESS CONFEREES TAKE ODD ROAD TO COMPROMISE  
(By Adam Clymer)

WASHINGTON, July 4.—Question: How does a House-Senate conference committee compromise differences that do not exist when it goes to work on two versions of a bill.

Answer: With gusto, a shrug at rules and a wary eye on the federal budget.

Last week the senior members of the House and Senate Armed Services committees got together to try to settle 28 points of difference between the House and Senate versions of the draft bill.

They settled 27, and most of their actions were routine, with one side giving way, or the other, or a simple compromise being struck.

#### NO REAL COMPROMISE

But the biggest issue they faced (they will not face until Wednesday a Senate amendment calling for a pullout from Vietnam) was pay raises for the military. Here, they did not really compromise, and they did not take either House's version.

Each chamber had voted for an increase in pay and allowances totaling something over \$2.7 billion a year. The House went for \$2.7108 billion and the Senate for \$2.7895 billion.

A casual observer would expect the eventual amount to be somewhere in the middle, but certainly no higher than the Senate figure and no lower than the House's.

The casual observer would be wrong. The final figure is \$2.4046 billion a year in pay increases.

#### A LOT OF RAISES

Even so, that covers a lot of raises. Counting all allowances and benefits, it would mean a recruit whose earnings now total \$3,107 a year, would get \$4,872. Not bad, even if it is less than the \$5,036 in the House bill or the \$5,320 in the Senate measure.

It certainly is enough of a boost to test the basic theory of the volunteer Army advocates—that sharp increases in pay will bring sharp boosts in enlistments.

But when should a suitably impressed young man enlist?

He is not going to be drafted for a while, because the old draft law expired at midnight last Tuesday, so the only way to get that \$4,872 a year is to enlist. First of all, he should wait until the bill is passed, and that may be a while, because of the Vietnam amendment.

#### WRONG AGAIN

Then, since both the House and Senate bills said the raises should take effect on the first of the month following enactment, he would think the time had come to sign up.

This suitably impressed young man would also be wrong.

The conferees decided to postpone the pay raises until October 1. One conferee explained simply that the administration would like to save—at least for a while—the \$200 million a month the hikes will cost.

What the conferees did with the total of the increase is fairly simple. The Senate, over the objections of its Armed Services Committee and the administration, had voted a fat increase, with almost all of it (\$2.667 billion) in basic pay.

#### EXCEEDED REQUEST

The House, following its Armed Services Committee (which was not exactly ecstatic), also exceeded the administration's request for a \$908 million pay boost, voting \$1,825.4 billion in basic pay. And it voted a big increase in allowances—\$885.4 million.

So the conferees took the lower pay figure—the House's. Then they compromised between the Senate and House versions on allowances, going for a \$579.2 million figure, mostly for quarters.

That approach is old hat for conferees and hardly surprising to students of congressional folkways. It might look like a clear distortion of the bill of either House, but conferees are generally acknowledged to know what is best. Conference reports are very rarely voted down.

#### CREATIVE COMPROMISING

But the creative compromising on the effective date of the pay increases is different. It is just as if the conferees had decided to ignore the votes in both bodies for a two-year extension of the basic draft law, and had decided to make it one year, or even twenty.

Since there was no difference between the two bills, the issue was not properly before the conferees, at least under House rules reinforced by last year's Legislative Reorganization Act.

Even the traditional helpfulness of the House parliamentarian to embattled committee chairmen might not be enough to withstand a point of order, forcing the conferees to go back to an earlier effective date.

#### SOME UPSET

"We'll just get a rule waiving points of order," explained Representative F. Edward Hébert (D., La.), the chairman of the House Armed Services Committee, when told some young advocates of the volunteer Army were upset at the change.

"And what's more," he continued, "we knew it was subject to a point of order before they did."

That means he will have to go to the Rules Committee with his conference report and ask for a special procedure, instead of just taking it to the House floor. There may be an argument there, but he will probably win.

#### PROSPECT OF AGREEMENT

Some wags suggest that the October 1 date is only a realistic estimate of the earliest date an agreement on the Vietnam pullout amendment can be expected.

But others, close to the conferees, say there is now a real prospect of an agreement being worked out this week—the conferees reconvene Wednesday—calling for a total withdrawal from Vietnam contingent on the release of prisoners, but omitting the Senate's 9-month requirement.

#### CONFEREES CUT MILITARY PAY RAISE AS AUTHORITY TO DRAFT RUNS OUT

(By David E. Rosenbaum)

WASHINGTON, June 30.—The Nixon Administration won a major budgetary victory today in the House-Senate conference on the draft extension bill.

The conference agreement also appeared to represent a setback for supporters of an all-volunteer Army, who had sought larger pay increases than those cleared by the conferees.

The conferees accepted a figure for military pay and allowances that was more than \$900-million below what both the Senate and House had approved. The raises voted by the conferees would cost about \$1.8-billion in the fiscal year starting tomorrow and would go into effect Oct. 1.

The figure approved by the conference was still \$800-million above what President Nixon sought in his budget, but the House and Senate had passed increases of about \$1.7-billion over the budget.

The Nixon Administration had argued that so large an increase would force severe and possibly dangerous reductions in other parts of the defense budget.

The Government's basic authority to draft

men into the military expires at midnight tonight.

The conferees completed action on all provisions of the draft bill today except the Senate-passed amendment that calls for the withdrawal of United States troops from Indochina within nine months if prisoners of war are first released.

The conference chairmen—Senator John C. Stennis of Mississippi and Representative F. Edward Hébert of Louisiana, both Democrats—said no agreement could be reached now on this amendment, which was sponsored in the Senate by Mike Mansfield, Democrat of Montana, the majority leader.

The conferees took the House provisions on actual pay and then reduced the allowances 15 per cent from the House figure. Over a full fiscal year, the conference agreement would cost \$2,404,000,000, but, since it would not go into effect until October instead of July, it would cost \$601-million less this fiscal year.

They adjourned the conference this afternoon and will not continue negotiations until next Wednesday, since the Congress is taking a long Fourth of July break.

Conferences are held among senior Senators and Representatives to reconcile the difference between the House and Senate versions of legislation. The agreement must then be approved by the House and Senate. Sometimes, one House or the other rejects an action taken by a conference, but usually the decisions are accepted.

Ronald L. Ziegler, the White House press secretary, said there were no plans to induct anyone until Congress completes action on the legislation, but he added, "We feel Congress will move rapidly."

Pentagon officials believe a brief hiatus in the draft will cause no significant problems to the military.

On servicemen's pay and allowances, the House had approved an increase of \$2,711,000,000, the Senate an increase of \$2,789,000,000 for the fiscal year that begins tomorrow.

#### HOW CHAMBERS VOTED

The figure adopted by the conference was \$1,803,000,000 for the fiscal year. The pay increases, according to the conference agreement, will not go into effect until October, even though both Houses voted for the increases to be effective at the beginning of the first month following enactment of the measure.

The sums originally voted by the House and Senate would have been distributed differently. The Senate money would have all been spent on pay for low-ranking enlisted men and junior officers. In the House bill, \$1.8-billion would have been spent for pay during the fiscal year and the rest of the \$2.7-billion would have gone for subsistence and quarters allowances.

For the individual serviceman, there is little difference between pay and allowances. Both appear in the same pay check.

Under the House bill, the average recruit would have received a total of \$5,036 annually. Under the Senate bill, the figure was \$5,320. The conference calls for \$4,872. The average recruit's salary now is about \$3,000.

The rules of Congress state that the conferees may not exceed the bounds of the House and Senate bills. The agreement, in other words, must be identical with the bill of one House or the other or must be a compromise between them.

Senator Stennis and Representative Hébert justified the lower total amount for pay and allowances by saying that they had considered pay and allowances as two separate items.

Congressmen who want to move rapidly toward an all-volunteer army called this a "subterfuge" today, but they acknowledged that it probably could not be challenged. They were considering challenging the delay

in the effective date until October, however.

These Congressmen and their aides believe that the conference decision is a severe blow to the prospects of a volunteer Army in the next year. The rejected higher raises, they argued, were designed to induce men to volunteer for the service.

Among the other major actions by the conferees were the following:

They voted to give the President authority to end student deferments but said that anyone who was in school during the regular 1970-71 academic year could have a deferment to finish college.

They accepted a ceiling on inductions in the next two fiscal years of 130,000 men in the fiscal year 1972 and 140,000 men in the fiscal year 1973. The over-all strength of the military one year from now was set at about 2.4-million men. These limits may be exceeded without specific Congressional authorization, under the agreement.

They voted to continue the term of required civilian service by conscientious objectors at two years.

They voted to permit the President to pay bonuses of up to \$3,000 to men who enlist in combat units.

They dropped a Senate amendment that would have permitted potential draftees to be accompanied by a lawyer when they appeared before their draft boards, but the conferees accepted other procedural rights for registrants.

They voted to require the military to identify and take steps to rehabilitate drug addicts and alcoholics in the service.

#### ARMY PAY

The United States military has the temerity to assume that all recruits and draftees are single and without dependents. That blind policy decision has put about 330,000 men on first tour duty with the military and married in a basic pay structure that prevents family support.

Most servicemen can't go on welfare, even though their annual income may be as much as \$600 below the national poverty level. Their full time jobs in the military disqualifies them. Some men have sought relief through food stamps, living in substandard housing, a second job, or finding a place to put their small children so their wives can work. Even these unacceptable alternatives are difficult to come by and they all serve to humiliate the men, affect their morale and hence the organization they serve.

Hope that some relief would come with the draft extension bill's provision to raise recruit pay to over \$5,000 a year went down to apparent defeat last week. Conferees reduced the total allocation approved by the House and Senate more than \$900 million by cutting pay and allowances and delaying enactment of even reduced increases until October 1st.

There is little hope the conferees will change their minds, so a challenge should be presented on the floor, demanding more money. The military family, be it draftee, recruit, or volunteer, should not have to live in squalor. That is not the way to run an Army, Navy, Air Force, or Marine Corp.

[From the New York Times, July 3, 1971]

#### THE GI PAYS

The decision of a House-Senate conference to cut nearly a billion dollars from a \$2.8-billion military pay raise may represent a victory for the budget-makers but a defeat for low-ranking servicemen who were to have been the principal beneficiaries of the increase. The conference committee's action is an affront to substantial majorities in both houses who voted the full amount.

The Administration has bitterly assailed the \$2.8-billion raise, included in a new Selective Service Act, on the grounds that it would

divert scarce funds from other defense needs. But a Government that squanders billions on cost-overruns for procurement and on other military extravagances can certainly afford to pay a living wage to its men in uniform.

A Presidential commission has pointed out that current pay scales for the lower ranks are substantially below comparable civilian wages and amount, in effect, to a discriminatory tax on servicemen. If more funds are needed for other items in the defense budget, which we doubt, they should be raised from the general taxpaying public and not taken out of the pockets of men who are being asked to lay down their lives for their country.

#### WELFARE REFORM PROVISIONS TO TITLE IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS), is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, certain things have been taking place in recent weeks in the U.S. Congress which seem to me to defy even the simplest rules of logic and which appear to me inconceivable to anyone with a rudimentary understanding of economics.

What I am talking about is perhaps best illustrated in the action recently taken by the House when it passed the bill H.R. 1, containing the so-called welfare reform provisions of title IV. It would be more appropriately named the welfare deficit bill.

In virtually the opening round of debate on the measure this statement was made.

The present (welfare) program would be your preference, I assume, if you vote to strike the provisions of H.R. 1. That is the only way I can figure it out, because for the life of me, I do not know how we can come back any time soon or even within this Congress with any other approach to the restructuring and reforming of the welfare system, than that which we have in this present bill.

In the taking of that position, consideration of any alternative proposal was ruled out, though the fact is that at least one alternative which the Ways and Means Committee had not considered did exist. The impression was given that the only choice available to Members of the House was H.R. 1 or the present chaotic program. For the life of me, I do not know how such a statement can be described in any way except as totally illogical.

What may have been meant was it would not be convenient for the committee to consider the matter further, or that the committee did not wish to have the matter considered further, or that other business or political considerations made it impractical to consider the matter further. If this is what was meant, that is what should have been said and then Members could have reached a value judgment as to whether or not to accept such reasoning.

Mr. Justice Marshall in his recent opinion on the Government's request for a restraining order against publication in the newspapers of certain Pentagon documents stated:

It may be more convenient for the Executive if it need only convince a judge to

prohibit conduct rather than to ask the Congress to pass a law and it may be more convenient to enforce a contempt order than seek a criminal conviction in a jury trial. Moreover, it may be considered politically wise to get a court to share the responsibility for arresting those who the Executive has probable cause to believe are violating the law. But convenience and political considerations of the moment do not justify a basic departure from the principles of our system of government.

Likewise, it might be considered more convenient or politically wiser not to permit further consideration of possible alternatives to welfare reform, but I think it equally true regarding this issue that convenience and political considerations of the moment do not justify a failure to do so when we are dealing with a proposal that constitutes so basic a departure from the principles of our republican system of government and our free enterprise economic system. And to contend, without amplifying reasons, that it was simply impossible to do so, was, I repeat, illogical.

But what really puzzles me is the apparent lack of economic and political logic displayed by the House in adopting this measure or at least in failing to strike title IV when given the opportunity.

Under the provisions of title IV every family in America, whether one or more of its members is employed or not, would be guaranteed a minimum annual income equivalent to \$2,400 per year for a family of four. Never mind that such a concept is the rankest kind of socialism. Never mind that such a national uniform standard ignores the widely divergent economic, geographic, and social differences that exist in this vast Nation of ours, thus discriminating among the poor by benefiting some substantially more than others. Never mind the peculiar logic which permits an advocate of the bill to admit of his own volition in his own prepared statement that "a guaranteed annual income will weaken rather than strengthen family stability," and then proceed to defend H.R. 1 as necessary to reform the tendency of the present program to drive fathers away from their families.

Never mind these small inconsistencies. Let us look only at the political and economic logic—or lack of it—inherent in the House's action.

First consider the political logic. And may I add here that a similar lack of political and economic logic taints the current administration which has advocated and supported H.R. 1.

It was the administration which requested and the Congress which enacted legislation to take the post office out of politics and eliminate the burden of political patronage which accompanied it. Without rendering judgment on the wisdom of that action, one must conclude that it reflected a desire on the part of Members of Congress to be freed of the political pressures inherent in a system that involved Congress in the dispensation of political plums. We also provide, in H.R. 1, the very bill under discussion, for automatic cost-of-living increases in social security, presumably to relieve Congress of the repetitious

necessity for increasing social security benefits and the crosscurrents of political pressure which accompany every such proposal.

Yet in title IV we establish a uniform guaranteed minimum annual income at a level of \$2,400 per year for a family of four. Opponents repeatedly pointed out during the debate that this is substantially below the present poverty level. And the logic of my colleague, the gentleman from Oregon (Mr. ULLMAN), is, it seems to me, indisputable when he states:

Once you make the decision to accept that guaranteed annual income . . . you have reached a point of no return. Once you have adopted the principle, then the only question is: Are you guaranteeing enough? And, of course, all of us know the pressures that will build. All of us know . . . that you can mount a tremendous argument that it is not enough—once you have accepted the principle.

Thus we illogically set out to destroy with one hand what we have painstakingly wrought with the other.

Or let us look at the economic logic of the adoption of H.R. 1. As was pointed out in the debate, if we were to adopt the \$6,500 base income for a family of four which the National Welfare Rights Organization demands, it would cost \$70 billion. And one can hardly read the record of the debate or the daily discussion of this issue in the press without developing the uneasy feeling that we may be halfway there before H.R. 1 even becomes law and it will be only a limited time before the base is upped to \$6,500 or even beyond. Yet the entire fiscal year 1972 budget for defense is only \$77.5 billion. There has been a great deal of agitation for reductions in defense spending and a reordering of our national priorities, with emphasis on domestic programs. But in one great gulp the House has swallowed a measure which could conceivably eat up virtually every cent we would save if we wipe out our entire defense budget. Where will the money come from to pay for the other financial boondoggles looming on the legislative horizon. Or for that matter, where will we get the money to pay for welfare reform, since we are not likely to see a 90-percent reduction in defense spending very soon. Will the money come, perhaps, from an increase in taxes, the burden of which, despite tax reform, still falls most heavily on the overburdened middle-income families of America?

"But that is all conjecture," you say. I think it is sound conjecture, but if you doubt this progression of events, let me turn to something more certain.

There is no question but that H.R. 1 will immediately add some \$5 billion to the present cost of the welfare program. By what economic logic does the administration recommend and the Congress enact legislation to pump 5 billion new Federal dollars into an economy still struggling to overcome a bout with severe inflation. By what logic can people who have suffered surtaxes, tight money, high interest, and unemployment in the name of fighting inflation be expected to accept as visionary reform legislation a bill which will pour 5 billion new Federal

dollars into the economy to fuel the fires of a new inflationary spiral. Having repeatedly told the people that it was irresponsible Federal spending which caused inflation to begin with, we now ask the same people to believe in new Federal spending for the purpose of putting working people on the dole and increasing the level of support for those who have never worked in an effort to get them to work in the best interests of the country and economically logical.

My friends, reason rebels. I would just like for someone to tell me precisely where this monstrosity comes from. Whose brainchild is it?

The family assistance plan was sent up to the 91st Congress as an administration proposal, though it borrowed heavily from the report of the Heine-mann Commission established by President Johnson. Rejected by that Congress, it has now been reworked by Chairman MILLS and the Ways and Means Committee and has passed the House and will soon be taken up by the Senate Finance Committee. Yet I find myself sharing the sentiment of those who have pointed out that what the administration has said it wants in the way of welfare reform, when compared with what H.R. 1 will do, is clearly a horse of a different color. Quite frankly it appears that somewhere along the way the scriptural exhortation, "Let not thy left hand know what thy right hand doeth," has been applied with most undesirable results.

I strongly urge that the members of the Senate Finance Committee give this matter careful and extended consideration. For I believe there is a commendable alternative which not only eliminates many of the objectionable features of H.R. 1 but, in adapting the concept of revenue sharing to the solution of the welfare problem, accomplishes two of the administration's goals at one legislative stroke and does so in a way which preserves our federal system of government and our free enterprise economy. This alternative is the Curtis-Duncan bill, which I joined as cosponsor in the House.

Unfortunately, there was no opportunity for its consideration in the House, but neither time nor rules prevent the other body from giving it thorough consideration and nothing should deter them from rewriting H.R. 1, or scrapping it entirely, in order to obtain meaningful and sensible welfare progress.

The administration insists that there is no viable alternative to H.R. 1. I hope the President will be able to take a careful look at the Curtis-Duncan bill. He will find that it is Nixonian in its approach. Of course, the President is a busy man, and he must rely on the advice of those around him. Apparently his advisers for domestic affairs have not discussed the Curtis-Duncan approach with him. This is most unfortunate. It is not too late, however, for the administration to reconsider. The upcoming Senate Finance Committee hearings would be the perfect opportunity to do so.

Mr. Speaker, I request unanimous consent to include immediately following my remarks a recent editorial from the Milwaukee Sentinel which expresses support for the Curtis-Duncan alternative and echoes some of the sentiments I have

expressed regarding H.R. 1 and the need for a critical reevaluation of it in the Senate.

And let me summarize what H.R. 1 will mean to America if it becomes law. With all of its deficit spending it will bring more than welfare. The deficit spending will accentuate inflation. If H.R. 1 passes, in 1973 we will have 10 percent annual inflation, bank interest charges including fees and compensating balances will be 15 percent. Long-term loan money will be hard to find. Young people will be saddled with an annual increase in debt involving \$40 a year.

Besides the young, the senior citizens must also suffer. Senior citizens are deserving of priority consideration as are the handicapped. Now we combine all relief cases which dilutes their social security checks which are so essential.

H.R. 1 if it becomes law could make America a welfare state. Let us all take a second look at this legislation.

The article referred to follows:

#### A BETTER PLAN

The new welfare plan adopted by the House makes two basic changes. It nationalizes the system and it converts the dole into a guaranteed annual income.

The plan is called reform, implying that it will be an improvement over the present system. President Nixon, in congratulating the House for approving the bill, said it offers the nation "a way out of the present welfare morass."

Now the measure goes to the Senate, where its chances are said to be uncertain. Similar legislation died there last year.

Increased Social Security benefits—and whopping tax increases to finance them—are tied to the welfare reform measure. By rights, Social Security and welfare reform measures should be separated. They are lumped together, evidently in the belief that the sacred cow of Social Security will pull welfare reform through with it.

This suggests that the welfare reforms would not make it on their own merits. Certainly, the Senate Finance Committee should once again subject the welfare proposals to a most critical examination.

Such an examination, we believe, will show that the new system will merely mean change, not reform. And, in fact, it may mean change for the worse.

Having Washington run welfare through its computerized bureaucracy appears bound to do nothing to improve the condition of the individual cases on the local level. If the federal government were capable of handling a welfare system, the American Indians would be a great deal better off.

The Nixon administration and other proponents of the new welfare system deny that it establishes a guaranteed annual income. But that's what it is. Calling it a federal floor under family income, as the administration does means the same thing.

Admittedly, welfare is in an unholly mess, and something needs to be done. But what?

The most promising solution has been offered by Sen. Carl Curtis (R-Neb.). It has the added advantage of combining two of Mr. Nixon's pet proposals—revenue sharing and welfare reform.

Curtis proposes to return to the states the meaningful control over their welfare programs which Congress contemplated when the initial federal laws were enacted. He points out that the federalization of welfare is a solution which goes exactly counter to the very essence of our federal system of government and to Mr. Nixon's fundamental reason for advocating revenue sharing.

"My bill will return the complete admin-

istration of welfare programs to the states," Curtis explains. "It will allow the states to spend the money with the wisdom which comes only from the knowledge they possess, without HEW bureaucrats dictating every move. It will give the states incentive to reorganize their programs so that greater benefits can go to the truly needy, and waste and fraud can be eliminated. Finally, it will give the states sufficient federal funds to overcome the fiscal crisis which threatens not only all welfare recipients but also the entire economy of this nation."

The Senate Finance Committee would do well to adopt the Curtis bill as a substitute for the plan which has passed the House.

(Mr. COLLINS of Texas asked and was given permission to revise and extend his remarks and include extraneous matter.)

#### PRAYER FOR OUR MEN IN VIETNAM

The SPEAKER pro tempore (Mr. SEIBERLING). Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, as the war in Southeast Asia winds down to its final conclusion, the horrors of war which we witnessed daily on the evening news gradually fade from memory.

As a nation, we are now beginning the long task of healing the wounds of war—of restoring to health the disabled and injured and of restoring a nation's shaken faith in the wisdom of its elected representatives.

In the long days ahead, when those engaging in public debate will lodge charges of deception and culpability, we might quite easily lose sight of the central enduring point of this or any other war—the sacrifices made by our soldiers.

Whatever position one holds on the war, whether hawk or dove, the incontrovertible, enduring reality is that as a nation we sacrificed the lives of 54,000 Americans in Southeast Asia and that in a democracy the prosecution of a war is not the prerogative of a ruling military clique but is in fact an activity of the people comprising the Nation. As such, it would seem appropriate at this juncture to set aside some time to reflect upon what we asked of the young men of our Nation.

Toward this end, I have introduced a joint resolution authorizing the President to proclaim the second Sunday in July—July 11—as a day of prayer for our men in Vietnam.

Let us take some time out of our day next Sunday to pray for those who have given their lives in battle and also let us ask protection and care for the wounded, missing, and incarcerated.

And perhaps let us also pray for our Nation that God may grant us the wisdom and understanding to work as an agent of peace and harmony among the nations of the world.

#### LOS ANGELES HONORS SBA FOR AIDING EARTHQUAKE VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, on June 30, 1971, in twin ceremonies in Los Angeles, Administrator Thomas S. Kleppe of the Small Business Administration was presented with commendations by both the city and County of Los Angeles.

All of Los Angeles admires Tom Kleppe, a former distinguished Member of this House, for his response to the terrible earthquake of February 9, 1971. Administrator Kleppe and the entire SBA disaster staff reacted with speed, courage, and outstanding humanitarian concern to the tragedy. I am pleased to read the commendations, as follows:

CITY OF LOS ANGELES  
[Founded 1781]  
COMMENDATION

Whereas, the residents of the City of Los Angeles suffered extensive loss of life and property in the February 9 earthquake; and Whereas, the Small Business Administration offered vital and needed assistance to victims of the disaster; and Whereas, the Administrator of the Small Business Administration the Honorable Thomas S. Kleppe and Director Gilbert Montano demonstrated their personal concern for the people and accelerated assistance to the victims; and Whereas, the Small Business Administration is making a major contribution to the rapid economic recovery of the City from the earthquake: Now therefore, I, Sam Yorty, Mayor of the City of Los Angeles, do hereby commend Administrator Kleppe and Director Montano and the Small Business Administration disaster staff and thank them for their outstanding performance of public duty.

SAM YORTY, Mayor.

COUNTY OF LOS ANGELES  
THOMAS S. KLEPPE

Whereas, the County of Los Angeles suffered severe damage as a result of an earthquake on February 9, 1971, and Whereas, disaster victims required assistance to rehabilitate their property and restore normalcy to their lives, and Whereas, the Small Business Administration immediately established offices in the affected areas with the assistance of the banking community to assist the disaster victims; and Whereas, the Administrator of the Small Business Administration the Honorable Thomas S. Kleppe, personally visited the disaster area and initiated actions to speed assistance to disaster victims; and Whereas, the Small Business Administration has already approved 8,890 loans totaling \$43 million for earthquake victims; Now therefore be it resolved that the County of Los Angeles and all of its residents extend to Administrator Thomas S. Kleppe and to the staff of the Small Business Administration their thanks and appreciation for the personal concern and effective action shown in helping earthquake victims recover from this disaster.

WARREN M. DORN,  
Supervisor, 5th District.

ENVIRONMENTAL LEGISLATION—IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing my fourth piece of environmental legislation incorporating the use of economic incentives to control pollution. This bill attacks the increasing problem of abandoned automobiles by placing a \$50 deposit on all motor vehicles. This deposit will be returned when

the vehicle is either sold or disposed of at the end of its useful life.

A drive through one of our Nation's cities or along our country roads and highways will demonstrate why such a bill is necessary. The scattered, rusting hulks of cars, buses, and trucks are an eyesore. They are dangerous, if not deadly, eyesore, attracting small children looking for places to play.

The abandoned car problem is not small—1,000 cars a week are abandoned in New York City, and in Chicago, the rate is double—2,000 every week. There are presently over 100 million motor vehicles in use in the United States. About 9 million are retired each year; approximately 85 percent of them entering junkyards, with the remaining 15 percent abandoned on either public or private property. Thus we are accumulating 1,300,000 abandoned motor vehicles every year, adding to the present inventory of somewhere between 15 and 20 million rusting hulks already cluttering the landscape.

Why are they not hauled to salvage yards? Salvage operators make most of their money selling parts from cars that are from 1 to 4 years old. After a car is 7 years old it virtually has no parts value at all; its only value is derived from the sale of the scrap metals it contains. The profit margins in the scrap operation are small, forcing scrap dealers to pay little or nothing for any worn-out autos over 5 years of age.

Thus, when confronted with the alternative of paying someone \$10 to \$25 to haul your worn-out car to the scrap yard or abandoning it along some street or road, the choice is very often to abandon it.

My bill would reverse the present incentive; it would simply make it more profitable in virtually all cases for a car owner to have his car hauled to the junkyard in order to get his \$50 deposit back, rather than abandon it on a public road. In addition, the bill provides the cities and States reimbursement for collecting the already existing stock of abandoned autos. I hope my colleagues will give this legislation their careful consideration.

PALESTINIAN REFUGEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, one important problem that a settlement of the Arab-Israeli conflict must address is the plight of the Palestinian refugees. The United Nations Security Council Resolution No. 242 of November 1967, which provides a framework for the settlement of the conflict, calls for "a just settlement of the refugee problem." If no just solution for these people without hope is found, another round of fighting becomes almost inevitable. The United States must redouble its efforts to insure that another generation of Palestinians does not grow up in refugee camps, and to find ways and means to provide their lives with hope and dignity, their bodies with sustenance and strength, and their vocations with purpose and skills.

GENERAL BACKGROUND

The Israeli war of independence or the Palestinian war of 1948 uprooted almost 1 million Palestinian Arabs, Christians as well as Moslems, and some half-million Jewish citizens of Arab countries. Israel was able to absorb the Jewish refugees from North Africa, the Fertile Crescent and Yemen, primarily because she has had the desire, the money, and the capacity to train them. However, for political, financial, and manpower reasons, the poorer countries around Israel—Egypt, Lebanon, Syria, and Jordan—have had little success in helping the Palestinian refugees. The refugees have not been allowed to return home, and they have not received compensation for the property they lost. As part of any settlement in the Middle East, efforts must be made to deal with the 1948 claims of both Arab and Jewish refugees.

After 1948, an educated minority and a few Palestinians who had funds available found work in other Arab countries. They were, for the most part, hard-working and intelligent people who have played an important role, for example, in the development of Kuwait and the tiny states of the Persian Gulf.

Unfortunately, the overwhelming majority of Palestinians—the aged, the very young, and the unskilled—became dependent refugees. For them, life was hard and uncertain, and many became bitter and resentful refugees hovering in overcrowded camps near Israel's borders. Since 1948, these refugees have become increasingly embittered and frustrated by the failure of their Arab neighbors, the United Nations and the big powers to help them regain the land they claimed was theirs. In the 1960's many refugees found solace in the extreme, radical, national movements manifested in the plethora of commando organizations that sprang up before and after the June 1967 war.

The political frustrations of these refugees have been matched by the human trials of a large number of people living on the borderline of destitution, rampant disease and undernourishment. Ten cents a day for each refugee in a camp provides just enough basic medical services, education, food and lodging facilities for survival. The June war in 1967 radically altered, but did not change, the plight of the refugees who for the most part continue to live in an international dole of about \$40 per capita a year.

Today there are nearly one and a half million Palestinian refugees registered with the United Nations refugee agency. Of these, about 830,000 or roughly 60 percent, receive rations, and of whom some 40 percent live in camps. Half a million refugees live in East Jordan and about 580,000 live in Israeli Occupied Territories—the West Bank and Gaza. These figures do not include the nearly 1 million displaced Egyptians and Palestinians who have moved from occupied territories and the Suez Canal area since 1967. They still fervently claim a piece of land in the area from which they were dislodged, even while many have found new homes and jobs in other areas.

These refugees have suffered long, and

their sufferings continue. There will be no peace in the Middle East until the parties to the Arab-Israeli dispute and the international community lay aside political considerations and focus on the necessity for justice for all the refugees. This is the root of the whole Middle East problem and to deal with other aspects of the Middle East conflict without solving the refugee issues caused by the 1948 fighting is to treat symptoms without eradicating the cause.

#### ATTITUDES OF GOVERNMENTS IN THE MIDDLE EAST

The difficulties of finding a "just solution" for the refugees are exacerbated by the parties to the dispute. Each side claims the other is responsible for the refugee problem. In fact, it is fruitless to debate who is responsible as there is evidence to support the allegations of both sides.

Israel has usually contended that: First, the Arabs alone caused the problem and thus have major responsibility for it; second, instead of helping the refugees, the Arab Governments are consciously using the refugees for political objectives. They keep the refugee issue boiling in an effort to decrease the permanence of the State of Israel and force the return of refugees to Palestine; third, the Arab States have enough jobs, space and material to resettle these refugees; fourth, the Israelis cannot, for important political, security and social reasons, accept large-scale repatriation—no country will willingly create a hostile fifth column within its borders; fifth, Israel will consider compensation if the international community will help and if Jewish refugees from Arab countries are compensated for their loss of property; and finally, the Palestinians would be far happier if they lived in the Arab world.

The Arabs, on the other hand, have contended that: First, the major Western powers, the Israelis, and the U.N. are primarily responsible for the refugees and they must solve the problem; second, an attempt to solve the Arab-Israeli issue must deal with the refugee issue if there is to be any progress on other aspects of the problem; third, the refugee problem is more than an economic issue; political and humanitarian considerations are equally important; fourth, unlimited Jewish immigration into Israel must be stopped because it only hardens Israeli opposition to repatriation; and fifth, the just solution to the refugee problem must include the choice of compensation or repatriation as U.N. resolutions on the refugees have repeatedly stated.

Some of these attitudes have undergone changes in emphasis in recent years and others have not changed. Two constants remain, and they should provide a basis for settlement. First, there should be an appreciation of the Israelis' very real concern that any large-scale repatriation of refugees inside Israel could necessarily create a fifth column; and second, there must be political and humanitarian, as well as economic, justice for the Palestinians. Specifically, this can mean some form of compensation and the right of self-determination.

#### UNITED NATIONS RELIEF AND WORKS AGENCY

The community of nations also has not been able to deal successfully with the refugee problem. Over the years, many international, national, and religious organizations have sought to meet the physical and social needs of the refugees. These efforts, however ecumenical or international in origin, have only reduced the human suffering.

The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) has had primary responsibility for providing and administering relief and educational services. For over 20 years now, the United States has supported, despite its deficiencies, the UNRWA program because of the human needs of the refugees and because UNRWA's services, especially vocational training, can contribute to political stability at a time when our overriding interest in the Middle East is peace.

UNRWA continues to provide education and relief services for those refugees of 1948 and their offspring. Its 14,000-man staff is about half teachers who now administer some 46 percent of UNRWA's budget. UNRWA's efforts to meet the challenges of educating increased numbers without increasing its budget have not been entirely successful because of budgetary limitations.

#### UNRWA'S FINANCES

The U.S. voluntary contribution to UNRWA has varied from as high as 70 percent of UNRWA's budget to the present 54 percent of a budget between \$45 and \$50 million.

One of the more encouraging aspects of the financial situation of UNRWA in recent years is the increased diversity of financial support for the budget and of special contributions to meet the deficit. Even Arab governments, long reluctant to support UNRWA, are now contributing to certain educational services UNRWA provides in cooperation with UNESCO. There have also been hints that certain East European countries might reconsider their opposition to UNRWA. Still, as we enter the 1970's, only 48 of the 127 U.N. members are making donations with Britain, the United States, Canada, the Scandinavian countries and West Germany providing the vast majority of funds. More important, UNRWA is beginning to run a large deficit, estimated to be around \$6 to \$7 million in the next fiscal year.

#### UNRWA EDUCATION

The most significant work that UNRWA does in dealing with the needs of these refugees is its education of some 250,000 students each year. In the last two decades, however, only a small minority of the over half a million refugees who have reached maturity have found meaningful jobs. Palestine was traditionally an agricultural society and the vast majority of refugees were primarily in farming.

The crucial issue confronting UNRWA is how to maximize the number of refugees receiving nonagricultural job training in an area suffering from overcrowding on agricultural lands.

Of the 30,000 refugees who complete the basic 9-year education sponsored

by UNRWA and UNESCO, only a few more than 4,000 go on to high school and university or vocational schooling. The greater the percentage of the 30,000 refugees that receive vocational training each year, the greater the hope for the refugees having a rewarding life outside the camps and the less the attraction of the councils of despair who see Palestinians gaining dignity only through the barrel of a gun.

Fortunately, increased attention has been given to vocational training in recent years. After the June war, the Israeli Government trained some 16,000 Palestinians, many of them refugees, for semi-skilled jobs in Israel's construction industry. These jobs gave an economic alternative to the lonely and unrewarding void of a refugee existence.

The United States has also helped this vocational training effort. The 2-year supplemental \$2 million U.S. appropriation for vocational training enabled UNRWA to expand some of its vocational training facilities to train over 1,000 men. Such efforts must be continued so that more refugees have the opportunity to see life in terms of a choice. Without such training, becoming a guerrilla remains the only chance to improve their lot. And that choice by sufficient numbers will lead to violence.

#### PALESTINIAN POLITICS

As their numbers have increased, so also has the Palestinian political consciousness. For two decades, refugees placed their fate in the hands of the international community in general and their Arab neighbors in particular; there was much talk, mostly inflated rhetoric, and little purposeful action.

It was only after some 20 frustrating years that the Palestinian guerrilla movement started to gain support in the camp communities. The desperate tactics of some guerrillas in the last couple years reflect their deepest fear that others—Jordan, Israel, and the United States in particular—were trying to negotiate or decree their national being out of existence. The 4 years since 1967 have emphasized that any peace in the Middle East must implement the U.N. Resolution 242's call for "a just settlement of the refugee problem."

The disruptive capacity of the Palestinian guerrillas should not be judged solely on the basis of actions against Israel or the United States precisely because those actions have largely failed. Rather it is the ability of the guerrillas to veto moves toward peace, to influence Arab politics and to reduce the effectiveness of the Governments of Lebanon and Jordan, in particular, that the guerrillas have had limited success.

#### HOPEFUL SIGNS

Recently, there have been some hopeful signs that the parties may be moving closer to the realization that a political settlement is essential and that a military solution to the Arab-Israeli problem will never work. For a time the guerrillas controlled many refugee camps in Jordan but the Jordanian Government in the last several months, has been able to reassert most of its authority. Other Arab Governments are also trying to im-

prove the climate for peace, and the proposed Arab federation of Syria, Libya, and Egypt could provide a basis for Syria to become a party to Resolution 242. Many Arab Governments have also cooperated with UNESCO officials in trying to remove inflammatory rhetoric from textbooks used in UNRWA schools, and Israeli authorities now permit almost all books into the occupied territories. Although such acts do increase political stability and help maintain the momentum for peace, they alone cannot drive asunder the ambitions of the guerrillas.

While the guerrilla movement may represent one alternative, certain developments in the West Bank represent another. Since the June war, an independent West Bank Palestinian political consciousness has burgeoned. Like the guerrillas, this group is thinking about the future of Palestinianism, but unlike the guerrillas, members of this community have supported the Rogers Peace Plan and the Security Council Resolution 242. The "National Pact of the West Bank" is also a constructive sign of a new political community among some Palestinians.

Another important sign of hope can be seen in the statements of some Israelis. For instance, the Secretary General of Israel's Labour Party, Arie L. Eliav, recently wrote that—

We owe them (the Palestinians) . . . the option of self-determination.

He added—

Let the Arab States know that we shall never deny the Palestinians' right to self-determination.

The only way to curb the guerrilla movement and the many paramilitary youth groups that feed it is to give the Palestinians a viable alternative. Vocational training for productive jobs is part of the answer, but not all of it because, while the refugee's alienation is visibly economic and social, it is also political. To solve the Palestinian refugee problem is to give the refugees the Palestinian political alternative.

#### PALESTINIANS, ISRAELIS AND THE FUTURE

Any solution of the refugee issue will have many components and involve social problems. Five elements that a just settlement should include are:

First, there should be limited repatriation of Palestinians with a recognition of Israeli concerns that unlimited repatriation would create political problems and would make it difficult to preserve the Jewish identity of the state. In such a move it may be very difficult to determine which refugees are repatriated.

Second, compensation must be made to all refugees. Jewish refugees from Arab countries and Palestinian refugees from Israel must be compensated for loss of property. Only last week, Israel reexpressed its willingness to compensate 1948 Arab refugees. The international community also should play a role in this phase of a settlement by helping to pay the bill and to determine the amount of compensation and to whom it goes.

Third, education and health programs of Palestinian refugees should be expanded and intensified. More Palestinians must have a choice in life, and edu-

cation and sound health offer part of a choice.

Fourth, a political alternative should be given to the Palestinians. Self-determination would help break the present impasse on one of the more troublesome aspects of the dispute. The international community should not try to impose the form that self-determination might take. In an internationally sponsored election held in the West Bank with Palestinians from all countries voting, the Palestinians might choose one of a variety of courses. They may opt for a new independent Palestine. They might, however, prefer some semiautonomous status in some connection to Jordan. Or, the Palestinians may desire to return to Jordan. Guerrilla organizations control of their community or such an election is not a foregone conclusion, nor can the guerrilla organizations be considered a monolith. To give the Palestinians the right of self-determination is to cut out the very strength of the guerrillas who see self-determination coming only with guns. Indeed it would be risky to predict any non-Palestinian group who would be able to predetermine the outcome of such an election. The past quarter of a century has only made the Palestinians more anxious to determine their own future. They feel that they have left their problems to others too long with too few results.

Finally, there are many problems and tensions involved in each of the four essential courses of action listed above. The international community must be responsible for and the handler of the execution of such plans. This means that the international community must pay a good part of the costs involved. Both these bills are small compared to the potential human costs of another war in the Middle East that could involve both Russia and the United States.

Throughout the world community and the Middle East, there is emerging an increasing concern for and understanding of the Palestinians, their various spokesmen and the need for a just solution of the refugee problem. Recent events have produced a dialog between some Israelis and some Arabs. And in the Arab recognition of a range of political opinion in Israel and Israeli recognition of many Arab and Palestinian viewpoints is an assumption that there is some segment of the opponent's camp with whom a dialogue is possible. That is one small result of more than 20 years of violence in the Middle East.

#### PANAMANIAN DIPLOMATS DEMAND CONTROL OF U.S. OWNED CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, whenever the United States and the Republic of Panama engage in diplomatic negotiations the event is a great one on the Isthmus and hence receives prominent mention in the Panamanian press. In the United States such news has to compete with the issues of the great powers and

hence receives little or no attention. The result is that the people living on the Isthmus are far better informed about crucial Panama Canal questions than are those of the United States, including the Congress where the ultimate authority and responsibility in policy determination rests.

It is important, therefore, for the Congress to know what is transpiring in Panama as expressed by Panamanians. In an address to the House in the CONGRESSIONAL RECORD of June 17, 1971, under the title of "Panama Canal: Intense Panamanian Hostility Campaign Against the United States," I attempted to show from statements taken from the Spanish language press of Panama over a period of months that the government of that country is engaged in an organized campaign of hate-infected hostility against the United States and Panama Canal authorities.

A leading Panama newspaper recently published two significant news stories concerning the then projected diplomatic discussions. One quoted Foreign Minister Juan Antonio Tack, a vociferous Panamanian fire brand, as bent upon removal of the United States from its jurisdiction over the Canal Zone. The other, published on the eve of the departure of the Panamanian diplomats for Washington, quoted one of them as stating that they would not sign any treaty with the United States that does not "return" the Canal Zone to the jurisdiction of Panama. This is about as senseless as could be a demand by France to "return" the Louisiana Purchase.

This Panamanian spokesman further stated that in the event of inability to obtain such cession he could not predict "what the reaction of the Panamanian people will be." This, Mr. Speaker, is an implied threat of destructive violence comparable to the Red led Panamanian mob assault on the Canal Zone in January 1964 or a Vietnam type of war on the Isthmus.

In either event, the U.S.S.R. would probably aid Panama as it has aided, and is still aiding, the Vietcong in Southeast Asia.

Our own diplomats have taken the naive position that relations between the United States and Panama "must be improved" at all costs, and it seems even if such improvement involves a complete and abject surrender by the United States as to the Canal Zone and Panama Canal in disregard of our treaty responsibilities with Great Britain and Colombia. Our negotiators have even gone so far as to advocate the construction of an extravagant, unneeded, and ecologically dangerous canal of so-called sea level design that hinges upon the surrender of U.S. sovereign right, power, and authority over the U.S. owned zone territory.

Moreover, one of our officials in these maneuvers has publicly admitted that such type of canal is not only unjustified economically but also may never be constructed. Could anything be, to say the least, more stupid? Why do our high officials not speak out in support of our treaty based rights, power, and authority as did Secretary of State Charles Evans Hughes? Why do they not demand the extension of the Canal Zone to

include the entire watershed of the Chagres River as was once recommended by Gen. Clarence Edwards when he was commander of the U.S. Army on the isthmus?

Such extension of the zone territory would end present demagogic clamor of Panamanian revolutionaries demanding the payment of \$13,000,000,000 for water used in past lockage operations of the Panama Canal, which use is specifically granted in perpetuity to the United States in article IV of the 1903 treaty.

The Panama Canal treaty negotiations were resumed on June 29, 1971, after a 4-year lapse. The negotiators for the United States are Robert B. Anderson, chief negotiator, who also served in the same capacity for the discredited 1967 treaties and was Chairman of the Atlantic-Pacific Interoceanic Study Commission under Public Law 88-609 that recommended only a sea level project in its voluminous and costly December 1, 1970, report; and John C. Mundt, lawyer, professor of Spanish and business executive, as his deputy. Col. John P. Sheffey, former executive director of the sea level study panel, is their backstop in the Department of State.

For Panama, the negotiators are: Jose Antonio de la Rosa, Panamanian Ambassador to the United States; Dr. Carlos Lopez Guevara, former Minister of Foreign Affairs; and Fernando Manfredo, former Minister of Commerce and Industry.

As I have pointed out repeatedly the Constitution of the United States in article IV, section 3, clause 2, vests the "power to dispose—of territory or other property belonging to the United States" in the Congress, which includes the House as well as the Senate. This salutary and imperative provision was ignored in the drafting of the publicly repudiated 1967 proposed treaties and apparently is being completely ignored in the present diplomatic negotiations. I make this constitutional reference as a challenge to our present negotiators and call upon them to answer it, for they are bound by oath to support the Constitution and should not ignore its provisions.

The revolutionary junta of Panama knows that the perpetual control of that country, which they seek, is in absolute violation of the Panamanian Constitution, which provides for a free and representative government. These revolutionaries hope to retain power indefinitely and are resorting to every type of political blackmail to attain their ends. As further proof of their intention to retain power and to prevent a return to constitutional government may be cited the facts that their plans contemplate the complete abolition of Panama's National Assembly and that they have converted the building housing the Assembly into a government office building.

As the two indicated news stories give the present thinking among Panamanian revolutionary leaders, I quote both as parts of my remarks:

[From the Panama Star & Herald, June 20, 1971]

DISSATISFIED PANAMA SEEKS ZONE CONTROL  
(EDITOR'S NOTE.—Charles Green, Chief of the Mexico Bureau of The Associated Press

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was in Panama recently. He wrote the following story on Panama-United States treaty negotiations.)

(By Charles Green)

PANAMA.—The United States will soon have to begin negotiating with this dissatisfied country on a new Panama Canal treaty.

The waterway, which cuts Panama in two, is a constant source of irritation for Panamanians who resent U.S. control of the areas adjacent to the Canal—the so-called "Zone."

Signing of a new treaty to give Panama jurisdictional control over the Canal Zone has become a current strengthening nationalism in this country.

The 1903 treaty, still in force, gives the United States jurisdiction over a strip on both sides of the waterway. Reclamation of this area gave rise to riots in 1964 which compelled the United States to agree to negotiate a new treaty to put an end to the conflict.

In 1967, a draft of a new treaty was ready but was not ratified by either government. In August last, strongman Omar Torrijos shelved this draft arguing that the main source of conflict—control of the "Zone"—was not modified.

"We must eliminate the basic cause of conflict—United States jurisdiction over the Canal Zone," Foreign Minister Juan Antonio Tack recently told a group of students. The proposed new treaty at the same time would eliminate the clause giving control of the Canal Zone in perpetuity to the United States.

Torrijos' revolutionary government has publicly adopted a hard-line for negotiations—a line which some conservative American elements in the Zone think might lead again to serious anti-US feelings.

Tack and the three Panamanian negotiators—former Foreign Minister Carlos Lopez Guevara, former Minister of Commerce and Industry Fernando Manfredo and Ambassador to the U.S. Jose Antonio de la Ossa—have held a series of meetings with businessmen, workers and students, aimed at making public Panama's position in the negotiations.

Their position at those meetings has been that Panama will demand that the 1903 treaty be cancelled and Panama recover jurisdiction over the Canal Zone, with the premise that the United States would be permitted to operate the Canal under Panamanian supervision.

#### ASKING TOO MUCH?

There are some in the Zone who believe that Torrijos' government may be asking for something the United States is not willing to grant and that it might return from Washington to Panama with something less than the people expect.

This frustration, it is said, could be explained by anti-United States elements to create a problem similar to that of 1964. One of Panama's main arguments is that the Canal Zone is the product of colonialism and that it also violates Article 103 of the Charter of the United Nations.

The United Nations Charter, Dr. Lopez Guevara says, has precedence over the 1903 treaty.

"The 1903 treaty provides that the Canal Zone must be neutral," Lopez Guevara told students "but we have official documents showing that the United States is using its military bases in the Canal Zone as part of its strategic defense system.

"In addition they are violating the neutrality clause of the 1903 treaty and we have the right to denounce that treaty because of that violation," he added.

"We will negotiate with the support of the people," Tack said. "This not only will be a revision of the existing treaty but negotiations to give Panama a brand new treaty with sovereignty and total jurisdiction for Panama."

#### JOINT CONTROL?

The position of the United States negotiators, Robert B. Anderson and John Mundt, has not been made public here, but they are expected to propose some kind of joint control over the Canal Zone with U.S. majority on the controlling agency.

The Panamanian proposal would leave operation of the Canal in the hands of the Panama Canal Company, but would make of the Canal Zone an integral part of Panamanian territory subject to the laws and courts of Panama.

The people of Panama have received many promises from the government that something will be done about the 1903 treaty, so that the revolutionary government's pledges are taken calmly by many. But nationalism is intense. Students and leftist commentators are adopting hard positions and urging the government not to back down on the question of jurisdiction.

A new treaty must be ratified by the U.S. Senate. How Panama would ratify it is a matter for debate since Torrijos abolished the legislature when he overthrew the constitutional government of Arnulfo Arias in October, 1968.

One way could be a national plebiscite, giving the citizens the right to accept or reject the contents of the treaty.

If the negotiations fail, Tack told the students, "we will go before public opinion." Lopez Guevara said the first step probably would be an appeal before the Organization of American States and if this too failed, then an appeal before the United Nations.

[From the Panama Star & Herald,  
June 26, 1971]

NO JURISDICTION, NO TREATY, R.P.  
NEGOTIATORS SAY

Panama's treaty negotiators will not sign a treaty with the United States that does not give back to this country jurisdiction over the Canal Zone, now under United States control.

At a press meeting on the eve of their departure Sunday for Washington, they said if a just treaty for Panama cannot be obtained "we will return without a treaty" to tell the people why the negotiations failed.

"I cannot predict what the reaction of the Panamanian people will be," Dr. Alfredo Lopez Guevara said. He and Fernando Manfredo will join the third member of the Panamanian negotiating team, Ambassador Jose Antonio de la Ossa, in Washington.

Lopez Guevara and Manfredo reiterated at the 2-hour press conference Thursday night at the Casa del Periodista that Panama's paramount objective in the coming round of talks is full jurisdiction over the Canal Zone and that they have clear instructions to that effect. They said Panama is prepared to grant the United States administrative rights to assure the safe and efficient passage of ships through the waterway and to participate jointly with the United States in providing adequate protection to the vital installations of the waterway.

#### JURISDICTION FOREMOST

They stressed the question of Panamanian jurisdiction will be foremost.

Negotiator Manfredo said there has been an exchange of agendas between the two countries and that there are indications there is sufficient ground to come to an understanding. He said the United States realizes it cannot live in tranquility in the Canal Zone under the present system of American control which dates back to 1903.

On the question of jurisdiction, Dr. Lopez Guevara recalled that until 1911, Panamanian laws were enforced in the Canal Zone through Panamanian courts. In that year, the United States unilaterally changed the system to enforce its own laws through its own courts.

Today, Manfredo pointed out, 5,500 American personnel and dependents from the Canal Zone live in Panama, under Panamanian laws, without any problem.

#### POLITICAL DECISION

With respect to military bases in the Zone, the negotiators said that by the United States' own admission, these are for national and hemispheric defense, not for the protection of the Panama Canal. They cited training in the Canal Zone for American military personnel assigned to Vietnam. This they added, is a violation of the 1903 provisions on the neutrality of the canal and gives Panama grounds for denouncing the 1903 treaty. Denunciation, however, is a political decision which Panama has not yet exercised, they added.

If negotiations fail, according to Dr. Guevara López, Panama is committed with the United States before the Organization of American States to seek a peaceful solution for their conflicts and Panama would still have available such recourses as denouncing the 1903 treaty or seeking its nullification.

In answer to a newsman's question, the negotiators said Panama has not withdrawn the complaint of aggression lodged against the United States with the United Nations in connection with the armed clashes between Panamanian civilians and U.S. Army troops. The 1964 crisis, they pointed out, led to the present negotiations.

#### CANAL IS ONLY AIM

Panama is going into these negotiations prepared to discuss only the present lock canal, but if the United States raises other questions such as a new canal, Panama will analyze the proposals, the negotiators said.

The objective of the negotiations is to eliminate the causes of conflict between the two countries—and the over-all cause is the "overwhelming presence" of the United States, the negotiators said. The immediate objective is to reduce that presence; the long-range goal is a Panamanian canal run by Panama and the complete elimination of the Canal Zone, they added.

"This will not be a revision," Dr. Lopez Guevara said. "This will be a new treaty. We're starting from scratch."

In his opening remarks, Manfredo told newsmen Panama will seek to provide all services to the population of the Canal Zone. Revenues from taxes and from the operation of commercial activities, he added, would enable Panama to maintain the present standard of such services.

Manfredo termed Panama's position one of "fair equilibrium".

Disclosing that Panama's negotiators have toured the Canal Zone and the Panama Canal with the full cooperation of officials there, Manfredo declared he is more convinced than ever that Panama can take over responsibility for civilian activities of the Canal.

#### BEGAN IN 1903

Dr. Lopez Guevara said in his opening remarks that the series of conflicts between Panama and the United States arise from the manner in which the present treaty was signed in 1903 and from the unilateral interpretation of that instrument by the United States since 1904.

As an example of the unilateral interpretation of the treaty, Dr. Guevara called attention to Article 1 of the 1903 Treaty, granting to the United States rights on a strip of land 5 miles on either side of the Canal but excluding the cities of Panama and Colon. The United States, he said, by unilateral interpretation took away La Boca and the harbor from Panama Panama City, depriving this country of its port.

He said the negotiators are leaving now for the United States for the first round of talks but will return to Panama for other

discussions, for the two countries have agreed to conduct negotiations in the United States and in Panama and "wherever else it may be convenient."

#### POLICY CHANGE SEEN

Dr. Lopez Guevara expressed optimism regarding a change for the better in U.S. international policy citing these recent developments:

—Abrogation of the Bryan-Chamorro treaty between the United States and Nicaragua concerning a Nicaraguan canal.

—The return of Okinawa to Japan.

(A newsman later challenged these two examples, saying the Nicaraguan canal never was built and that the Japanese people are unhappy because the United States will keep military bases in Okinawa.)

Pointing out that Japan fought against the United States in the last war, Dr. Lopez Guevara remarked: "We have far more reasons than Japan to expect that we will receive justice."

He appealed for national unity and expressed confidence that students would keep high the torch in the struggle to return the Canal Zone to Panamanian jurisdiction.

Here are the answers the two negotiators gave to questions from the floor.

#### NEUTRALITY PROVISIONS

—The United States by its own admission, has used the Panama Canal as a logistical support for their own military operations, regard the military bases in the Canal Zone as part of the national and hemisphere defense systems, and have used such bases to train American military personnel for duty in Vietnam. This is a clear violation of the neutrality provisions in the 1903 treaty of the Panama Canal, and gives the right to Panama to denounce the treaty (as the United States did with respect to the Clayton-Bulwer Treaty). Denouncing a treaty, however, is a political decision up to the government and not to the negotiators.

—The 1967 treaty drafts (on the present canal, the sea-level canal and defense of the waterway) have been rejected by this government because they are not entirely fair to Panama. But there are some good provisions in those drafts. The trouble with the 1967 drafts is that they were negotiated with a revisionist mentality.

Now Panama seeks a brand new treaty that will eliminate the sources of conflict and provide a fair share of the benefits to each country, on the basis of what each furnished for the construction of the waterway—the United States, money; Panama, the land, geographical position and cheap labor.

The causes of conflict that must be eliminated are "a government within a government," the overwhelming presence of the United States, the present unfair disposition of benefits, and the perpetuity clause. Some provisions of the new treaty will be similar to those of the 1967 drafts.

#### TO ELIMINATE CONFLICT

—The actual negotiations have not begun. There have been preliminary contacts. Panama has received an agenda proposed by the United States and in turn has proposed its own agenda. Indications are that there is sufficient ground to arrive at an understanding. This team of negotiators has clear instructions that the paramount objective for Panama is the reacquisitions of jurisdiction over the Canal Zone—meaning the enforcement of Panamanian laws through Panamanian courts.

—The coming negotiators are intended to eliminate the cause of conflict originating from the present canal and the Panamanian negotiators have been instructed to limit discussions to the present waterway. The question of a new canal does not come into the present picture.

—While Panama is a signatory to the 1947 hemisphere defense treaty, it has signed no treaty with any country authorizing bases in its territory for hemispheric defense.

—The Panamanian complaint of aggression against the United States, lodged with the United Nations in 1964, has not been withdrawn.

#### TO MUCH IDLE LAND

—Panama's objective is to put an end to the perpetuity of the present Canal arrangements. The long-range goal is a Panamanian canal, run by Panama. The immediate goal is to reduce the physical area of the Canal Zone. There is too much land in the Canal Zone that lies idle and which Panama needs for its own development; thus, the final goal is the elimination of the Canal Zone. There is a great economic potential for Panama on the banks of the canal. The present Canal Zone area of 97,000 hectares above water must be reduced to a minimum.

—There is no deadline for completing the negotiations. The 1903 treaty still is in force; Panama has not exercised so far the political decision to denounce the treaty or to invoke its nullification. Panama has an undertaking now to negotiate; if the negotiations fail, Panama can denounce the 1903 treaty or declare its nullification or pursue other steps. Panama seeks full jurisdiction over the Zone, that is, that all activities there—hospitals, schools, commercial operations, etc.—now conducted by the United States government for the community be provided by Panama, either by the government or by authorized concessionaires; in other words, reducing the overwhelming presence of the United States.

#### PLEBISCITE FOR TREATY

Panama wants sole jurisdiction in the Canal Zone, just as it existed until 1911. Gov. George Goethals, in his 1911 annual report, praised the Panamanian laws that governed the Canal Zone then. In the years immediately following the 1903 treaty, Panamanian courts operated in the Canal Zone. Today, there are 5,500 American personnel and their dependents from the Canal Zone living in Panama, under Panamanian laws. Do they live in terror of Panamanian laws? Of course not. American residents of the Canal Zone are not prisoners there—they come into Panama daily. Every day, Americans appear before Panamanian courts. There is no valid argument against the enforcement of Panamanian laws in the Canal Zone.

Any decision to break relations with the United States if the negotiations fail is a political decision outside the province of the negotiators. Panama is entering into the negotiations as a peaceful means of solving conflicts. If the direct negotiations fail, there are still other recourses under international law. We are duty-bound to exhaust those resources.

While there is no deadline on the negotiations, this doesn't mean that Panama will be negotiating perpetually. Actually, the current round of talks goes back to 1964 and the people of Panama have shown excessive patience in awaiting results. While the negotiators are optimistic, they are not losing sight of the fact that the United States has been denying Panama's aspirations since 1903. But the United States has realized now that it cannot continue with the 1903 system and live in tranquility in the Canal Zone.

Panama is prepared to negotiate only on the present lock canal. The United States, however, may propose discussions on other issues; if so, Panama will study such proposals.

The 1903 treaty was drafted only in English. The new treaty will be drafted in English and Spanish and each text will be equally valid, so that if any discrepancy of interpretation should arise, both texts would have to be taken into account.

## DR. VIRGINIUS D. MATTIA PASSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, the sense of grief and desolation that the passing of Dr. Virginius D. Mattia has evoked in thousands of persons in all groups of our society is a measure of the stature of this truly remarkable man. As doctor, business leader, humanitarian, Dr. Mattia made an invaluable contribution to the well being of the American people. Rare intellectual ability combined with an equally rare spirit of compassion, vision, broad-ranging interests, and driving energy enabled Dr. Mattia to achieve far more in his lamentably brief career than most men who are blessed with much longer lives can claim.

As president of Hoffman-LaRoche, Inc., since 1966, having served with the firm since 1957, Dr. Mattia was instrumental in the firm's tremendous expansion program now underway. Two of this complex man's achievements illustrate the scientist and the humanitarian—the Roche Institute of Molecular Biology, devoted to long-range basic research to shed light on the fundamental life process, and the Roche medicare reimbursement program for indigent patients.

On May 7, 1969, it was my privilege to be among the 2,000 guests who attended the 125th anniversary dinner of the B'nai B'rith when the International Humanitarian Award was conferred upon Dr. Mattia. This honor had previously been accorded to President Dwight D. Eisenhower, David Sarnoff, the founder of RCA, and presidential adviser Bernard Baruch. The citation admirably summed up Dr. Mattia's "service to humanity—personal humanity—leadership in causes which promote brotherhood, advance scientific achievement, and nurture educational and cultural well-being of youth."

On that occasion the Newark Star-Ledger paid fitting tribute to the qualities that won this high honor for Dr. Mattia. The editorial from the Star-Ledger of May 7, entitled "Humanitarian" is inserted following my remarks.

Yes, Barney Mattia fully paid his debt before his untimely death on July 4. His fellow countrymen who are so indebted to him can best amortize our debt by adopting his credo.

Mrs. Minish and I, together with countless thousands, mourn the passing of this great and good man whom we were privileged to call a friend. To his lovely wife and mother, his fine children and other family members go our heartfelt sympathy.

The editorial follows:

[From the Star-Ledger, May 7, 1969]

## HUMANITARIAN

In an affluent era., where an imbalanced, premium value is placed on materialism, the thread of humanitarianism too often becomes obscured in our social fabric. But a profound, abiding concern for one's less fortunate fellow man is the distinguishing mark of mortality, the imprint more indelibly impressed than any notable achievement in public or corporate service.

There are some men and women—unfortunately the number is small in comparison with contemporary human suffering and deprivation—who have been able to retain a fulfilling sense of social responsibility, even in a system where the profit factor is an obsessive symbol of the fierce competitiveness of the free enterprise system.

In precise, human terms, it is a difficult role to fill.

But it has been filled, in full compassionate dimension, by the president of a major, Jersey-based drug firm, Dr. V. D. Mattia, who is being given tonight the 1969 Humanitarian Award by the worldwide B'nai B'rith organization for his "service to humanity . . . personal beneficence . . . leadership in causes which promote brotherhood."

"Barney" Mattia is a rugged individualist in an industry that has been censured and railed against for profiteering and price-fixing (which three of its members tacitly admitted with their agreement to refund \$120 million to purchasers who felt they had been overcharged). Dr. Mattia declined to jointly underwrite a massive promotional campaign to cosmeticize the industry's down-at-the-mouth image, but his firm each year gives away \$1.4 million worth of pills to needy persons selected by physicians.

It is a social program that is an amalgam of humanity and corporate acuity, and the latter does not diminish the spiritual and material worth of the act of helping those in difficult circumstances. The motivation can be gleaned from the man's own words: "I came to the conclusion a long time ago that a man can reap the benefits or this great society for only so long before he's in debt to it."

Barney Mattia has been amortizing that debt, paying it off in impressive human installments.

## THE ALLIUM TRICOCCUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 15 minutes.

Mr. STAGGERS. Mr. Speaker, a mark of sophistication in an organized society is the number of foods on its bill of fare. The gourmand finds delight in the taste or aroma of some new plant or animal, and adds it to his menu. Ingenious cooks contribute their skills. Foreign nations offer their resources and their experience. Finally there is scarcely a plant or animal which escapes the palate of the eager eater. The Chinese are said to believe that an American will eat anything. It is a tribute to the preeminent rank of American civilization.

The Allium tricoccum, as an article of diet, is all-American. The ancient Egyptians had their leeks, and the Hebrews had their lilies of the valley—kindred plants. But there is no reason to credit these peoples, or the Greeks or Romans, with adoption of the Allium tricoccum as a food. None of them approached that height of gustatory sophistication.

It happens that Mr. Ted Fearnow, president of the Society for the Protection of Allium tricoccum, has prepared an article setting forth the many virtues of the plant, both as a food and otherwise. The article was published in Wonderful West Virginia, a periodical devoted to the task of laying open the wonders and beauties of my native State. For the enlightenment of any of my colleagues who have not found time to

explore these wonders in person, I offer the article for inclusion in the RECORD:

## SAVE OUR RAMPS

(By Ted Fearnow)

For many years a group of outdoor oriented West Virginians has been assembling annually at Shot Cherry Cabin, in the shadow of Spruce Knob. The assembly is scheduled close to Easter, when ramps are green and tender and the accumulated snows of the preceding winter are leaving. This early spring outing has provided a group of professional conservation administrators; biologists, foresters, outdoor writers and related specialists, an opportunity to get together at the beginning of the active field work season. The rustic accommodations in a sylvan setting, clear mountain air and good companionship all combine to afford a stimulating environment in which to consider a broad range of West Virginia conservation problems and opportunities.

Out of this background of common interests has developed an annual high country event that is achieving international renown. The traditional sponsor has been the U.S. Forest Service or more specifically the men of the Monongahela National Forest, from its headquarters at Elkins, W. Va. It is variously known as the Ramp festival, Ramp tour, and Ramp romp. Of course, countless family and other groups in the mountain state also enjoy the annual ritual of ramp eating.

Known to West Virginians and other southern Appalachian highlanders as ramps, this plant is also identified by botanists as a wild leek, or by its Latin name *Allium tricoccum*. The small onion-like tubers have long been prized by mountaineers as a delicacy and spring tonic. They are also proverbial for their pungent odor and delightful flavor. A visiting outdoor writer from Washington, D.C., was once reminded that the ramp is a member of the lily family, closely related to the lily of the valley, to which it bears a strong resemblance. His reply: "Ramps may be lilies but people who eat 'em ain't."

Ramp eating is only one feature of the Spruce Knob outdoor foray, but gustatory enjoyment of this distinctive plant should not be underrated. Ramps tend to promote compatibility; a nonparticipant in the ramp eating ritual soon finds himself at a distinct disadvantage, particularly when he is spending a long weekend in a somewhat crowded cabin. It is a known fact that the best defense against ramp breath is for the offended individual himself to partake.

Young, tender ramps are frequently chopped, both tops and bulb, and mixed with scrambled eggs for breakfast. At dinnertime they may be prepared in much the same manner as green beans. The traditional West Virginia meal includes ramps cooked with ham hock and served with corn bread and buttermilk. This simple diet dates back to the days when West Virginia mountaineers wintered on salt meat and dried beans in the remote logging camps. The tender green ramps are rich in Vitamin C and medical men express the belief that they were a valuable supplement to the diet of early mountain settlers.

Cream of ramp soup, perfected at Spruce Knob after much experimentation, is now one of the favorite items among the ramp eaters. Mrs. Fearnow, wife of the writer, was drafted as a consultant in the ramp venture many years ago. She has devised a tossed salad in which ramps play an active role. This is a popular item on the Spruce Knob menu at ramp time. "What sassafras tea is to the lowlander, the ramp is to the mountaineer," says Mrs. Fearnow.

Even while late snows still remain on the ground, ramps push their way up out of the earth, exhibiting leaves of a delicate green color. The ramp seeker uses a mattock-like hook with a sharp cutting edge. Pulling

ramps is not practical because the extensive root system gives them such a tenacious hold on the earth that they almost invariably break off in the process.

Several years ago I visited a venerable 99-year-old high country West Virginian as he was approaching his 100th birthday. Armed with a tape recorder I drove as close to his mountain home as possible, then took off on foot up the hollow to his secluded but thoroughly delightful place of abode. As I drew near I detected the unmistakable odor of ramps wafting down the cove. Peeping into the kitchen as I entered the house I spotted the big black kettle in which they simmered on an old wood-burning stove. This lent an unmistakable air of authenticity to the interview for which I had carefully prepared.

Welcomed with traditional West Virginia hospitality, I mentioned that I had detected the aroma of ramps as I entered his home and the old man chuckled again. "Tell me," I asked, "do you attribute any measure of your longevity and vitality to the eating of ramps?" Again the old man's eyes twinkled as he smiled at me and said, "Well they sure didn't hurt anything!"

Following the 1970 Spruce Knob convocation at which the Society for Protection of *Allium tricoccum* was formed, Dr. George B. Green, Medical Officer with the U.S. Food and Drug Administration and Medical Adviser to SPAT sent word of the new group to medical colleagues in France where he formerly served as medical officer for the U.S. Embassy in Paris. A prominent French doctor has since asked for membership in SPAT, adding that he has found the plant to have medicinal value in treating certain urinary disorders. So SPAT now goes International!

If we use good judgment and restraint, I believe the rich mountain coves of West Virginia can continue to produce annual crops of *Allium tricoccum* far into the future.

A well-known botanist from Virginia Polytechnic Institute has suggested that the plant should be harvested only where abundant, with some left to propagate, as it can easily be wiped out from an area. Southwest Virginia includes ramps in the native flora. They are usually located at high elevations in the Old Dominion, closely associated with northern hardwood timber—beech, birch and maple.

The commercialization of a wild plant such as *Allium tricoccum* raises some serious questions at this point in time. Even the community or organization ramp feed has some questionable features. Ramp festivals in the Southern mountains have attracted thousands of interested diners. One of these events has been estimated to consume 70 to 100 bushels for a single gathering. Local supplies are running low and rammers are now crossing into an adjoining state to obtain an ample supply of the tubers.

The current interest in ramps may be endangering the future of this plant more seriously than most people realize. The practice of unearthing the tubers before new growth shows above ground is one fraught with danger. Many ramp fans know where the beds are located and work from memory in digging out the dormant bulbs, often raking away snow to find them. This mining for ramps can expose the roots to dry out, freeze out and eventually die. Many mountain people feel this has been a major factor in exterminating ramp beds near settled areas in West Virginia.

The directors of SPAT are not extremists—they do not suggest that a closed season be ordered against ramp digging. Restraint and good management should first be employed to meet the emergency as it currently exists and three specific recommendations are made in the spirit of true conservation:

Discontinue blind digging or "mining" for ramps.

Harvest only a portion of the plants available at a given site and try to leave a small

portion of each clump. Scatter the digging effort and leave some plants undisturbed to propagate and renew the supply.

Eschew commercialization of *Allium tricoccum*. The fresh air, exercise and renewal of spirit that comes from an experience in searching out a "messaramps" is not to be compared with buying a sack of onions at the nearby supermarket.

It is indeed fortunate that many of the remaining stands of *Allium tricoccum* in West Virginia are located in the high country of the Monongahela National Forest where they can be managed to serve the broadest public interest.

I rest my case in defense of ramps by repeating the precept that led to the formation of SPAT: "I hope we never see a spring so barren that a West Virginian willing to carry his own digging hook into the hills, cannot be rewarded with a 'messaramps'!"

#### THE SHARPSTOWN FOLLIES—X

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, once again I want to enlighten the House on the matter of the great Sharpstown Follies. I have been asking why the Department of Justice found it necessary—or convenient—to make a spectacular deal with Mr. Frank Sharp, who filched millions of dollars. Rather than seeking to prosecute Mr. Sharp, the Justice Department for some strange reason made a deal with him, whereby he entered a plea of guilty on a rather minor crime and received the sentence of a \$5,000 fine and 3 years in jail—probated. Not only that, they asked the judge to grant Sharp immunity from any other charge stemming from his crimes, and the judge granted that request. Apparently the Justice Department would like to use Mr. Sharp as a witness against his former associates—they are letting the big fish get away in hopes of netting some smaller ones.

But this deal was made for other reasons. The Assistant Attorney General for the Criminal Division, Mr. Will Wilson, was a close friend and associate of Frank Sharp. By protecting Sharp from prosecution the Justice Department aims to protect Will Wilson from exposure. Well, Sharp is safe from prosecution, but I am bringing to light the association of the Assistant Attorney General with Sharp.

Wilson worked for Sharp in many ways; he was adviser, counselor, and house lawyer for Sharp and his companies.

Wilson had nice retainers from Sharp—a fee of \$1,000 a month as retainer for being counsel to the Sharpstown State Bank. His law firm also got free office space at the bank, which was used by a partner in the firm, Mr. Joe Ridings. Ridings got \$1,000 a month as his basic fee. Wilson and Ridings, of course, received additional fees for their services to the bank and for their services to other companies controlled by Sharp.

Wilson was also general counsel for National Bankers Life Insurance Co. and his basic retainer was again \$1,000 a month.

Wilson also had other retainers from

Sharp, for example, \$1,500 fee each month for services to the Sharpstown Realty Co. On an annual basis all of these fees—and these are just retainers—Wilson got \$42,000 from Sharp. The value of the free office space, the expenses advanced to him, and other items made Sharp an extremely valuable client to Mr. Wilson.

Certainly Mr. Wilson is reluctant to discuss these matters. Nothing I know of in the legal canons of ethics would have prevented him from disclosing these facts, but I suppose that he knows this better than I.

Now it could be that Mr. Wilson cannot say how he earned all that money for his legal labors. It is certain that he will not say.

The people have a right to know all of this, since Sharp is safe from any prosecution, thanks to the courtesy of the uncharacteristic generosity of Mr. Wilson's prosecutor, one Anthony J. P. Farris, and Mr. Wilson's boss, Deputy Attorney General Kleindeinst.

If Wilson had knowledge of these acts of Sharp's, he might well have been a participant—and the people have a right to know this. Since the deal the Justice Department made with Sharp neatly covers up his dealings with Wilson, we may never know just what the situation was—whether Wilson was aware of the Sharp deals and did nothing, which in itself would be a matter demanding explanation, or whether Wilson knew nothing, and was simply Sharp's patsy. It would be odd if a lawyer getting the kind of fees Wilson was getting from Sharp knew nothing about his client's dealings—again, a matter that deserves some explanation.

Just how did Mr. Wilson earn his fees from Sharp?

For example, the tangled records of Sharp's companies show some strange dealings between his companies, dealings that may well have been contrary to State laws. If Wilson knew of these deals he had a duty to give his legal opinion of them. One wonders if he did, and what opinion he rendered. If he did not know of them, it would be very strange indeed.

Right after Sharp bought control of National Bankers Life—a deal that was negotiated by Wilson, Sharp named Wilson to be general counsel of National Bankers Life. This was in July 1968.

Almost as soon as Sharp got control of the insurance company—which is now in receivership—the wheeling and dealing started. To cite only one example, Sharpstown Realty—owned by Sharp, and represented by Wilson—borrowed \$2 million from National Bankers Life, which was also owned by Sharp and represented by Wilson. The collateral was 150,000 shares of Sharpstown State Bank stock. The bank was of course owned by Sharp and represented by Wilson.

The Texas Insurance Code, article 3.67 says that—

No director or officer of any insurance company shall be pecuniarily interested as principal, co-principal, agent or beneficiary in any purchase loan, or sale by or from such company.

On the face of it, an observer like me cannot escape the conclusion that Sharp

had an interest in the loan he was making for his realty company, from his insurance company, and for which he pledged some stock of his bank. It would also seem that the counsel for the bank, the realty company or the insurance company might question the wisdom of such a self-dealing loan. That is, unless the counsel for all three happened to be the same man, which in this case he was—and none other than Will Wilson.

Now did this October 1968 transaction take place in the complete ignorance of Counsel Wilson? It is astonishing to think that the insurance company did not bother to clear the loan with its general counsel, or that the realty company did not check with its lawyers. Either Wilson knew of this deal and approved it, in which case he was—so it would seem—endorsing a loan that was plainly illegal and contrary to the laws of Texas—laws that he once was elected to enforce—or he knew of it and objected, but not to the point of resigning his job at the sight of plain lawbreaking. We do not know what Wilson knew or what he did. He will not say.

If he knew of deals like this and approved of them—and there is no reason in the world to think that he did not—then I seriously question his fitness to hold the post he now occupies.

It is possible that Mr. Wilson did not know of this deal and others that took place while he was Sharp's lawyer. In that case he was just another patsy for Sharp. Patsies do not belong in the assistant attorney general's office.

Wilson is silent on these matters. I am troubled by the questions that deals like this arouse. They are questions that bear on the fitness of the man to serve. They are questions that may never be answered, because Sharp will never be prosecuted for these deals, thanks to the Justice Department immunity order for Sharp, and thanks also to Wilson's strange silence.

#### YIDDISH BROADCASTS BY THE VOICE OF AMERICA INTO THE SOVIET UNION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, we are all painfully aware of the oppression under which the Jews of the Soviet Union suffer. Their Government has pursued a course of religious and cultural repression aimed at destroying the Jewish identity of the 3 million Jews now living in the Soviet Union.

Much has been said of the impact of world opinion in attempting to ameliorate this tragic situation. World opinion did play a significant role in producing the reduction in sentences of the nine Jews convicted of alleged hijacking. In this effort to muster world opinion, this House played a significant role by its passage of House Resolution 1336 last December 31.

However, much of the effects of world opinion, and of the world support for Soviet Jewry, is unknown to them, for

the strictures on the Soviet press bar them from the knowledge of the worldwide sympathy and concern they have aroused.

They need hope.

That hope and that knowledge can be provided by the Voice of America, which broadcasts into the Soviet Union. Currently, however, the Voice of America does not broadcast in Yiddish, the native tongue of many of the 3 million Soviet Jews.

On May 26, I urged the Director of the U.S. Information Agency, Frank Shakespeare, to initiate broadcasts in Yiddish. I put forth that request in a letter joined in by 73 Members of the House. At the same time I introduced House Resolution 454—now cosponsored by 78 Members of the House—calling for the commencement of such broadcasts.

On June 14, Director Shakespeare replied, rejecting our request. It is my feeling that his response, which I will include in the RECORD at the conclusion of my remarks, indicates a serious failure to appreciate the importance of demonstrating effectively our Nation's firm support of Soviet Jewry.

First, the USIA has claimed that the number of Jews understanding Yiddish is small and that a greater Jewish audience can be reached with present broadcasts. That is erroneous. In calculating the number of Jews who speak Yiddish, the USIA has used an incomplete report of the Soviet census of January 15, 1970, together with figures from the previous census of 1959. Although these figures are questionable, the report does show that more Jews list Yiddish as the language in which they are fluent than list Russian.

Second, the USIA has argued that the wide geographic dispersal of Jews in the Soviet Union precludes effective use of the Voice of America. The truth is that the Jews in the Soviet Union are not widely scattered. One hundred and fifty thousand to 250,000 Soviet Jews live in the Soviet Central Asian Republics. The vast majority of the remainder live in the westernmost Soviet Republics of Latvia, Lithuania, Estonia, Byelorussia, Ukraine, Moldavia, and the westernmost area of Russia itself. This area is roughly equal in size to the combined areas of California, Nevada, Utah, and Arizona, or about 500,000 square miles of a total Soviet Union land area of 8.6 million square miles.

Third, the USIA has also raised the point that Kol Yisrael, Israel's own transmitter, does not broadcast in Yiddish. This argument reflects a basic misapprehension of the purpose of Yiddish programming by the Voice of America. It is intended to demonstrate U.S. support for the efforts of Soviet Jews to express their Jewish identity. Obviously, Israel's broadcasts to Soviet Jews—in any language—have that effect; U.S. broadcasts will not have that effect unless they are in a language which communicates that message to Soviet Jews. Indeed, the failure to broadcast in Yiddish in light of the fact that the Voice of America broadcasts into the Soviet Union to seven other national minorities in their own language tends to indicate to Soviet Jews

that America cares less about their problems.

In other communications that I and other concerned individuals have had with the U.S. Information Agency, other arguments have been offered as justifications for the Voice of America's refusal to broadcast in Yiddish.

The USIA has claimed that it would be impossible to initiate broadcasts in Yiddish without sacrificing some time from broadcasts in other languages. However, the USIA contends that it is presently allotting substantial time to Jewish interest programming. If that is true, then it simply could allocate part of that time to broadcasting in Yiddish.

But a close study of actual programming shows that the overwhelming majority of items covered were treated as brief news stories within a general news program, and consumed not more than half a minute to 2 minutes of air time, and that approximately one item of Jewish interest was reported per day. Occasional features of longer duration and a 2-minute portion on an early Sunday morning religious program constitute the total Voice of America effort, in a weekly broadcast schedule of 147 hours to the Soviet Union. In addition, since the timing of Jewish news items is unpredictable, a listener in the Soviet Union does not know when in the broadcast day the programs directed to him will be heard. That is hardly adequate to let Soviet Jews "know they have not been forgotten," the purported aim of Voice of America.

Finally, the USIA has argued that the initiation of Yiddish broadcasts would necessitate the construction of new facilities and the construction of these facilities would cost several millions of dollars.

It should be pointed out that the Voice of America facility listings and time schedules indicate that at present, during the prime time hours of 7-8 p.m.—Moscow time—a total of six transmitters of types presently broadcasting to the Soviet Union are sitting idle, and seven transmitters are idle for 45 minutes of that hour. USIA considers six transmitters optimal to overcome jamming. It has been estimated that the expense of broadcasting under these circumstances is \$150,000 per year.

I find the USIA's refusal to initiate Yiddish broadcasts into the Soviet Union very distressing. Hopefully, the Congress will now take immediate action to act affirmatively on House Resolution 454, which I introduced on May 26 and which is now cosponsored by 78 of my colleagues. I am very pleased to note that an identical resolution was today introduced in the Senate by Senators CLIFFORD CASE and JOHN TUNNEY on behalf of themselves and 20 of their fellow Senators.

Yiddish is the native tongue of more than 2 million Soviet Jews. Broadcasting in that language—which is the cultural bond of Soviet Jewry—would constitute a powerful act of moral support for these beleaguered people, whose identity and culture Soviet policy seeks to destroy.

It is essential that the Voice of Amer-

ica—the only medium reaching the Soviet Union which conveys official American policy—broadcast to Soviet Jewry in Yiddish. These oppressed people need hope. They need to know that the world and the United States, in particular, care about what is happening to them. By broadcasting in Yiddish, our Government would show its support for the Jewish citizens of the Soviet Union and provide unparalleled psychological support for them.

At this point, I am including the May 26 letter sent by myself and 72 of my colleagues to Director Shakespeare and Director Shakespeare's response of June 14. I am also including my letter of May 27 to Secretary of State Rogers and Assistant Secretary of State Abshire's response of June 28 to me:

MAY 26, 1971.

HON. FRANK SHAKESPEARE,  
Director, U.S. Information Agency,  
Washington, D.C.

DEAR MR. SHAKESPEARE: We are all aware of the oppression under which the Jews of the Soviet Union suffer. Their government has pursued a course of religious and cultural repression, aimed at destroying the Jewish identity of the 3,000,000 Jews now living in the Soviet Union. Virtually all of those who wish to emigrate are barred from doing so.

Much has been said of the impact of world opinion in attempting to ameliorate this tragic situation. World opinion did, in fact, play a significant role in producing the reductions in sentences of the 9 Jews accused and convicted of an alleged hijacking. In this effort to muster world opinion, the House of Representatives played a significant role by its passage of House Resolution 1336 last December 31.

However, much of these effects of world opinion, and of the world support for the Soviet Jews, is unknown to them, because the Soviet press bars them from the knowledge of the world sympathy they have aroused. They need hope.

That hope and that knowledge can be provided by the Voice of America, which broadcasts into the Soviet Union. Currently, however, the Voice of America does not broadcast in Yiddish, the native tongue of many of the 3 million Soviet Jews. True, many of them can speak Russian, as well as Yiddish, and so can understand our current broadcasts. But, some of them cannot. And equally important, the very fact of broadcasting in Yiddish can be an enormously important psychological uplift for these oppressed people.

Currently, the Voice of America has several target populations smaller than the total of Soviet Jewry. For example, the Voice broadcasts to the following target population in their native tongues:

Estonian, 1.3 million.  
Slovenian, 1.8 million.  
Latvian, 1.0 million.  
Lithuanian, 2.73 million.  
Albanian, 2.74 million.  
Georgian, 2.83 million.  
Armenian, 2.94 million.

We urge you to direct the Voice of America to begin broadcasts, as soon as possible, in the Yiddish language. As we have said, this action would fill a need which exists, and it would provide psychological support of enormous importance to the 3,000,000 Jews of the Soviet Union.

With best regards,  
Sincerely,

Members of Congress: William F. Ryan,  
John Buchanan, Gilbert Gude, F.  
Bradford Morse, Thomas P. O'Neill,  
James H. Scheuer, Joseph P. Addabbo,

John B. Anderson, Frank Annunzio,  
and Bill Archer.

Thomas L. Ashley, Herman Badillo, William A. Barrett, Nick Begich, Mario Biaggi, Jonathan B. Bingham, Edward P. Boland, J. Herbert Burke, James A. Burke, Philip Burton, Hugh Carey, Emanuel Celler, Lawrence Coughlin, Philip Crane, and John Culver.

George Danielson, Harold D. Donohue, John G. Dow, Robert F. Drinan, Bob Eckhardt, Don Edwards, Joshua Eilberg, Marvin L. Esch, Hamilton Fish, Daniel J. Flood, Thomas S. Foley, Cornelius E. Gallagher, and Robert N. Gialmo.

Henry B. Gonzalez, Ella T. Grasso, Seymour Halpern, William D. Hathaway, Augustus F. Hawkins, Ken Hechler, Henry Helstoski, Frank Horton, Edward I. Koch, Peter N. Kyros, Norman F. Lent, Clarence D. Long, and Romano L. Mazzoli.

Joseph M. McDade, John Melcher, Abner Mikva, Joseph G. Minish, William S. Moorhead, and Robert N. C. Nix.

Claude Pepper, Bertram L. Podell, Walter E. Powell, Melvin Price, Roman C. Pucinski, Thomas M. Rees, Ogden R. Reid, Donald W. Riegle, Benjamin S. Rosenthal, and Dan Rostenkowski.

B. F. Sisk, Robert T. Stafford, Robert O. Tiernan, G. William Whitehurst, Lester L. Wolff, and Sidney R. Yates.

U.S. INFORMATION AGENCY,  
Washington, D.C., June 14, 1971.

HON. WILLIAM F. RYAN,  
House of Representatives.

DEAR MR. RYAN: On my return from an overseas inspection trip, I found the letter of May 24th which you and your colleagues have addressed to me regarding the situation of Jews in the Soviet Union. I read your letter with the keenest interest.

The problem of providing the most effective moral support to Soviet Jews—within the limits imposed by the official character of the Voice of America—has occupied our attention ever since the Leningrad trials brought the situation into the open.

We have made a thorough study of possibilities and as a result I had from the outset instructed the Voice of America substantially to increase its coverage of news developments regarding the Jews in the USSR.

Thus, the Voice has been featuring regularly the news of Jewish dissent in the Soviet Union as well as interviews with Soviet Jews who were allowed to emigrate and succeeded in reaching the free world.

For instance:

The Voice has fully reported press interviews with Lyuba Bershanskaya, the Washington press conference of Esther Alsenstadt and the efforts of Leonid Rigerman to leave the Soviet Union, his subsequent arrival in the United States and his reception by top level United States officials including the Secretary of State. More recently, VOA has been reporting developments in Soviet Jewish affairs at the time of the 24th Soviet Party Congress and the latest trials of Soviet Jews in Leningrad, Kishinev and Riga. The mother of one Riga defendant, Rivka Alexandrovitch who came to the United States recently, was also given extensive coverage. The Voice has also given prominence to all United States demonstrations and expressions of concern in support of Soviet Jewry including, of course, House Resolution 1336 of last December. At the same time, mindful of the Agency's primary mission, we have been contrasting the treatment of Soviet Jews with news of religious cultural and community developments of our own citizens of the Jewish persuasion.

The programs to which I refer have been broadcast in seven ethnic languages and

especially in Russian and Ukrainian which are understood and spoken by the overwhelming majority of Soviet Jews. Unlike other ethnic groups which are concentrated in limited geographic areas and form individual Soviet republics, Soviet Jews are scattered throughout the country, and providing a service specifically directed to them would present us with technical problems of spanning eleven time zones, if we should want to reach them all.

Even assuming it were technically feasible to inaugurate a Yiddish service, we would be, in effect, increasing our costs without materially increasing our audience. Incidentally, it may be of interest that Israel's own transmitter, Kol Yisrael, beams the bulk of its programs to its coreligionists in the USSR in the Russian language.

In conclusion, I want to assure you that, although at this time we are not prepared to inaugurate the service which you propose, we shall continue, as we have in the past, to stress in our broadcasts the deep concern of the United States, its government and its elected representatives with the fate of Soviet Jewry and provide all the moral support and encouragement which is consistent with our own national interests and with the Agency's mission.

Sincerely,

FRANK SHAKESPEARE.

MAY 27, 1971.

HON. WILLIAM P. ROGERS,  
Secretary, Department of State,

DEAR MR. SECRETARY: On May 26, 1971, 73 Members of the House of Representatives sent a letter—a copy of which I am enclosing—to the Director of the United States Information Agency urging him to direct the Voice of America to undertake broadcasts in the Yiddish language into the Soviet Union. On the same day, 71 Members cosponsored a House Resolution (House Resolutions 454, 455, and 456) urging the Voice of America to undertake such broadcasts.

The premises for the Voice to undertake such action are dual. First, such broadcasts would constitute an act of enormous psychological support for the 3 million Jews of the Soviet Union, who are being exposed to a campaign of cultural and religious oppression, combined with a refusal by the government of the Soviet Union to allow most of those who wish to emigrate to do so. Second, the Voice already broadcasts to several population groups within the Union of Soviet Socialist Republics whose numbers are less than the total number of Soviet Jews (approximately 3 million) and/or less than the total number of Soviet Jews who speak the Yiddish language (approximately 2.26 million). For example, the Voice broadcasts in their native languages to 133 million Estonians, 1.8 million Slovenians, 1.9 million Latvians, 2.73 million Lithuanians, 2.74 million Albanians, 2.83 million Georgians, and 2.94 million Armenians.

I hope that you will use your good offices to assist in arranging for the Voice of America to undertake broadcasts in Yiddish.

With best regards,

Sincerely,

WILLIAM F. RYAN,  
Member of Congress.

DEPARTMENT OF STATE,  
Washington, D.C., June 28, 1971.

HON. WILLIAM F. RYAN,  
House of Representatives,  
Washington, D.C.

DEAR MR. RYAN: The Secretary has asked me to reply to your letter of May 27, in which you asked him to arrange for the Voice of America to undertake broadcasts to the Soviet Union in Yiddish. You enclosed with your letter a copy of a letter sent on May 25, 1971 by 73 Members of the House

of Representatives, including yourself, to Mr. Frank Shakespeare, Director of the United States Information Agency.

The Department of State agrees with the contents of Mr. Shakespeare's reply to you of June 14. The fact that the Yiddish-speaking population is small, that most Yiddish-speaking Soviet citizens also speak Russian or another language in which VOA already broadcasts, and that the Yiddish-speaking population is widely dispersed over the world's largest country, all argue against using VOA's limited transmitter facilities for the purpose of introducing Yiddish-language broadcasts.

We support fully VOA's policy described to you in Mr. Shakespeare's letter of featuring news about Jewish events in the United States and the Soviet Union as well as bringing to the Soviet public interviews with Soviet Jews who have succeeded in reaching the West. We believe that this moral support given a Soviet minority under pressure is in the best traditions of Voice of America broadcasting.

Sincerely yours,

DAVID M. ABSHIRE,  
Assistance Secretary for Congressional Relations.

#### STATEMENT ON VIETNAM—JULY 7, 1971

(Mr. JAMES V. STANTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JAMES V. STANTON. Mr. Speaker, for the past few weeks, the people of this country and the entire world have been following the various chapters of the Pentagon papers with a degree of fascination never before accorded such a series of documents.

A long series of errors, miscalculations, bad judgments, trickery, and top secret shenanigans have been disclosed and exposed to the light of public scrutiny.

The reaction of the American people—as shown by every reading of the pulse of public opinion—is an overwhelming demand that we admit our past errors, close out our Vietnam nightmare as quickly as possible, and get on to the bright national future that lies ahead if we can heal the wounds and scars of this unfortunate venture into violence.

I think we have arrived at a point in history when we must cast aside the time-consuming fripperies of phony baloney conventional diplomacy. The so-called normal channels of diplomacy have proven ridiculously unwieldy, unnecessarily complicated, and totally unproductive in all previous efforts to end the Vietnam horror by talks rather than by terror and destruction.

In these days of instant global communications, it seems stupid to depend on horse and buggy days diplomatic negotiations. It would be a crime against some American family to let even one more soldier die in Vietnam, because of diplomatic or other delays in carrying out a national policy of getting out and ending the Southeast Asia bloodshed.

Therefore, I am about to propose a possibly unconventional but very realistic method to cut through the redtape and protocol and effectuate bold and immediate action to create the peace which everyone claims to desire.

One of the leading industrialists in the city of Cleveland, which I am proud to

represent in Congress, is a rather controversial rugged individualist named Cyrus Eaton. Among other distinctions, he is chairman of the board of the Chesapeake & Ohio and Baltimore & Ohio Railroads. He sponsored the first Pugwash Conference of Scientists, which gave the world one of its earliest expert warnings—through the words of top scientists from more than a dozen nations—that human civilization may not survive a total nuclear war involving two great powers.

These and other considerations have made Cyrus Eaton, despite his advanced age of 87, a tireless quester for world peace. This quest has caused him to develop sincere friendships with many top officials of the Soviet Union, and with scientists, educators, editors, and statesmen throughout the world—including Red China and North Vietnam.

At the time of the U-2 incident, Cyrus Eaton used his personal contacts to help convince then Soviet Premier Nikita Khrushchev and other Russian leaders that it would be suicidal for the human race to permit such an episode to trigger atomic attacks and counterattacks.

More recently, in his quest for peace, Mr. Eaton journeyed to Hanoi, the capital of North Vietnam. With the knowledge if not the full approval of our own Government, he was seeking a formula for peace in Vietnam.

This was in December 1969. The multimillionaire Cleveland capitalist spent 10 days as a guest of the Hanoi regime. He had long talks with Hanoi's principal officials and policymakers.

One result of these talks was a private promise by Premier Pham Van Dong of North Vietnam that he was willing to personally meet with President Nixon at any time, at any mutually convenient place, to attempt to work out a settlement of the war in Vietnam.

This is probably the first time you have heard of this offer, because, rather than seizing the opportunity for settlement, our Government's reaction was to sweep it under the rug.

Mr. Eaton conveyed the exciting information to our State Department, but it was buried in the files—along with hundreds of other documents and reports that may some day come to light and cause as much of a stir as the Pentagon papers.

Remember, the Pentagon papers published by the New York Times and other newspapers cover only what happened during previous administrations. What has transpired since President Nixon took his oath of office?

I do not pretend to know—but I do know that, at the time Mr. Eaton brought this message from Hanoi, the official public position of our Government was that the North Vietnamese were refusing to negotiate except through the comic opera sideshow in Paris, in which the only problem ever settled was the shape of the negotiation table.

I now propose that the Government of the United States take immediate action to follow up on the opportunity opened by Mr. Eaton, if it can be revived.

My suggestion is that President Nixon should lose no time in communicating to

Premier Pham Van Dong his acceptance of the face-to-face conference proposal made to Cyrus Eaton.

President Nixon could keep in touch with the Saigon Government and Premier Pham Van Dong could clear any agreement with the Vietcong or National Liberation Front, as they prefer to be called.

Both sides should order a cease-fire on all fronts the moment an agreement to meet is reached. The cease-fire should be extended to include Cambodia and Laos.

Mr. Eaton has informed me that he is willing to do anything his country may ask in the interests of world peace, including service as an intermediary to arrange such a conference.

This is no time to stand on ceremony and follow so-called normal diplomatic procedures. Where have such procedures gotten us so far? What has become of the traditional American willingness to try new methods and techniques to accomplish great and desirable goals?

The actions I propose can save the lives of many young Americans—and also the lives of many Vietnamese, North and South—if taken without delay.

Yes, I think it is highly desirable to save the lives of Vietnamese, as well as Americans. I do not accept the policy of Vietnamization, which would mean continuing to pour billions of dollars' worth of American airpower and equipment into continuing a senseless struggle.

I think our policy should be to bring peace to Vietnam and all Indochina, and to, if necessary, provide economic aid to rebuild the region and permit its people to live in peace and dignity—and to choose their own political way after the wounds have had a chance to heal.

Economic help would be a lot cheaper and far more productive than continued military involvement.

The time to make the move for peace which I propose is now—today.

Let us not wait until some future date, when the "Nixon papers" are exposed, and possibly cause as much of an eruption of public disgust, dismay, and disillusionment as has been occasioned by the Pentagon papers.

ADM. THOMAS C. HART,  
HERO, STATESMAN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the death of retired Navy Adm. and U.S. Senator Thomas C. Hart on the Fourth of July brings to a close a distinguished life of devoted service to the State of Connecticut, the United States, and to the peace-loving world.

Admiral Hart served in the U.S. Navy for 52 years, commanding vessels ranging from the old square-rigger, the U.S.S. *Hartford*, to battleships, heavy cruisers, and submarines. A man who embodied and cherished the meaning of duty, he took commands in World War I and World War II, the latter extending beyond his retirement date. As an educator, he served as superintendent of the

Naval Academy at Annapolis, where he made curriculum changes to humanize the routine, as he said. And in 1945 he answered another call to duty when asked to serve as U.S. Senator by Governor Raymond Baldwin, filling the remainder of the term of the late Senator Francis Maloney. As an editorial in the Hartford Courant on July 6, 1971, noted, "Surely the Nation must sense its good fortune because Thomas C. Hart spent his life in her service."

Mr. Speaker, another article in another great newspaper, the New York Times, of July 7, 1971, by Farnsworth Fowle, is an excellent tribute to this great man. I include both articles as part of the RECORD:

[From Hartford (Conn.) Courant,  
July 6, 1971]

#### ADMIRAL THOMAS C. HART

The death on the Fourth of July of retired Navy Admiral and U.S. Senator Thomas C. Hart brings to a close a distinguished career of service to his state, his nation and the world. No matter when duty called, Admiral Hart answered in the affirmative, his versatile talents enhanced by a patriotic spirit.

On the sea, Admiral Hart sailed and skippered many kinds of vessels ranging from the old square rigger, U.S.S. Hartford, once the flagship of Admiral David Farragut, to battleships, heavy cruisers and submarines. Besides his commands as head of the submarine fleet in Ireland and the Azores during World War I, and later as flag officer to all subs in the Atlantic and Pacific Oceans in 1929, he also commanded the Asiatic Fleet during World War II, that assignment extending beyond his retirement date. In addition, he headed the combined American, British, Dutch, and Australian military and naval forces in the Far East, a post acknowledged by Queen Wilhelmina of the Netherlands by awarding Admiral Hart her nation's Grand Cross of the Order of Orange-Nassau.

Between duties on the seas, Admiral Hart shared his expertise with young men in training as a teacher at the war colleges of both the Army and Navy and served as superintendent of the Naval Academy at Annapolis, where he made curriculum changes to "humanize" the routine, as he said.

Admiral Hart answered another call in 1945, that time from Governor Raymond Baldwin, to serve Connecticut as a United States Senator filling the unexpired term of the late Francis Maloney.

Admiral Hart's contribution to the nation's good spanned 52 years in the Navy beginning during the Spanish-American War, and ending as one of the Navy's senior advisors on its General Board. He once remarked, "As I look back, I think I'm probably the luckiest man that the Navy ever had, and that goes for everything . . ." Surely the nation must sense its good fortune because Thomas C. Hart spent his life in her service.

[From the New York Times, July 7, 1971]

ADM. THOMAS C. HART IS DEAD AT 94

(By Farnsworth Fowle)

SHARON, CONN., July 4.—Adm. Thomas C. Hart, U.S.N., retired, Commander in Chief of the Asiatic Fleet at the time of Pearl Harbor and a former United States Senator, died today in his home at the age of 94.

Admiral Hart, who entered the United States Naval Academy in 1893 and retired in 1945 to serve for two years as an appointed Senator from Connecticut, filling a vacancy, was one of the senior commanders in World War II.

He was sent to Shanghai in 1939 to take command of the Asiatic Fleet and in December, 1941 braced his small force for the Japanese onslaught on the Philippine, Dutch

East Indies and Malaya. Called to Washington in February, 1942, he resumed a seat he had held on the Navy's General Board and was entrusted with compiling the Navy's report on the Pearl Harbor disaster that had beset less vigilant commanders at the Hawaiian base.

About two weeks before the aerial attack on Dec. 7, 1941, Admiral Hart, without consulting Washington, had ordered his PBV-2 (Catalino) long-range flying boats to maintain a discreet surveillance on Camranh Bay on the southeast coast of Vietnam.

They found a massing of Japanese vessels in that anchorage as a portent of Japanese readiness to strike south. Admiral Hart relayed this to Washington and felt no great surprise when Washington sent a "war warning" message calling for "defensive deployment" to him and to the Pacific Fleet commander at Pearl Harbor a day or two later.

#### ISSUED ATTACK ORDER

Before the week-long battle of the Macassar Straits, Admiral Hart issued an order to attack that said "no vessel will leave the scene of action until it is sunk or its ammunition is exhausted."

On his return, President Franklin D. Roosevelt added a second gold star to his Distinguished Service Medal. The citation, praised the admiral's "sound judgment and marked resourcefulness in dealing with the difficult military and diplomatic situation" on the eve of conflict, and for handling his fleet as well as could be done in combat.

Born in Davidson, Mich., on June 12, 1877, he was finishing his second year at Flint High School when he learned that a competitive examination for a Naval Academy appointment was being arranged by his Representative. He took the exam, came out first, and then, though just 16, passed the entrance examinations by cram-studying.

As a midshipman he was coxswain of crew, at a time when he was getting his first taste of deep-sea sailing on the frigate Constellation, a sister-ship of the Constitution.

#### GRADUATED IN 1897

He graduated with the class of 1897, which included such future admirals as Henry E. Yarnell, Arthur J. Hepburn and William D. Leahy.

The young officer had his first taste of combat in the Spanish-American War, on the battleship Massachusetts and the ex-yacht Vixen. He ran messages from Navy to Army headquarters and occasionally accompanied Col. Theodore Roosevelt of the Rough Rider regiment when the future President came to the Vixen in search of good dinner in the officers' mess.

In World War I, Admiral Hart commanded submarine units in British and Azores waters, emerging a captain with his first Distinguished Service Medal. His work with submarine forces was credited with "making them tick" in World War II.

He commanded the battleship Mississippi for two years, but later, to the surprise of many, turned down an invitation to command the Navy's battleships, a prize post before Pearl Harbor, in favor of the challenge of the more lightly armed but speedier heavy cruisers.

Shore duties between wars included Naval War College and the course at the Army War College, where he spent a second year by Army request as an instructor in amphibious war. From 1931 to 1934 he returned to Annapolis as Superintendent. Cadets of those years remember him as strict but fair, and that he made an attempt to broaden the curriculum.

His first tour on the Navy's General Board was from 1936 to 1939, when he was sent to Shanghai with the four stars of a full admiral to command the Asiatic Fleet, of which he said: "All my ships were old enough to vote."

Reading the signs of coming conflict, he

moved his headquarters to Manila. He was credited with dispositions that saved all his surface ships and more than 200,000 tons of merchant vessels in the initial Japanese attack.

In February, 1942, he was ordered home, turning over command of his fleet to the Netherlands commander of the Allied fleet. Though a year overdue for retirement, he was immediately recalled to active duty and a seat on the General Board, while Congress voted him permanent four-star rank.

One of his wartime duties was to collect depositions for the Navy's inquiry into the Pearl Harbor disaster, before memories faded. For this, he traveled extensively through the combat theaters and also spoke and wrote at home to publicize the Navy's war effort.

Admiral Hart had made the King house, a historic mansion in Sharon, Conn., his family home since 1924. In February, 1945, he accepted appointment by Gov. Raymond E. Baldwin, a Republican, as Senator to fill the vacancy caused by the death of Francis T. Maloney. It was at that time that he stepped down from the General Board.

As a Republican Senator he maintained that he was not a Navy spokesman and subsequently declined service on the Naval Affairs Committee, although he later agreed to serve on the Military Affairs Committee after being assured that the Army would welcome his presence.

He was an opponent of the merger of the armed services into a single Department of Defense. He contended that a separate Air Force would combine with the Army to diminish the Navy's role—and he also thought that the combination of air and surface forces in a single branch, as in the Navy, was more effective militarily than their separation.

Admiral Hart did not seek election in 1946.

In October, 1947, he warned that Korea probably would become the 17th Soviet Republic. "A Sovietized Eastern Asia," he said, "is fully as menacing to us as would be a Sovietized Western Europe, and the probability that it may happen is decidedly greater."

He regretted in the light of later events that the United States had sought Russian entrance into the war against Japan, saying that "Japan's China army gave up, the Russian troops were not needed at all and the estimate was wrong."

Last November, he welcomed the election of his Sharon neighbor, James L. Buckley, as Conservative Senator from New York, "I always knew Jimmy had the stuff," he said.

In Sharon, he was active in such civic enterprises as the reforestation of Sharon Mountain, the Sharon Hospital, and in establishing the Sharon Historical Museum to which he gave his collection of firearms.

Admiral Hart is survived by his widow, the former Caroline Brownson, daughter of an admiral; a son, Roswell R. of Sharon; 3 daughters, Mrs. LaVerne Baldwin of Taconic, Conn., Mrs. Dana Bergin of Rochester, and Mrs. Francis B. Sayre Jr. of Washington; 13 grandchildren and a great-grandchild.

A funeral service will be held Wednesday at noon in the First Church of Christ, Congregational, in Sharon. Burial will be in Arlington National Cemetery following a service in the chapel at Fort Myer in Arlington, Va., on Thursday at 10 A.M.

#### UNINSPIRED SOCIALISM

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONER. Mr. Speaker, our socialist planners in this country should pay special attention to the reports now

emanating from East Germany that socialism is failing there, as it has in every other country which has experimented with it on a large scale.

One need only take note of the attitude and work habits of the East German laboring man and the low production figures to realize that things are not as they're said to be by East German officials.

Unfortunately for the German people residing in East Germany, there is little hope other than leaving the country, which is something their totalitarian leaders forbid.

Mr. Speaker, I think all of us here should read the article from the Christian Science Monitor for July 6 which follows my remarks:

[From the Christian Science Monitor,  
July 6, 1971]

#### UNINSPIRED SOCIALISM

(By Paul Wohl)

BERLIN.—Things aren't what they used to be—or at least aren't what they're said to be—in East Germany.

Workers frequently arrive at their place of work a quarter or a half hour late, eat one breakfast before starting and a second one around 11 a.m. After lunch they take off time for a snack, and a half an hour or so before work ends they change their clothes and disappear. No wonder that the quality of some industrial products has deteriorated and that East Germany not so long ago had to take back 250 defective tractors sold to India.

Only a small percentage of the labor force—10 percent at most—take pride in their work. Little remains of the committed socialist attitude toward work which this writer occasionally witnessed in 1962.

Reports from many sides concur that labor productivity in factories and mills has remained stationary or declined, statistic program reports notwithstanding.

A high East German official explained when questioned about lagging labor discipline and enthusiasm. "It's the same as with herring. In the beginning they swim. Once they are put into a barrel and salted, they no longer move."

Because of this changing attitude the Berlin wall is more necessary today than it was five years ago—when probably 80 percent of those allowed to leave would have returned. Today the urge to get out is greater than ever.

When ordinary people below 30 are asked, "Would you leave if you could?" the answer is always the same: "We'd scam; we'd run; we'd go immediately."

Yet today's East Germans do live better than five years ago; they also seem to have more self-respect. Just as in the U.S.S.R., where improved living standards have made Soviet consumers more demanding. East Germans have become more inclined to assert themselves.

#### POLITICAL JOKES COMMON

The many jokes now told point in this direction. Formerly there were few good jokes in East Germany.

"What is the scope of the economy?" one joke asks. Answer: "Five feet, two inches."

"Why?"

"So that First Deputy Premier Gunther Mittag [who is five feet, three inches tall] can watch over it."

Another joke asks: "What is the curve of East Germany's economic development?" In reply a hand with extended finger is held up. The little finger stands for 1967, the next finger for 1968, the long middle finger for 1969 when the republic celebrated its 20th anniversary and went on a spree, the costs

of which still have not been wholly recovered. The shorter index finger stands for 1970, and the thumb for 1971.

These jokes greatly exaggerate the economy's downward trend, but that is not what matters.

#### BITTER HUMOR

What they convey is a feeling of bitter humor and resignation.

Five years ago it looked as if life would not only become better—it actually did in some respects—but also as if the regime would ease up, as if the incessant production drive would cease, as if there would be less bureaucracy and cracking of the whip. Some East Germans even believed that occasional visits to West Germany or at least to West Berlin might be permitted.

Nothing of the kind has happened. Radio and press continue to dish out the same stereotypes, to present a grossly distorted picture of the West which East Germans know to be deceitful because they listen to Western broadcasts and watch Western television.

#### INCOME GAP STILL WIDE

Erratic management and brusque alterations of plans are a common occurrence. People tell about expensive machines purchased in the West which local mechanics could not operate efficiently and which had to be scrapped—even after Western repair men got them to work again for a short while. Such experiences undermine the workers' respect for their leaders.

Another factor is the contrast in living standards, which has become so glaring that the regime recently felt compelled to whittle down the earnings of the general managers of the so-called V.E.B. or branch combines of the state-owned industry.

These men earned up to 60,000 marks a year, a hundred times more than a skilled worker. Another measure to iron out differences was the supposed raising of pensions from 170 marks to 196 marks a month. (This writer talked with a veteran of World War I who still only receives 170 marks.)

However one looks at it, the differences between those on the top and those at the bottom remains staggering in a country which claims to have entered the "unfolded socialist society."

#### OFFICIAL OPTIMISMS

Even more depressing is the fact that people at innumerable meetings and political indoctrination courses have to repeat theses of the regime which they know to have little or no relation to their everyday experience. The need to assert official optimism, when inside one knows better, makes for double and triplethink, another cause of indifference and mental fatigue.

If the system continues to function and even to progress, it is due to the stubborn faith of a small minority of workers who fanatically accept the party's tenets—and to careerists who want to get ahead at any price. These are the people who act as pace-makers among the rank and file, denying the evidence even when they see it.

Another asset of the regime is the elite of what the people call "the toiling intelligentsia," a group of several hundred highly talented public servants and dedicated Communists who direct the administration, the propaganda machine, advances research institutes and laboratories. Last but not least, there remains the tenacity of the German worker—disappointment, discouragement, and fatigue notwithstanding.

#### IN DEFENSE OF THE MILITARY

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONER. Mr. Speaker, amidst the growing attacks on this country's Armed Forces largely as a result of our involvement in Southeast Asia, it is, indeed, refreshing to see one of those responsible for the decision to increase our military commitment to that part of the world, come to the defense of our servicemen in their time of need.

I've read with great interest and, I must admit, some surprise, former Under Secretary of State George W. Ball's column in the July 5 issue of Newsweek, entitled "In Defense of the Military," wherein he rightly explains that the "fatal error" to commit U.S. fighting men in Southeast Asia was not the decision of the military; nor, I might add, was the execution of the war once our forces were committed. If the policymakers would have followed the advice of the military as to how to fight the war, the fighting would have been over a long time ago.

Although Ball certainly cannot be absolved of his complicity in formulating the policy which allowed for the no-win war we now find ourselves inextricably engaged, or for any part he might have played in hamstringing the Military in their handling of the war, his forthrightness in exculpating our fighting men in this regard is to be noted.

Mr. Speaker, I'd like to call to the attention of my colleagues the above mentioned article which follows my remarks:

[From Newsweek magazine, July 5, 1971]

#### IN DEFENSE OF THE MILITARY

(By George W. Ball)

It is time to speak up for the soldiers. For the past several years we have made them the scapegoats for our misfortunes. Yet, to continue to seek exculpation by loading the blame on the military is not only unjust, it risks harm to our security; so we had better take a lesson from the experience of France—something we lamentably failed to do when we committed our forces to Indochina.

In the bitter aftermath of the second world war the French Army and Air Force were given a dreary series of dirty and foredoomed assignments to sustain the remnants of colonial power, first in Syria, then Indochina, then Morocco, and finally Algeria. For almost a decade and a half, graduates of St. Cyr fought under the most frustrating conditions, taking frightful casualties, yet losing each conflict not from failure of valor on the battlefield but from a decay of political will in Paris, a decision by the politicians—reflecting public weariness—that the game was no longer worth the candle.

#### PERNICIOUS EROSION

By 1958 these agonizing experiences in far-off lands had loosed poisons throughout the whole military establishment. France had done what no modern democratic state should ever do; by pushing its armed forces into conflicts only fragilely supported on the home front, it had detached them from the national life of their country. For, as the politicians abandoned first one war and then another, the military suffered a pernicious erosion of their traditional role as the respected protectors of *la patrie*. Thus, inevitably they developed a festering resentment of the politicians who bartered away the gains hard won by their blood and toll, until the imminent abandonment of Algeria might have triggered a revolution had it not been for General de Gaulle on his white horse.

Today these pressures are beginning to be felt on the American scene. For ten years we have embroiled our armed forces in the

wretched paddies of Indochina. Our valiant airmen have been killed in futile sorties against the north; our army has lost far more than the normal percentage of its professional officer corps. Yet, though there have been ample courage and devotion, Vietnam is now associated in the public mind not with heroes but heroin. We scorn our soldiers for being careless of civilian lives, overlooking the brutalizing character of colonial wars—while we condemn our Air Force because bombs strike whoever happens to be under them, refusing to recognize that the alternative to sophisticated weapons is more American boys dying in the jungle. Meanwhile we are assaulted by the scribbles of junior Clausewitzes designed to prove that the conflict could have been won long ago if only their patented recipes had been followed.

#### FATAL ERROR

No wonder our soldiers are demoralized as we speed our withdrawal from Vietnam. How could they be otherwise, since the fatal error was the choice of mission, not its execution; and what the McNamara documents plainly show is that the military did not push us into Vietnam half so much as the civilian theoreticians with these to prove—doctrines of counter-insurgency and guerrilla tactics all reeking of the lamp?

Thus, we had better stop carping at the soldiers if we are to learn the true lessons of this ghastly experience. We had better be sure that, as a necessary and honorable element in our society, they are not pushed toward alienation or bitterness. Otherwise, though we are unlikely to repeat the shattering constitutional crisis of France, we may well drive our most gifted and competent officers out of our armed forces—men we shall desperately need when the going again gets rough.

As an urgent first step, let the universities tone down their derision since, at the end of the day, the real "treason of the intellectuals" may well be judged not to be what Julien Benda had in mind—their abandonment of meditation for activism—but rather their role in undermining society's protective institutions. Part of the blame will no doubt fall on the young faculty cheerleaders who encouraged the campus yahoos to identify all policemen as "pigs," but the most grievous offense will be the academicians' effort to offload the sins of this melancholy time on the military, who, skilled more with the sword than the pen, cannot adequately defend themselves against eggheaded *francs-tireurs* blowing beanshooters from the sanctuary of their ivory towers.

#### CHAPTER VIII—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(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, this is the eighth in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657, as amended, is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 20, 1972, has at this time 71 House cosponsors, and 16 cosponsors in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of

lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the RECORD descriptions of six children and youth programs.

The material follows:

#### CHILDREN & YOUTH PROJECT No. 614-A, BRONX, NEW YORK

The Comprehensive Child Care Project at the Albert Einstein College of Medicine has enrolled 2000 children from 800 families in the Bronx.

Like most poor families in New York they have many things to worry about—the terrible housing, the lack of jobs, the crime in their neighborhoods, the crisis in the school system. But for these 800 families there's one thing that's no longer a worry: health for their children.

Before, if a child got sick, it meant a trip to a dingy overcrowded City Hospital Emergency Room. Now if a child is sick, a mother has a place to call for advice, a nurse she knows to talk to, and the child's own pediatrician to see him if he needs it. At the Project there are no long waits, no lost records and no strange faces.

But it isn't just sick care a mother gets for her child there. At the Project, the aim is to keep children healthy by doing all the things that are known to prevent disease, teaching families what children need to be healthy and encouraging them to work for the changes in the community that will make it a better place for them and their children.

The Project is a place where, among other things: dental care starts for four year olds and teeth never get a chance to rot away; every child has his hearing tested as a baby and before starting school; every mother is given a thermometer and shown how to read it; if a child isn't keeping appointments, a community worker tries to find out why. It may mean there's a family crisis; parents, through their elected representatives on the Advisory Board, have a say in how the Project is run and what is done there.

These parents (as well as the local community agencies) know that this kind of children's health program, planned to meet all the health needs of their children is not available anywhere else in the community. Even families with Title I funds available to them have found they can't buy elsewhere what the Project provides. They ask how it is possible the Project might close, when it really should be expanded tenfold for the many other children who need it.

Even with a Project for support, it's hard to raise healthy children in the ghetto. Without a Project, it may be impossible.

#### CHILDREN & YOUTH PROJECT No. 659, CHARLESTOWN, MASSACHUSETTS

The central objective of providing comprehensive health services for children and youth in low-income areas is to create a health service system in which will be represented all the skills, manpower and resources required to cultivate high level physical, cognitive and psychological health during the maturity cycle and formative years of infancy and childhood, and to prevent, detect and treat disease and disability as necessary to maintain optimal health throughout life.

The Children and Youth programs are providing badly needed clinical resources and

attempting to reach these goals. The Massachusetts Central Hospital staff and the people of Charlestown value this extension of the central hospital's services and we are successfully carrying out our goals of preventing disease; bringing health education to the people; making better use of low cost, accessible facilities; and rationalizing the use of health manpower.

They are a form of group practice with salaried doctors, nurses, nutritionists, community aides, etc. and are very popular with the public. Such developments are entirely in keeping with the thrust toward Health Maintenance Organizations.

We hope that Title V of the Social Security Act will be amended to extend the authorization for such projects until June 30, 1977. Certainly, a minimum of five years are needed to build up Health Maintenance Organizations in low income areas, and these projects are a fine base for such development.

#### CHILDREN & YOUTH PROJECT No. 627, WASHINGTON, D.C.

CompCare has been in operation since January, 1967. It operates three neighborhood clinics in an inner city poverty area of 5.3 square miles in the District of Columbia. It currently is providing comprehensive care to over 18,000 children out of a potential 58,000.

In addition to providing regular pediatric well and sick child care, including consultation and hospitalization at Children's Hospital, CompCare has concentrated heavily on dealing with the reservoir of chronic illnesses in our children. *Lead poisoning* is very common and we not only serve as a major treatment resource but work closely with the D.C. Government to enforce housing codes. *General undernutrition* as well as *iron deficiency anemia* are widely prevalent. In addition to the intensive nutritional counseling we ourselves provide, we certify for the supplementary food program. Members of our staff played a major role in persuading D.C. authorities to include iron-fortified milks in supplementary food packages.

*Dental caries* in children are rampant in our community, and our dental program is only beginning to meet the need. We have a large treatment program for *emotional and learning disorders* and place heavy emphasis on tutoring children who are one to several years behind in their ability to read and learn. This program involves over 60 volunteers, mostly teachers in the public school system, who provide individualized counseling to school-age children.

CompCare places heavy emphasis on adolescents. The wide prevalence of *pregnancy in early adolescence* and the high frequency of complications of pregnancy in this age group stimulated us to establish a clinic for the pregnant girl under 16 years. Not only can these teenagers get the highly specialized care they need, but also the personal counseling and birth control information (with parental permission) they often require. In addition to a large general treatment program for adolescents we reach out to a junior high school to recruit adolescents who otherwise might not receive care and to provide a program for health education.

CompCare has invested heavily in providing health services to other community programs. Direct diagnostic and treatment services are provided to local Headstart programs, a Parent and Child Center and the D.C. Public Schools. This sharing of resources has prevented costly reduplication of services.

The multiple and interlocking nature of the health problems of our children make it mandatory that this program continue. In its absence, parents will again have to fall back on fragmented, incomplete services provided in multiple settings. This not only gives rise to costly duplication of effort but

also frequently results in a parent giving up in sheer frustration.

In addition, over the past four years, we have noted steadily rising expectations of service from our parents. They now know what good health care is. We do not believe they should be asked to return to the fragmented and episodic care which they had prior to the establishment of CompCare.

**CHILDREN & YOUTH PROJECT No. 658,  
LITTLE ROCK, ARKANSAS**

C & Y Comprehensive Project, 658 operates as an administrative section of the Pediatric Ambulatory Service, Department of Pediatrics, University of Arkansas Medical Center, Little Rock, Arkansas.

The project area includes roughly the eastern half of Little Rock and the southern half of its twin city, North Little Rock and nearby portions of Pulaski County. Included in this area are approximately 70% of the indigent children of Pulaski County. This fact makes this C & Y Project virtually unique, in that this project can be viewed as an important step in building a community wide system for the delivery of health care to children, with emphasis upon the community's underprivileged children. With this objective, the C & Y Project has invested considerable effort inside and outside its own operation toward strengthening, stimulation and coordination of a number of health care facilities which serve needy children. For example, it has established and operated three satellite clinics serving various localities of its district. In addition, members of the staff acting in private capacities have contributed substantially to the establishment and maintenance of three other pediatric clinics which are operated using voluntary resources. Also operating in a voluntary fashion, staff members have contributed a large fraction of the time required for the annual health assessment of several hundred children who are enrolled in the Pulaski County Head Start and Follow Through Programs. The project has stimulated a more effective role in health supervision by school nurses and has backed these nurses with the resources to follow through on health problems that are discovered.

The project has effected important changes in school policies regarding expulsion from school and regarding the handling of pregnancy among school age girls. Largely through the efforts of the C & Y project a new, daily, low cost clinic for the care of sick children has been instituted at a children's hospital which is located centrally in regard to the community's poor people. The project was seminal in the development of an interagency committee to deal with problems of child abuse and child neglect that come to medical attention. Through this committee improved psychiatric programs, improved welfare department case work and follow-up, and improved legal and court procedures have developed for the management of such cases in Pulaski County (and to a lesser extent in other regions of Arkansas).

The project has assembled medical and paramedical talents (21 professional people) which never previously existed for the poor in any location in Arkansas. Never before had dental care, physical therapy, and nutrition services been available. Never before have medical, nursing, and social work, and psychological services been available in such volume. Presently approximately 15,000 medical visits and 7,000 dental visits are being provided annually. Virtually all medical visits entail supplemental nursing benefits. About 3,500 nutrition contacts are provided in behalf of about 8,500 people (patients and their families).

During the two and one half years of project operation the families of approximately 10,000 children have learned to look to the C & Y project 658 for solution of their children's health problems. In addition, profes-

sional people in the schools, health departments, voluntary health agencies, model cities, and OEO programs have learned to look to the C & Y Project for the solution of innumerable problems for which there previously was no solution. In large part because of this project's participation, a very large number of health and welfare programs in and near its district are being upgraded and made more effective. Presently a new level of hope exists where previously only disappointment, frustration, and progressive disease existed.

**CHILDREN AND YOUTH PROJECT No. 606-C,  
BALTIMORE, MD.**

The Greater Baltimore Medical Center Comprehensive Children and Youth Project (606-C) is currently providing a full range of continuing coordinating care to the 3,400 children who live in the vicinity of the clinic. These children have been supervised with respect to growth and development; have been given their needed immunization; and their physical and dental conditions have been evaluated. Their acute and chronic illnesses have been cared for and the reasons for deviations from normal have been sought after in the physical, mental and emotional spheres. All remedial and rehabilitative measure have been instituted whenever possible to correct their physical or emotional abnormality.

The community has identified with our project through its increased involvement and participation in clinic affairs. Cooperation from local agencies has exceeded our expectations and has given stimulus to our project. The great participation of residents in clinic affairs is well demonstrated by our Parent's Club and Community Newsletter—"Clinic and Community Caller". The parent's club and newsletter is regarded as an invaluable instrument in promoting good will between clinic and community. It is a good evidence of well motivated constructive and creative work from the community.

Most significant of all, we have expanded our C&Y Project to a Family Care Program. Using our existing C&Y Program as a foundation, we have participated in prepaid health program which will allow us to extend our medical, mental and dental service to the adult population. In other words, this C&Y Program has become "HMO" center for this community.

It is needless to point out, the discontinuation of the C&Y Project will not only affect 3,400 children under the care of this clinic, but also will affect 2,000 parents whom we expect to enroll in this Family Care Program. Our goal of becoming "Health Maintenance Organization" of this community will also be shattered and crumbled.

**CHILDREN AND YOUTH PROJECT No. 636,  
MIAMI, FLA.**

I am advised that you share our concern for the future of the U.S. Department of Health, Education, and Welfare's, Children and Youth Project Grants. Therefore, I have taken the liberty to send you a synopsis of the impact this program has on the group of low socio-economic consumers who reside in the southwestern section of affluent Dade County.

The Dade County Department of Public Health, Children and Youth comprehensive care project was authorized May 1967. Organizational and personnel development delayed registration of the first project child until late fall, then health services were offered to south Dade low income residents for children through six years of age.

The 800 square mile area within which the project is established is unique. It is composed of a variety of ethnic groups. There are 350,000 permanent residents from Latin America, 90% of Cuban origin, about 12,000 Mexican-American migrants and a segment

of Seminole Indians. Over 200,000 of the permanent population is black. There is a disproportionate share of impoverished families in this group, approximately 45%; who are medically indigent and financially unable to afford medical attention. The project offers care and hope for their children.

The project took meaningful form during 1968-69. But it was not until the end of 1970, through philosophical and organizational changes in the County Health Department, which in turn effected the project, that comprehensive child health care began producing dramatic results.

From March 1, 1970 to February 28, 1971, 3,111 cases were seen which might otherwise have gone without treatment. At the present time, Dade's Children and Youth Project is providing clinical, hospital and emergency medical care along with dental, social, psychological, speech, hearing and vision services to its enrollees at the rate of over 500 patients a month, or approximately 6,000 cases per year. Without the Children and Youth Project the County's pediatric care would no doubt be confined mostly to well-baby clinics.

Pediatric comprehensive health care provided by the Children and Youth Project through seven clinic areas in Health Department community units has drastically reduced hospitalization by 75% within the past six months. This would not have been possible without a Federal grant specifically designed and for the express purpose of establishing high quality personal health services for under-privileged preschool children.

During the year 1,200 project patients received full dental care including caps, crowns, space maintainers and oral surgery.

Since the project moved into the community, project nurses are focusing on family centered services. This coordination of nursing services at the Unit level has led to greater pediatric involvement of non-profit nurses.

**THE NATION NEEDS COAL GASIFICATION NOW**

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing a proposal to provide for the development of a Coal Gasification Development Corporation.

Although the problem of energy is not new, it has only recently reached public concern and its consequences are now being considered with an eye to the future. The energy problem will increase as demand for new fuels and new sources of power intensifies.

In dealing with a problem of this size we must realize certain priorities and objectives, giving each the consideration that it deserves. It is very important that we develop a new energy supply, and that we restrict the possibilities by saying that it must be developed without undue harm to the environment.

The facts are that by the year 2000, the demand for energy will double, possibly triple. The Interior Department projects that we will need 1,000 trillion cubic feet of gas in the next 30 years. In a shorter period, 1970-80, the U.S. demand for energy will increase by 56 percent.

In 1970, American homes consumed more than six times as much electricity as they did in 1950, and the use of basic fuels for home heating increased by 50

percent in the same period. The United States, although accounting for only 6 percent of the world population, consumes an incredible 40 percent of the total energy.

Government and industry have two duties to the American people, as I see it: one is to satisfy the Nation's great need for energy at a low, reasonable cost—price; the other is to provide a source of energy that will have no adverse effects on the environment. My bill will provide for both of these measures, that in the final analysis will prove so important to the American way of life. It will provide a workable means for cooperation between government and industry which is imperative if we are to answer our energy problems in an intelligent manner. Lastly, it will provide protection, by virtue of the quality of the fuel developed, for all life on earth.

The need for a corporation of this type is plain. To industry, the costs of this venture would be prohibitive, and government alone would not be able to provide the leadership necessary to prove it a success. Only by working in a joint, cooperative program, pooling their resources and funds, will these two powerful forces be able to tackle and resolve the problem.

As I stated before, there is a great need for a program to assure the cleanliness of our environment. It is a fact that nonpolluting natural gas will not meet our growing energy demands, however, high-sulfur content coal is in tremendous supply. Whatever the sulfur content of coal, it is evident that we are not using it to its optimum. With the development of this corporation, nonpolluting synthetic gas, derived from coal gasification processes would be in vast supply, not only solving a great part of our energy crisis and using coal to its fullest capacity, but also protecting our environment by using nonpolluting synthetic gas as a source of energy.

Recognizing the energy problem, the coal gasification development process comes into proper perspective as an important supplier of energy in the future. Realizing this problem is only the first step to resolution. It is for these reasons that I introduce this bill and urge its full consideration.

#### A NOTED WYOMING MOTHER, MRS. MAE REEB

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, last Thursday at 2 p.m. in Casper, Wyo., funeral services were held for Mrs. Mae Reeb, at the First Presbyterian Church in that central Wyoming city. She was born in 1889 in Ellwood City, Pa., and lived in Kansas prior to coming to Casper. She was a former deaconess of the Presbyterian Church, a treasurer of the Presbyterian Women's State Association and active in the auxiliary of the Belaire Nursing Home and an organizer of the Headstart program in Casper. She is survived by her husband, Harry, a sis-

ter in Pennsylvania, and her daughter-in-law, Mrs. Marie Reeb and four grandchildren, of Casper. She had one son, whom I eulogized from this very House well 6 years ago this year, following his death in Selma, Ala. He was the Reverend James Reeb, who was murdered in Selma in 1965.

I praised Reverend Reeb with an eulogy 6 years ago when we were in the midst of a decade of violence. I praise his mother in eulogy today in the hope that the 1970's will bring reconciliation and understanding and compassion, in place of hatred and distrust and malice and the murder of her son that so marked the decade recently closed.

#### A NEW KIND OF PATRIOTISM

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the July 9, 1971, issue of Life magazine contains a cogent editorial by Ralph Nader which is very thought-provoking:

##### WE NEED A NEW KIND OF PATRIOTISM

(By Ralph Nader)

At a recent meeting of the national PTA, the idealism and commitment of many young people to environmental and civil rights causes were being discussed. A middle-aged woman who was listening closely, stood up and asked: "But what can we do to make young people today patriotic?"

In a very direct way, she illuminated the tensions contained in the idea of patriotism. These tensions, which peak at moments of public contempt or respect for patriotic symbols such as the flag, have in the past few years divided the generations and pitted children against parents. Highly charged exchanges take place between those who believe that patriotism is automatically possessed by those in authority and those who assert that patriotism is not a pattern imposed but a condition earned by the quality of an individual's, or a people's behavior. The struggle over symbols, epithets and generalities impedes a clearer understanding of the meaning and value of patriotism. It is time to talk of patriotism, not as an abstraction steeped in nostalgia, but as behavior that can be judged by the standard of "liberty and justice for all."

Patriotism can be a great asset for any organized society, but it can also be a tool manipulated by unscrupulous or cowardly leaders and elites. The development of a sense of patriotism was a strong unifying force during our Revolution and its insecure aftermath. Defined then and now as "love of country," patriotism was an extremely important motivating force with which to confront foreign threats to the young nation. It was no happenstance that *The Star Spangled Banner* was composed during the War of 1812 when the Redcoats were not only coming but already here. For a weak frontier country beset by the competitions and aggressions of European powers in the New World, the martial virtues were those of sheer survival. America produced patriots who never moved beyond the borders of their country. They were literally defenders of their home.

As the United States moved into the 20th century and became a world power, far-flung alliances and wars fought thousands of miles away stretched the boundaries of patriotism.

"Making the world safe for democracy" was the grandiose way Woodrow Wilson put it. At other times and places (such as Latin America) it became distorted into "jingoism." World War II was the last war that all Americans fought with conviction. Thereafter, when "bombs bursting in air" would be atomic bombs, world war became a suicidal risk. Wars that could be so final and swift lost their glamour even for the most militaristically minded. When we became the most powerful nation on earth, the old insecurity that made patriotism into a conditioned reflex of "my country right or wrong" should have given way to a thinking process; as expressed by Carl Schurz: "Our country . . . when right, to be kept right. When wrong, to be put right." It was not until the Indochina war that we began the search for a new kind of patriotism.

If we are to find true and concrete meaning in patriotism, I suggest these starting points. First, in order that a free and just consensus be formed, patriotism must once again be rooted in the individual's own conscience and beliefs. Love is conceived by the giver (citizens) when merited by the receiver (the governmental authorities). If "consent of the governed" is to have any meaning, the abstract ideal of country has to be separated from those who direct it; otherwise the government cannot be evaluated by its citizens. The authorities in the State Department, the Pentagon, or the White House are not infallible; they have been and often are wrong, vain, misleading, shortsighted or authoritarian. When they are, leaders like these are shortchanging, not representing, America. To identify America with them is to abandon hope and settle for tragedy. Americans who consider themselves patriotic in the traditional sense do not usually hesitate to heap criticism in domestic matters over what they believe is oppressive or wasteful or unresponsive government handling of their rights and dignity. They should be just as vigilant in weighing similar government action which harnesses domestic resources for foreign involvements. Citizenship has an obligation to cleanse patriotism of the misdeeds done in its name abroad.

The flag, as the Pledge of Allegiance makes clear, takes its meaning from that "for which it stands"; it should not and cannot stand for shame, injustice and tyranny. It must not be used as a bandanna or a flag leaf by those unworthy of this country's leadership.

Second, patriotism begins at home. Love of country in fact is inseparable from citizen action to make the country more lovable. This means working to end poverty, discrimination, corruption, greed and other conditions that weaken the promise and potential of America.

Third, if it is unpatriotic to tear down the flag (which is a symbol of the country), why isn't it more unpatriotic to desecrate the country itself—to pollute, despoil and ravage the air, land and water? Such environmental degradation makes the "pursuit of happiness" ragged indeed. Why isn't it unpatriotic to engage in the colossal waste that characterizes so many defense contracts? Why isn't it unpatriotic to draw our country into a mistaken war and then keep extending the involvement, with untold casualties to soldiers and innocents, while not telling Americans the truth? Why isn't the deplorable treatment of returning veterans by government and industry evaluated by the same standards as is their dispatch to war? Why isn't the systematic contravention of the U.S. Constitution and the Declaration of Independence in our treatment of minority groups, the poor, the young, the old and other disadvantaged or helpless people crassly unpatriotic? Isn't all such behavior contradicting the innate worth and the dignity of the individual in America? Is it not time to end the tragic twist of patriotism whereby those who work to expose and correct deep

injustices, and who take intolerable risks while doing it, are accused of running down America by the very forces doing just that? Our country and its ideals are something for us to uphold as individuals and together, not something to drape, as a deceptive cloak, around activities that mar or destroy these ideals.

Fourth, there is no reason why patriotism has to be so heavily associated, in the minds of the young as well as adults, with military exploits, jets and missiles. Citizenship must include the duty to advance our ideals actively into practice for a better community, country and world, if peace is to prevail over war. And this obligation stems not just from a secular concern for humanity but from a belief in the brotherhood of man—"I am my brother's keeper"—that is common to all major religions. It is the classic confrontation—barbarism *vs.* the holy ones. If patriotism has no room for deliberation, for acknowledging an individual's sense of justice and his religious principles, it will continue to close minds, stifle the dissent that has made us strong, and deter the participation of Americans who challenge in order to correct, and who question in order to answer. We need only to recall recent history in other countries where patriotism was converted into an epidemic of collective madness and destruction. A patriotism manipulated by the government asks only for a servile nod from its subjects. A new patriotism requires a thinking assent from its citizens. If patriotism is to have any "manifest destiny," it is in building a world where all mankind is our bond in peace.

#### ECOLOGY IN PARADISE

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, Puerto Rico is a tropical paradise, but one that needs and is attracting industry. What happens when industry comes to paradise?

The conflict between industrialization and the environment is difficult to resolve. But Puerto Rico is trying to resolve the problem. The visitor today can see in some parts of the Commonwealth both the problems and the potential solutions not just for Puerto Rico but for many of the developing nations of the world.

Several weeks ago, I had the opportunity to address a seminar on industrial pollution which was conducted in San Juan, P.R., under the sponsorship of the School of Engineering, University of Puerto Rico, Department of Public Works, Department of Health, Water Resources Research Institute, and the Institute of Engineers, Architects and Surveyors. One must visit this sunny land which is ably represented in Congress by our good colleague, JORGE L. CORDOVA, to appreciate the tremendous problems faced by the Commonwealth of Puerto Rico.

From the time of the early Spanish explorers until 1940, Puerto Rico for several centuries was a sugar cane-coffee plantation economy. Today, Puerto Rico is entering the fourth decade of transition to a modern society with heavily urbanized areas, growth in light and heavy industry and a heavy involvement in tourism. Puerto Rico today illustrates what the late 1970's and 1980's hold in

store for many of the developing nations of the world. Here we can see both the intricate problems and some of the solutions to these problems.

Puerto Rican commerce and industry provide necessary new jobs but can have side effects which degrade the environment. This, in turn, could hurt the healthy tourist industry.

Thus, Gov. Luis A. Ferre is moving to establish a balance between industrial development and a program of conservation of both Puerto Rico's rich historic and natural heritage.

For example, Governor Ferre's administration is working closely with the University of Puerto Rico to establish an extensive 175-acre botanical garden, which when completed will cost over \$3.5 million. This would be part of a plan to provide open space in a rapidly urbanizing area of San Juan where urban sprawl could be an unhappy blight. The garden already includes spectacular orchid nurseries and bamboo groves which lend an air of tropical lushness. This green space development will provide recreational and educational attraction to natives and visitors alike.

Governor Ferre's Department of Public Works is also pushing forward with the development of a panoramic highway which will be Puerto Rico's "Skyline Drive." Here natives and tourists can leisurely drive and enjoy a spectacular sweep of scenery from the very crest of the island's mountains. The Panoramic Highway will feature restored coffee plantations where, along with modestly priced accommodations, one will find a rich interpretation of the coffee industry which is part of the history of many of the Caribbean islands.

Another innovation being undertaken is the operation of a sugar cane railroad to provide a tour of another facet of Puerto Rico's economic heritage.

These attractive facilities will broaden the base for a tourism industry now essentially based on lavish beach hotels offering international style food and accommodations.

Puerto Rican economic and historic culture is interwoven in many ways with that of the other Caribbean islands. Regional recognition of the shared cultural interest, as well as developing conservation problems, has led to the formation of the Caribbean Conservation Association now in its fourth year of organization. The association's annual meeting will be held in San Juan this coming October. Organizations representing both the private sector as well as the several governments of the Caribbean Islands are to be commended for such a regional initiative. Membership includes the islands of Trinidad and Tobago, Grenada, St. Vincent, Barbados, St. Lucia, Antigua, Nevis, St. Kitts, Anguilla, Jamaica, and the Virgin Islands—United States—as well as Puerto Rico. In addition, private groups such as the Barbados National Trust, the Society for the Restoration of Brimstone Hill, the Friends of Morne Fortune, and the Caribbean Research Institute are members.

The objectives of the Caribbean Conservation Association are:

First, to ascertain and coordinate the needs of the area in the several fields of conservation;

Second, to keep an inventory of interested groups and individuals and of work already accomplished or underway in the various islands and countries;

Third, to encourage the creation of national and other conservation organizations in each island and country;

Fourth, to explore possible sources of technical and financial assistance to the Association itself, to member organizations and Caribbean governments, and to establish a clearinghouse to facilitate the flow of such assistance; and

Fifth, to assist in fostering in the people of the area a greater awareness of the value of their natural and cultural resources.

The association will not only yield substantial profits to all of its members but is a vehicle by which better understanding among nations will be achieved.

Clean air, white sunny beaches with clear, blue water over coral reefs, luxuriant tropical flowers and foliage are important to all tropical and subtropical islands. Preservation of these conditions are important to visitor and native.

The petrochemical industry, which has extensive development in Puerto Rico, is coming to grips with the complex problem of heavy industries being able to live in, yet not wreck, this paradise environment. The activities of two industrial enterprises located at Guayanilla near Ponce on the southern side of the island are illustrative of modern technology working to overcome the degrading side effects of heavy industry.

I had the opportunity to tour Union Carbide's extensive petrochemical facility and, in particular, their recently established secondary treatment plant which is a major step forward to cleaning up petrochemical effluent. Union Carbide's treatment plant utilizes anaerobic and aerobic treatment ponds which remove substantial portions of noxious materials by using bacteria, those that need no oxygen, in the first case, and those that need oxygen, in the second. In the course of developing their secondary plant, Union Carbide has found it feasible to recycle certain petrochemical components which were originally discharged as waste. An interesting aspect of the anaerobic pond treatment utilizes anaerobic bacteria which are transplanted from a culture utilized in the production of rum at a nearby Puerto Rican rum plant. To date the bacteria have failed to complain of the change in diet to such unsavory fare. I am pleased that Union Carbide is already considering further upgrading of its treatment plant to tertiary treatment which would remove both nitrogen and phosphorus from the final effluent.

Next to the Union Carbide plant at Guayanilla is the Commonwealth Oil Refining Corp.—Corco—facility. Corco's plant includes a desalinization unit which reflects the awareness by Corco that recycling in industrial processes is going to be more and more a necessity if we are going to do an efficient job of cleaning up our environment. The in-

creased industrialization in the Guayana area is requiring higher general water withdrawals from the wells. The higher water wells production have lowered the ground water tables, and allowed some seawater encroachment into wells near the coastline. Additional water well development in the area would result in salt water encroachment, with resultant high chloride yields. Corco's Desalination Plant will help in the recharge to the aquifers underlying the southern coastal plain due to a lower consumption of ground water.

Corco's facility has a total capacity of desalinating approximately two and one-half million gallons of sea water a day utilizing the heat from their petrochemical plant. The heat from the boiler operation is harnessed in a vacuum process to purify sea water to a quality higher than that necessary for drinking water.

All industry must emulate such efforts as have been made by Corco to recycle heat for both efficiency and protection of the environment. If we are going to efficiently manufacture energy from atomic or fossil-fueled plants and carry on the manufacture of products as demanded in both developed and developing nations, we must look more and more to closed or recycling-type systems.

The efforts which Puerto Rico is making to advance in commercial and industrial development while, at the same time, to safeguard its cultural and natural heritage, are a tribute to their Resident Commissioner, JORGE L. CORDOVA, and the leadership of Governor Ferre, who are dedicated to a better life for all of the people of the Commonwealth. At the same time the Commonwealth provides us with an opportunity to profit from its experiences—experiences which the underdeveloped nation of the world will face in the coming decades of industrialization and mushrooming population growth.

#### PERSONAL EXPLANATION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on Thursday, July 1, 1971, I was unavoidably absent and missed three record votes. The first was a vote on the Conference Report on S. 31, the Emergency Employment Act. This was passed by a vote of 343 to 14 (Roll No. 175). Had I been present, I would have voted "yea."

The second was a vote on final passage of H.R. 8629, the Health Manpower Training Act. This bill was passed by a vote of 343 to 3 (Roll No. 176). Had I been present, I would have voted "yea."

The third was a vote on final passage of H.R. 8630, the Nurses Training Act. This bill passed by a vote of 323 to 0 with one voting "present" (Roll No. 177). Had I been present, I would have voted "yea."

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATHIS of Georgia (at the request of Mr. BOGGS), for today, on account of official business.

Mr. DERWINSKI (at the request of Mr. GERALD R. FORD), on account of official business as a member of the House Committee on Post Office and Civil Service.

Mr. KASTENMEIER (at the request of Mr. O'NEILL), for today through July 15, 1971, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. O'NEILL), for today July 7, and the balance of the week, on account of official business.

Mr. CORMAN, for Wednesday, July 7, 1971, on account of official business.

Mr. MIKVA for July 7 through July 16, 1971, on account of official business for the Judiciary Committee.

Mr. EDMONDSON (at the request of Mr. BOGGS) for July 8, 1971 on account of official business in Oklahoma.

#### 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. McCLOSKEY (at the request of Mr. GUBSER) for 1 hour on Monday, July 12, and to revise and extend his remarks and include extraneous matter.

Mr. GUBSER for 1 hour on Monday, July 12, and to revise and extend his remarks and include extraneous matter, following Mr. McCLOSKEY.

Mr. DEVINE for 1 hour on July 12, 1971, and to revise and extend his remarks and include extraneous matter following Mr. GUBSER.

(The following Members (at the request of Mr. BAKER), to revise and extend their remarks, and to include extraneous matter:)

Mr. CRANE, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes today.

Mr. STEIGER of Wisconsin, for 15 minutes, today.

Mr. KEMP, for 5 minutes, tomorrow.

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. MCKINNEY, for 5 minutes today.

Mr. BELL, for 5 minutes, today.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 20 minutes, today.

Mr. HAMILTON, for 20 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. MINISH, for 10 minutes, today.

Mr. STAGGERS, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. STOKES, for 10 minutes, on July 8.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEGGETT to extend his remarks prior to the vote on House Resolution 492 and to include extraneous matter.

Mr. DERWINSKI (at the request of Mr. GROSS) during consideration of H.R. 8805 today.

Mr. ANDERSON of California, to extend his remarks immediately following the vote on the motion to table House Resolution 492 today.

Mr. RANDALL in two instances, and to include extraneous matter.

(The following Members (at the request of Mr. BAKER) and to include extraneous matter:)

Mr. HILLIS.

Mr. GUDE.

Mr. HOSMER in two instances.

Mr. BETTS.

Mr. DERWINSKI in two instances.

Mr. HANSEN of Idaho.

Mr. KING in five instances.

Mr. TALCOTT in three instances.

Mr. SCHMITZ.

Mr. KEATING in two instances.

Mr. NELSEN.

Mr. SHRIVER.

Mr. RIEGLE.

Mr. BOW.

Mr. ASHBROOK in two instances.

Mr. ROUSSELOT in two instances.

Mr. MILLER of Ohio in six instances.

Mr. SCHWENGL.

Mr. WYMAN in two instances.

Mr. PRICE of Texas.

Mr. WIGGINS.

Mr. REID of New York.

Mr. LUJAN in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. McCLORY.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. HATHAWAY in three instances.

Mr. FRASER in three instances.

Mr. ASPIN in two instances.

Mr. EILBERG in three instances.

Mr. SARBANES in five instances.

Mr. BOLLING.

Mr. BIAGGI in 10 instances.

Mr. JAMES V. STANTON.

Mr. STOKES in 10 instances.

Mr. RARICK in three instances.

Mr. GALLAGHER.

Mr. WALDIE in four instances.

Mr. BINGHAM in three instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. SEIBERLING.

Mr. RYAN in three instances.

Mr. KARTH.

Mr. ROBINO in two instances.

Mr. HUNGATE in two instances.

Mr. JACOBS.

Mr. HAGAN in three instances.

Mr. PEPPER.

Mr. MAZZOLI in two instances.

Mr. DRINAN.

Mr. VANIK in two instances.

Mr. ANDERSON of California in two instances.

Mr. ADAMS.

Mr. FULTON of Tennessee.

#### ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, July 8, 1971, 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:

944. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 23, 1970, submitting a report, together with accompanying papers and an illustration, on Kaneohe-Kailua Area, Oahu, Hawaii, in response to an item in section 208 of the River and Harbor Act of 1965 (H. Doc. No. 92-141), to the Committee on Public Works and ordered to be printed with an illustration.

945. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 24, 1970, submitting a report, together with accompanying papers and an illustration, on Atlantic Intracoastal Waterway bridges, North Carolina, in partial response to resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted September 30, 1968 and December 11, 1969 (H. Doc. No. 92-142); to the Committee on Public Works and ordered to be printed with an illustration.

946. A letter from the Executive Officer of the National Academy of Sciences, transmitting a report on the progress made toward providing a study with respect to the technological feasibility of meeting certain emissions standards, pursuant to section 6 of the Clean Air Act Amendments of 1970 (Public Law 91-604); to the Committee on Interstate and Foreign Commerce.

947. A letter from the Secretary of Commerce, transmitting the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to section 213(c) of the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

## RECEIVED FROM THE COMPTROLLER GENERAL

948. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving the automated supply system of the Veterans' Administration; to the Committee on Government Operations.

## 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. McMILLAN: Committee on the District of Columbia. H.R. 8407. A bill to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel (Rept. No. 92-332). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9395. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts (Rept. No. 92-333). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 9020. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time; with amendments (Rept. No. 92-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 525. Resolution providing for the consideration of H.R. 19. A bill to provide for a coordinated national boating safety program. (Rept. No. 92-335). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 526. Resolution providing for the consideration of H.R. 8181. A bill to require Federal Reserve banks to discount certain commercial paper used to finance the export of U.S. commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes (Rept. No. 92-336). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 527. Resolution providing for the consideration of H.R. 9093. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes (Rept. No. 92-337). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 528. Resolution providing for the consideration of H.R. 9388. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 92-338). 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. BROOMFIELD:

H.R. 9603. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 9604. A bill to prohibit the unlawful use of a rented motor vehicle; to the Committee on the District of Columbia.

H.R. 9605. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 9606. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALPERN:

H.R. 9607. A bill to amend the Foreign Assistance Act of 1961 to provide for programs of assistance to restrict and eliminate illegal international traffic in narcotic drugs and psychotropic substances, and for other purposes; to the Committee on Foreign Affairs.

H.R. 9608. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

H.R. 9609. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 9610. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, depend-

ency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 9611. A bill to make available to veterans of the Vietnam war all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 9612. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 9613. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

By Mr. MOSS:

H.R. 9614. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO (for himself, Mr. RYAN, Mr. EILBERG, Mr. FLOWERS, and Mr. SEIBERLING):

H.R. 9615. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 9616. A bill to amend section 397b(a) of the Agricultural Adjustment Act of 1938, as amended, so as to offset the locational differences in the certificate value of domestic wheat; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. HORTON, Mr. PAVOR of Arkansas, and Mr. RYAN):

H.R. 9617. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped person and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. HOWARD, and Mr. RUNNELS):

H.R. 9618. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 9619. A bill to provide for the sale by the Federal Government of the Alaska Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE (for himself, Mr. HILLIS, Mr. SCOTT, and Mr. HOGAN):

H.R. 9620. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. WINN:

H.R. 9621. A bill to authorize the establishment of the Tallgrass Prairie National Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. CARNEY, and Mr. PODELL):

H.R. 9622. A bill to establish a Commission on Security and Safety of Cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 9623. A bill to amend the Internal Revenue Code of 1954 to impose a refundable disposal tax on automobiles registered after 1971; to the Committee on Ways and Means.

By Mr. COLLINS of Texas (for himself, Mr. BROWN of Ohio, Mr. FREY, and Mr. KEITH):

H.R. 9624. A bill to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Interstate and Foreign Commerce.

H.R. 9625. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9626. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 9627. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. ANDERSON of Tennessee, and Mr. CONTE):

H.R. 9628. A bill to amend the Defense Product Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. HARSH:

H.R. 9629. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. KYROS:

H.R. 9630. A bill to create a rural community development bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services, and for other purposes; to the Committee on Banking and Currency.

By Mr. LONG of Maryland:

H.R. 9631. A bill to amend the Solid Waste Disposal Act to provide for Federal grants to States and local governments to purchase equipment for litter cleanup; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 9632. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. McFALL:

H.R. 9633. A bill to provide for the creation of an authority, to be known as the Reclamation Lands Authority, to carry out the congressional intent respecting the excess-land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

By Mr. MARTIN:

H.R. 9634. A bill to change the name of the Nebraska National Forest, Niobrara division, to the Samuel McKelvie National Forest; to the Committee on Agriculture.

By Mr. MOSHER:

H.R. 9635. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NELSEN:

H.R. 9636. A bill to amend the District of Columbia Traffic Act, 1925, to provide for use of a distinctive emblem on slow-moving vehicles; to the Committee on the District of Columbia.

By Mr. MORGAN:

H.R. 9637. A bill to provide for the establishment of an American Council for Private International Communications, Inc., to grant support of the activities of private American organizations engaged in the field of communication with foreign peoples; to the Committee on Foreign Affairs.

By Mr. RONCALIO:

H.R. 9638. A bill to establish a Coal Gasification Development Corporation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 9639. A bill to bring the tax reductions for individuals provided by the Tax Reform Act of 1969 into immediate effect; to the Committee on Ways and Means.

By Mr. SCHMITZ:

H.R. 9640. A bill to amend the National Labor Relations Act to provide additional protection of the rights of employers and employees in connection with labor disputes; to the Committee on Education and Labor.

By Mr. SCHWENGEL:

H.R. 9641. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for the development of a consumer information program concerning the damage susceptibility and crashworthiness of passenger cars, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. MURPHY of Illinois, and Mr. MOSHER):

H.R. 9642. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. SYMINGTON (for himself, Mr. CLAY, Mr. CEDERBERG, Mr. MADDEN, Mr. MOLLOHAN, and Mr. ICHORD):

H.R. 9643. A bill to amend title I of the Housing Act of 1949 to permit a city whose population falls to below 50,000 to convert any outstanding urban renewal projects from a two-thirds to a three-fourths capital grant formula; to the Committee on Banking and Currency.

By Mr. VANDER JAGT:

H.R. 9644. A bill to amend the Military Selective Service Act of 1967 to exempt from the draft physicians who agree to practice at least 4 years in rural and inner-city doctor-shortage areas; to the Committee on Armed Services.

By Mr. WALDIE (for himself and Mr. McCLOSKEY):

H.R. 9645. A bill to amend title 46, United States Code, section 239(d), to provide that environmental protection groups be accorded full status as "parties in interest" in investigations of marine casualties; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 9646. A bill to amend the Public Health Service Act to provide medical care

for certain retired merchant seamen, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Texas:

H.R. 9647. A bill to amend the National Flood Insurance Act of 1968 to assure the inclusion of church properties among those for which flood insurance is provided; to the Committee on Banking and Currency.

By Mr. DOWNING:

H.J. Res. 769. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KOCH:

H.J. Res. 770. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LUJAN:

H.J. Res. 771. Joint resolution proposing an amendment to the Constitution of the United States relative to Federal elections and Federal personal income tax; to the Committee on the Judiciary.

By Mr. MCKINNEY (for himself and Mr. STEELE):

H.J. Res. 772. Joint resolution: a Day of Prayer for Our Men in Vietnam; to the Committee on the Judiciary.

By Mr. WINN:

H.J. Res. 773. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. BRADEMAS:

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain; to the Committee on House Administration.

By Mrs. HICKS of Massachusetts:

H. Res. 522. Resolution to express the sense of the House of Representatives that the week of October 12 each year, should be designated as "National Italian American Week"; to the Committee on the Judiciary.

H. Res. 523. Resolution expressing the sense of the House with respect to disclosure of the results of the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H. Res. 524. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 9648. A bill for the relief of Octavio Manuel Garcia; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 9649. A bill for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich.; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

99. The SPEAKER presented a petition of the United Carolinian Association, Saipan, Mariana Islands, relative to the political status of the Trust Territory of the Pacific Islands, which was referred to the Committee on Interior and Insular Affairs.