

CONGRESSIONAL LEADERSHIP AGENDA

April 29, 1969

- | | |
|------------------|----------------------------------|
| 8:30 - 8:50 a.m. | I. Grant Consolidation Message - |
| 8:50 - 9:10 a.m. | II. Obscenity Message |
| 9:10 - 9:30 a.m. | III. Senate Report |
| 9:30 - 9:50 a.m. | IV. House Report |

I - Merge Programs like Reorg. legislature.
5 Agencies - Sewer & Water

II Obscenity -
Post Office (1) sending to minors.
Henryberg case. padding concept.
(2) Regulation by "invasion" of privacy concept.



DIARY OF WHITE HOUSE LEADERSHIP
MEETINGS -- 91st CONGRESS

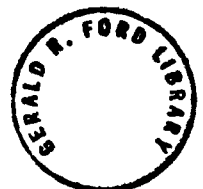
April 29, 1969

The President entered at 8:40 a.m. and introduced Mr. Hughes of Budget, who explained the essentials of the so-called "Grant Consolidation" message, which the President will send to the Congress shortly. The draft legislation would give the President power to consolidate programs within category functions. Conceptually, this would parallel the Reorganization Act of 1949. Either House of Congress would have power within 60 days after receipt of a consolidation plan to veto it but no power to amend it. The draft legislation would limit the Presidential power to make modifications only within statutory limitations governing all programs involved.

Mundt recited the history of Senate hearings last week and said that the Committee took no action because it was generally agreed that the reorganization device should not be used as a substitute for the legislative process in this context. However, he said that the new proposal defined in the Presidential message would likely be acceptable to his Committee.

RMN said that programs have "grown like topsy and piled up on each other." The problem has not been corrected primarily because no central authority existed to take remedial action. He said that the President will consult with Congressional leaders before any consolidation plan is sent down. Ford said that the objective is good but that he was not optimistic about its prospects in the House. The Government Operations Committee has a weak chairman, and the draft should go to the Senate for action first.

Mitchell explained in a general way the new legislation to control obscenity and pornography. He discussed recent Supreme Court decisions. One phase of the bill will be designed to accept the invitation of the Court in the Ginsberg



case. That invitation was for the Congress to legislate to protect young people under the age of 18. This will require a new definition of obscenity, the most difficult part of the chore. Another phase of the legislative effort will be new regulatory power for the Post Office Department, perhaps added as a rider to the Postal Rate Increase bill. This would require mailers of obscene literature to place identifying marks on the outside of packages, and the legislation would improve the procedure by which the householder has the right to reject unsolicited mail.

Allott interrupted to inquire why the legislation could not go a step farther and outlaw the delivery of the mail unless the householder has given affirmative consent in advance. Mitchell replied that this is not feasible as a functional matter. Cramer inquired about the definition. Mitchell said that it is sex-oriented rather than obscenity and pornography-oriented and involves pandering.

Hruska said that an obscenity definition would have to be included in the Mail to Minors statute. Dirksen said that the best way to handle the problem was a bill he had introduced to strip the Supreme Court of jurisdiction to review findings of fact by juries. If people drawn from the local community agree that the matter is obscene, then this should be sufficient. He promised to hook his bill onto some proper vehicle. Fong said that the Senate Post Office Committee would be eager to cooperate.

The President asked Dirksen to make a report for the Senate. He spoke about the Cranston Resolution to suspend the President's Job Corps plans until Congress has completed an investigation. Dirksen outlined data he has compiled concerning criminal offenses committed by Job Corps enrollees. In one Illinois camp, he said that the principal problem was sodomy. Mrs. Smith added that the situation in Maine camps was "disgraceful." Taft raised the question about the continua-



tion of TV advertisements recruiting for the Job Corps. This furrowed the President's brow and clouded his face. He turned to Kline. Kline said that the Advertising Council was responsible. The President said with some heat, "Cancel my appearance." He modified this injunction by adding that he expected the advertising to cease and that unless action was taken today, he would not feel disposed to appear before the Advertising Council.

Dirksen next reported on a civil rights bill to be introduced by Hart, Kennedy, Scott and Hughes. It will contain four titles. The first will extend the Federal Jury Selection law to state juries, and the second would authorize EEOC to issue cease and desist orders. Dirksen said that he would not go along with this. Hruska said that he would oppose giving any commission such judicial power. Jerris Leonard of Justice explained why he felt that such power was justified. He said that nothing less would satisfy groups which were demanding action. So far as the business community is concerned, the complaints about harassment stem from the overlapping jurisdiction of several agencies and the interminable proceedings involved in the present system. He said that the source of these complaints could be largely resolved by pulling the functions of the several agencies together. He also said that cease and desist orders would be surrounded by safeguards, including appeal to the District Courts. The four options would be 1) to confirm and enforce the order; 2) to remand to the commission with or without directions; 3) to remand with an order for rehearings before the commission; or 4) authorize a trial de novo in the District Court.

The Vice President said that if trial de novo is automatic, no litigant bothers to put all his evidence before the commission. He suggested an alternative, viz, the commission confine itself to business of fact finding with right of appeal to the Court on record. Scott suggested that Leonard should meet



with the authors of the bill. RMN agreed and said that the subject would be discussed again next week. RMN also complimented the House Leadership for the vote on the school bill last week.

Ford reported that the Electoral College amendment would likely be reported by the Judiciary Committee today and asked the President to recognize Mr. McCulloch. McCulloch said the vote would be 4 or 5 to 1 for a direct vote system with a runoff contingency. He predicted that the Rules Committee would act within 2 or 3 weeks. He also reported that all Republican Members of the Judiciary Committee but one had agreed to cosponsor the Administration's anti-gambling bill.

Ford reported that the Supplemental Appropriation bill now under consideration likely will contain a ceiling to conform expenditures to those projected in the Nixon budget. The ceiling would apply across the board with no exceptions. Harlow said that Mills wants a guarantee of an additional \$5 billion cut and expressed the thought that the ceiling approved by Bow and Mahon would head off this. Mayo said he preferred a government-wide, overall ceiling which would give the Budget Bureau more flexibility in meeting priority needs in particular departments.

Rhodes said that it is better to insist upon the \$192.1 billion figure. RMN complimented Mayo for what he called his "patient, skillful job" in convincing Cabinet members to surrender some of their pet projects.

Harlow said that an effort would be made to devise a government-wide plan of action to deal with the proposed spring visit of Reverend Abernathy, et al. Dirksen said that a second Resurrection City is in the offing; that he spent 2 hours with Abernathy last year; that he will spend no more time with him;



that he has had enough. Ford said that the Speaker last year arranged a group meeting to which Abernathy was invited and a similar thing could be expected this year.

RMN said that a power struggle for civil rights leadership is underway and that Abernathy needs the forthcoming performance in Washington to establish his credibility. He said that it is "too early to crown him as the heir to Martin Luther King, Jr." He cautioned that utter rejection would play into his hands but that it would also be a mistake to allow them to single out individual leaders and "pick us off one by one." Scott expressed the view that the Congressional leaders should meet Abernathy in groups so as not to aggrandize Abernathy's standard.

The meeting concluded at 9:50 a.m.

RICHARD H. POFF



OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

PRESS CONFERENCE
OF
SENATOR EVERETT MCKINLEY DIRKSEN,
AND CONGRESSMAN GERALD R. FORD
THE ROOSEVELT ROOM

AT 10:13 A.M. EDT

SENATOR DIRKSEN: Let me say first of all that we had a very brief discussion of the ABM situation. I expressed my opinion to the effect that whenever this measure is called up to the Senate that it will pass by a comfortable majority. Beyond that I don't think we discussed it further, except that Jerry expressed himself with respect to the House of Representatives and he thought it would pass the House by a substantial majority.

CONGRESSMAN FORD: We also talked about a message which is coming up sometime this week on grant consolidation, which is an effort to get in the hands of the Executive the authority to consolidate programs such as the Executive now has for the consolidation of agencies and the like.

In other words, for example, I think there are five agencies that handle sewer and water pollution. If they can consolidate the programs with their varying formulas within an agency, it would be highly beneficial both in cost and the expediting of the programs themselves.

This message will come up Wednesday or Thursday, as I understand it.

SENATOR DIRKSEN: We also discussed the forthcoming message on obscenity. The approach, of course, will be to a modification of postal statutes so that you can put a responsibility on the mailer, make him identify the content on the outside of the package, so that if it is sent unsolicited, the householder or the recipient can readily identify what it is and can either accept it or not accept it.

It probably will be offered as an amendment to something that will be coming along very shortly in connection with postal legislation.

It is of a rather extraordinary interest to me because I have teed off on this general subject and on hard core pornography over a period of time. You will remember in connection with the last judicial nomination that it came rather prominently into the discussion on the Senate floor. Then, too, there was this strike down by the Court of the 27 or 28 cases that came out of California. All of those California decisions were nullified.

MORE

(OVER)



Then, again, it comes up in connection with this recent film, "I Am Curious (Yellow)." I understand there is going to be a sequel called, "I Am Curious (Blue)." It is going to make "I Am Curious (Yellow)" look like some pinkie film, and you have seen nothing yet.

But I have had an amendment pending up there and I am going to offer it to anything that comes along which utilizes a provision in the Constitution where Congress can fix the jurisdiction of the Federal Courts and in this case, you deny to them the review power of a finding by a jury where there is a finding of fact that a given thing, whether it is a letter, or a book or a film is indeed pornographic and obscene.

So I intend to offer that somewhere along the line and then we will see where we are. But it has occurred to me for a long time that that is about the only way you can get at it really, and get around the courts' interpretation of the First Amendment.

Incidentally, the California legislature is considering the same kind of legislation and for all I know, it probably will be enacted during the course of the present session.

CONGRESSMAN FORD: I might supplement what the Senator said. The message involving obscene and pornographic material will be, I think, very favorably considered by the House Committee on the Judiciary and by the Committee on Post Office and Civil Service.

I think that Congress will respond favorably. The House Committee on the Judiciary is about to report out its version of electoral college reform. I understand following that action it will either take up the previous crime message or the message that will be coming on pornography and obscenity.

If I might add to what Senator Dirksen said about the ABM, we hope to get the military authorization bill out of the Committee on Arms Services and get it to the floor of the House. We believe this will be a good test, because in my judgment, the House of Representatives will substantially approve the President's recommendations for ABM.

The Democratic leadership, the Republican leadership, and an overwhelming number of members of the House will support the President on the ABM. This will be laying the groundwork, I think, helpfully, as far as the consideration in the Senate is concerned.

SENATOR DIRKSEN: I mention the fact that the so-called illegal gambling act, or bill, will probably be introduced today. There will be a few sponsors from both sides of the aisle.

I also call attention to a proposal that will be introduced today dealing essentially with civil rights. It will have four titles, one dealing with the selection of juries at the State level to bring them in line with what is required in the case of Federal juries under the Federal Selection Act.



Another title deals with appropriations for the Civil Rights Commission. A third deals with so-called cease and desist orders, insofar as the Equal Employment Opportunity Commission is concerned.

I have taken a rather dim view of granting that kind of authority to any commission. I recall all the discussion we had on equivalent power given to the Federal Trade Commission. Now it is proposing this new bill to give that authority to the Equal Employment Opportunity Commission.

Maybe something can be said for it, if the thing is nailed down, so that you don't impair the rights of the persons against whom the complaint is filed and, secondly, if there is adequate protection by reference to a Federal District Court in the first instance so that always and always there is that immediate right of review without prejudice of the right of the employer or the right of the employee.

It will be introduced today, as I understand, and there are four sponsors: Senator Javits, Senator Hart, Senator Scott and Senator Kennedy.

So there will be a very considerable discussion about it and I suppose long hearings, if it goes to the Committee. But if there is a chance to have it done, I think I will contend that it ought to be referred to the Senate Judiciary Committee.

Q Senator, how would you feel about the nomination of a National Science Foundation man, of any name, should he be opposed to the ABM?

SENATOR DIRKSEN: You say how do I feel about it?

Q How would you feel about it?

SENATOR DIRKSEN: I don't have any bias one way or the other. He may have a lot of other redeeming qualities that might overcome that.

Q Senator, did you discuss with the President your opposition to the nomination of Dr. Knowles?

SENATOR DIRKSEN: I did not.

Q Have you ever discussed that with him?

SENATOR DIRKSEN: Never.

Q Are you still opposed to it?

SENATOR DIRKSEN: I am still opposed.

Q Senator, did you discuss Dr. Long and the President's statement yesterday?

SENATOR DIRKSEN: No.

Q That seems to be in conflict with your feelings on the matter.

SENATOR DIRKSEN: I don't think so.



Q Were you not reported as opposed to Dr. Long as Director?

SENATOR DIRKSEN: When I was asked about it I said I thought under the circumstances I might oppose him.

Q Senator, why are you opposed to Dr. Knowles' appointment?

SENATOR DIRKSEN: That matter has been, shall I say, adjudicated in the sense that I have nothing more to say about it.

Q Senator, what are the chances of passage of the bill vesting greater authority in the Equal Employment Opportunity Commission? You sound as if you would oppose the bill that is expected.

SENATOR DIRKSEN: Definitely not. But I can be opposed to some item in a bill without being hostile to the bill. As a matter of fact, I think what is shaping up is very desirable.

Q You said the matter of Dr. Knowles had been adjudicated. I don't quite understand that.

SENATOR DIRKSEN: I have made all my discussions and that is adjudication for me. I have nothing more to say.

Q For those of us who haven't heard that discussion, can you give us some background?

SENATOR DIRKSEN: No, I don't think so. I don't know why I should.

Q Are you going to make it a matter of Executive or Senatorial privilege to oppose him or allow it to go through?

SENATOR DIRKSEN: On that point, I have nothing to say until we see what happens. If his name should appear, I can always take a second look.

Q Senator, do you have a lot to say about the President's appointments?

SENATOR DIRKSEN: What appointments?

Q Any?

SENATOR DIRKSEN: Well, I don't know that the President confers with me about appointments. They are noticed up at the Senate. They are referred to the proper Committee. The Committee takes action one way or the other. If it is favorable, it goes

MORE



to the Executive calendar and at that point, as a Member of the Senate, not as Minority Leader, but as a Member of the Senate, I work my will. Any Senator can do whatever I can do.

Q Senator, respectfully, that would strike some as sounding as if you are backing down on the Knowles' matter. Is that a correct interpretation?

SENATOR DIRKSEN: I don't propose to be lured into a discussion of the matter. Why not let events speak for themselves? You will find out soon enough.

Q Senator, you are believed to have opposed not only Knowles and Long, but Mr. Driver -- all three of them -- their nominations seem to have come to a stop.

SENATOR DIRKSEN: The Driver matter was suitably ventilated in the press. Mr. Driver resigned. Why should I discuss it any further? I can only say to you when I look into these matters, I do my homework. Put that down. (Laughter.)

Q In terms of your homework, have you done a head count on the ABM to back up -- do you have any kind of ratio you think it will go by?

SENATOR DIRKSEN: I have been fingering a little. (Laughter.)

Q You said you were confident that the ABM would pass in the Senate. What kind of compromise is the Administration willing to offer to get it passed?

SENATOR DIRKSEN: There is no compromise in the offing insofar as I know.

CONGRESSMAN FORD: I think this was clearly stated by the President in conversations with Senator Dirksen and myself, that the President was not compromising. He felt that the Safeguard proposal, as recommended by him, was the minimum that we could undertake for our National security.

Q Senator Dirksen, in your discussion of the matter of obscenity, you mentioned the bill you want to have Congress fix the jurisdiction of the Federal Courts. Does the President support that bill?

SENATOR DIRKSEN: I didn't ask him.

Q Did you talk with the President this morning about the program announced yesterday at HUD on the change in the operation of the Model Cities program?

SENATOR DIRKSEN: No, it wasn't discussed this morning.

Q Did the President express a view about the bill that you were talking about, the equal opportunity bill, Senator?

SENATOR DIRKSEN: No. We had a discussion of the bill that is proposed, but it centered mainly on this question of the enforcement of the cease and desist order.



Q Did he express a view on that?

SENATOR DIRKSEN: He participated in the discussion, without expressing a real hard and fast view.

CONGRESSMAN FORD: I think it is fair to say that the matter will be discussed next week or in the near future again to try and refine it so that there is unanimity on what ought to be recommended.

Q On the ABM, you made a point a minute ago that the President felt that the safeguard was the minimum that he would accept. Was there any discussion of making some other policy choices in the National security field which could be tied in with ABM and in that sense placate some of the critics on Capitol Hill?

CONGRESSMAN FORD: No, there was no discussion of that.

Q Do you know what his attitude is about that?

SENATOR DIRKSEN: It wasn't disclosed and we didn't ask.

CONGRESSMAN FORD: I think it is significant to point out -- and this relates to some extent to what you have raised -- that there are those, I noticed yesterday, who wanted to stop the development of a strategic bomber, thereby knocking out our capability for long range high performance aircraft. I noticed there was some discussion yesterday that we ought to knock out both offensive and defensive capability in chemical, biological warfare. There are people who want to knock out the ABM, strip us of any defensive capability against ballistic missiles.

Where are they going to stop? Do they want to unilaterally disarm America, when we have a serious threat from the Soviet Union?

When you add up this whole package, and I think there must be some concert in the action, I think it is a very serious turn of events as far as the United States is concerned.

Q Are you charging that they are intending to unilaterally disarm America?

CONGRESSMAN FORD: I am simply saying that when you add up all of the things that I see coming from various sources, if you make that total package -- and they achieve their results -- in effect, the United States is seriously eroding their defensive capability against attack.

Q What do you mean when you say a serious threat from the Soviet Union? What is the serious threat?

CONGRESSMAN FORD: If you go back to the speech that is often quoted in part by former President Eisenhower, not the part about the military industrial complex, but the other part, if you will recall, former President Eisenhower warned us against a threat from overseas and warned us that we must be strong militarily in order to preserve the peace and to protect our own National security.



I am not naive enough to believe that the Soviet Union is going to just roll over and take the same kind of actions that some people in America want us to do. They are going to be strong. We have to be strong. This may be the best way to preserve the peace.

But if you do all of the things that some of these people apparently want us to do, put them in a package, I think our military situation at home is in serious jeopardy.

Q Congressman, I think you used the word "concert." Are you suggesting that there might be some central direction to this opposition to the ABM and other military ---

CONGRESSMAN FORD: I have no facts on this, but I see these several steps or recommendations or speeches being made and I can't help but be interested and I just hope that they are not in concert and I trust that they won't be successful in concert.

Q Who are you talking about, sir? Could you call some names?

CONGRESSMAN FORD: The speech made yesterday on the floor of the House of Representatives by Congressman Max McCarthy, in reference to chemical and biological warfare. I can't recall who in the news yesterday advocated the stopping of any development of a strategic long-range bomber, but as I recall, it was some Member of the House or Senate, and, of course, you are as familiar as I am with those who are urging that we not proceed with the minimum program of an ABM.

Q What do you think is their motive in this?

CONGRESSMAN FORD: I don't challenge their motives. I simply say that I think the Congress ought to be very alert not to do all of the things all of these people want or we will find ourselves in the same kind of a serious situation we were in prior to World War II.

Q Mr. Ford, the way you used that word "concert" gives it a devious, even a subversive element in there. Aren't you people in concert trying to get the ABM through? What is wrong with being in concert?

CONGRESSMAN FORD: I said it may appear to be that they are in concert, but those of us who support a minimum ABM program are acting on the basis of a recommendation from the President and on the basis of previous Chief Executives.

This is just one defensive weapon system that is important to the National security of the United States, at least we think so. I don't challenge any motives. I simply say on the basis of the facts this is a program that is needed in the overall picture of our defense setup.

Q Has the President expressed himself about this trend that you mentioned?

CONGRESSMAN FORD: No, the President has not.

MORE

(Over)



Q Senator Dirksen, do you share Congressman Ford's view of this situation?

SENATOR DIRKSEN: Let me simplify it. I know what I think. I know what I believe. If I believe it hard enough, then I will go out and get a few converts to my cause. I am for ABM, period. If I can talk somebody else into it who has some voting power, that will be all right, too, because I will just ask them to share my convictions, period.

Q Senator, do you see a trend toward unilateral disarmament developing among the opposition?

SENATOR DIRKSEN: I wouldn't know. I don't pay enough attention to it, I suppose.

Q To that extent then, you don't agree with Congressman Ford?

SENATOR DIRKSEN: I don't agree or I don't disagree. He has heard speeches over on the House floor. I have heard no comparable speeches over on the Senate floor except people who are opposed to the ABM. They are entitled to their opinion. I don't fuss about it. I don't quarrel because their prerogatives are equal to mine as a Senator.

Q Senator, do you think Congress will pass higher postal rates this year?

SENATOR DIRKSEN: Higher postal rates? Definitely so. It is absolutely necessary if you are going to protect the budget. There has to be additional revenue. Otherwise, your deficit gets larger and larger and goodness knows, that postal deficit is astronomical already.

THE PRESS: Thank you.

END

(AT 10:35 A.M. EDT.)



HOUSE ACTION, PERIOD APRIL 22 THROUGH 28, 1969

Wednesday, April 23, 1969

ELEMENTARY AND SECONDARY EDUCATION

The House passed by record vote of 400 yeas to 17 nays H.R. 514 extending assistance for elementary and secondary education.

PERKINS SUBSTITUTE

The Perkins Substitute was defeated by teller vote of 152 for to 203 against.

The Perkins Substitute:

1. extended the act for 3 years instead of 5
2. retained individual funding for library books, innovation programs, science equipment and guidance and counsel
3. eliminated State and local advisory councils

GREEN OF OREGON SUBSTITUTE

The Green Substitute was adopted by a record vote of 235 yeas to 184 nays.

The Green Substitute:

1. extends the act for 2 years instead of 5
2. eliminates Federal matching requirements, institute block grants for States for library books, innovative programs, science equipment and guidance and counsel
3. eliminates State and local advisory councils



RECOMMITTAL

Prior to passing, the House rejected the recommitment motion by voice vote.

Thursday, April 24, 1969

INVESTIGATION AUTHORIZATION

The House agreed by voice vote to H.Res. 347 authorizing the Subcommittee on Education and Labor to conduct investigation and

study on production of foreign-made goods competing with domestically produced goods and new developments in coal mine safety and health practices in Great Britain.

Monday, April 28, 1969 - District Day

The House passed by voice vote the following Bills:

1. H.R. 254, to authorize the expansion of D. C. Canine Corps
2. H.R. 4182, to authorize voluntary admission of patients, D. C. Training School
3. H.R. 9526, exempting certain public international organizations from D. C. Unemployment Compensation Act

Program Ahead - Tuesday and Balance of Week

H.R. 4153, to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard

H.R. 9825, Civil Service Retirement Amendments

H.Res. 17, to create a Select Committee to conduct an investigation and study of all aspects of crime in the United States

Supp. App. - expenditure ceiling.
Electoral Reform -



Equal Employment Opportunity legislation

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

In the administration of Federal programs, one of the principal needs today is to improve the delivery systems: to ensure that the intended services actually reach the intended recipients, and that they do so in an efficient, economical and effective manner.

As grant-in-aid programs have proliferated, the problems of delivery have grown more acute. States, cities, and other recipients find themselves increasingly faced with a welter of overlapping programs, often involving multiple agencies and diverse criteria. This results in confusion at the local level, in the waste of time, energy and resources, and often in frustration of the intent of Congress.

As a major step toward improved administration of these programs, I urge that Congress enact a Grant Consolidation Act.

Under our present fragmented system, each one of a group of closely related categorical grants is encumbered with its own individual array of administrative and technical requirements. This unnecessarily complicates the planning process; it discourages comprehensive planning; it requires multiple applications, and multiple bookkeeping both by the Federal agencies and by State and local governments.

The legislation I propose would be patterned in part after procedures used successfully for the past 20 years to reorganize Executive Branch functions. It would give the President power to initiate consolidation of closely related Federal assistance programs, and to place consolidated programs under the jurisdiction of a single agency. However, it would give either House of Congress the right to veto a proposed consolidation within 60 days, and it would establish stringent safeguards against possible abuse.

In order to make consolidation possible, it would be necessary in many cases to make changes in the statutory terms and conditions under which individual programs would be administered. Formulas, interest rates, eligibility requirements, administrative procedures, and other terms and conditions of the various programs being consolidated would have to be brought into harmony. The proposed legislation would empower the President to do this in drawing up his consolidation plans -- but only within carefully defined limits. For example:

- Only programs in closely related functional areas could be consolidated.
- Terms and conditions could be changed only to the extent necessary to achieve the purposes of the consolidation plan.
- In setting new terms and conditions, the President would be limited by the range of those already provided in the programs being consolidated. Thus, if a program providing for a 10 percent State matching share were being merged with one providing a 20 percent matching share, he would have to propose a matching share between 10 and 20 percent.

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- No consolidation plan could continue any program beyond the period authorized by law for its existence.
- No plan could provide assistance to recipients not already eligible under one of the programs being merged.
- Responsibility for the consolidated program could not be vested in an agency or office not already responsible for one of those being merged.

The effect of these limits would be to safeguard the essential intent of Congress in originally establishing the various programs; the effect of consolidation would be to carry out that intent more effectively and more efficiently.

The number of separate Federal assistance programs has grown enormously over the years.

When the Office of Economic Opportunity set out to catalogue Federal assistance programs, it required a book of more than 600 pages even to set forth brief descriptions. It is an almost universal complaint of local government officials that the web of programs has grown so tangled that it often becomes impermeable. However laudable each may be individually, the total effect can be one of government paralysis.

If these programs are to achieve their intended purposes, we must find new ways of cutting through the tangle.

Passage of the Grant Consolidation Act would not be a substitute for other reforms necessary in order to improve the delivery of Federal services, but it is an essential element. It would be another vital step in the administrative reforms undertaken already, such as establishing common regional boundaries for Federal agencies, creating the Urban Affairs Council and the Office of Intergovernmental Relations, and beginning a streamlining of administrative procedures for Federal grant-in-aid programs. Its aim, essentially, is to help make more certain the delivery and more manageable the administration of a growing complex of Federal programs, at a time when the problems they address increasingly cross the old jurisdictional lines of departments and agencies.

This proposal would permit rapid action, initiated by the President, while preserving the power of Congress to disapprove such action. It would benefit the intended beneficiaries of the programs involved; it would benefit State and local governments, which now have to contend with a bewildering array of rules and jurisdictions; and it would benefit the American taxpayer, who now bears the cost of administrative inefficiencies.

RICHARD NIXON

THE WHITE HOUSE,

April 30, 1969.

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Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it. Since 1964, the number of complaints to the Post Office about this salacious mail has almost doubled. One hundred and forty thousand letters of protest came in during the last nine months alone, and the volume is increasing. Mothers and fathers by the tens of thousands have written to the White House and the Congress. They resent these intrusions into their homes, and they are asking for federal assistance to protect their children against exposure to erotic publications.

The problem has no simple solution. Many publications dealing with sex -- in a way that is offensive to many people -- are protected under the broad umbrella of the First Amendment prohibition against any law "abridging the freedom of speech, or of the press."

However, there are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have not ruled out reasonable government action.

Cognizant of the constitutional strictures, aware of recent Supreme Court decisions, this Administration has carefully studied the legal terrain of this problem.

We believe we have discovered some untried and hopeful approaches that will enable the federal government to become a full partner with states and individual citizens in drying up a primary source of this social evil. I have asked the Attorney General and the Postmaster General to submit to Congress three new legislative proposals.

The first would prohibit outright the sending of offensive sex materials to any child or teenager under 18. The second would prohibit the sending of advertising designed to appeal to a prurient interest in sex. It would apply regardless of the age of the recipient. The third measure complements the second by providing added protection from the kind of smut advertising now being mailed, unsolicited, into so many homes.

PROTECTING MINORS

Many states have moved ahead of the federal government in drawing distinctions between materials considered obscene for adults and materials considered obscene for children. Some of these states, such as New York, have taken substantial strides toward protecting their youth from materials that may not be obscene by adult standards but which could be damaging to the healthy growth and development of a child. The United States

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Supreme Court has recognized, in repeated decisions, the unique status of minors and has upheld the New York Statute. Building on judicial precedent, we hope to provide a new measure of federal protection for the young.

I ask Congress to make it a federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people.

The proposed legislation would not go into effect until the sixth month after passage. The delay would provide mailers of these materials time to remove from their mailing lists the names of all youngsters under 18. The federal government would become a full partner with parents and states in protecting children from much of the interstate commerce in pornography. A first violation of this statute would be punishable by a maximum penalty of five years in prison and a \$50,000 fine; subsequent violations carry greater penalties.

PRURIENT ADVERTISING

Many complaints about salacious literature coming through the mails focus on advertisements. Many of these ads are designed by the advertiser to appeal exclusively to a prurient interest. This is clearly a form of pandering.

I ask the Congress to make it a federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising.

This measure focuses on the intent of the dealer in sex-oriented materials and his methods of marketing his materials. Through the legislation we hope to impose restrictions on dealers who flood the mails with grossly offensive advertisements intended to produce a market for their smut materials by stimulating the prurient interest of the recipient. Under the new legislation, this form of pandering could bring a maximum penalty of 5 years imprisonment, and a fine of \$50,000 for a first offense and 10 years and a fine of \$100,000 for subsequent offenses.

INVASION OF PRIVACY

There are other erotic, sex-oriented advertisements that may be constitutionally protected but which are, nonetheless, offensive to the citizen who receives them in his home. No American should be forced to accept this kind of advertising through the mails.

In 1967 Congress passed a law to help deal with this kind of pandering. The law permits an addressee to determine himself whether he considers the material offensive in that he finds it "erotically arousing or sexually provocative." If the recipient deems it so, he can obtain from the Postmaster General a judicially enforceable order prohibiting the sender from making any further mailings to him or his children, and requiring the mailer to delete them from all his mailing lists.

More than 170,000 persons have requested such orders. Many citizens however, are still unaware of this legislation, or do not know how to utilize its provisions. Accordingly, I have directed the Postmaster General to provide every Congressional office with pamphlets explaining how each

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citizen can use this law to protect his home from offensive advertising. I urge Congress to assist our effort for the widest possible distribution of these pamphlets.

This pandering law was based on the principle that no citizen should be forced to receive advertisements for sex-oriented matter he finds offensive. I endorse that principle and believe its application should be broadened.

I therefore ask Congress to extend the existing law to enable a citizen to protect his home from any intrusion of sex-oriented advertising -- regardless of whether or not a citizen has ever received such mailings.

This new stronger measure would require mailers and potential mailers to respect the expressed wishes of those citizens who do not wish to have sex-oriented advertising sent into their homes. These citizens will put smut-mailers on notice simply by filing their objections with a designated postal authority. To deliberately send such advertising to their homes would be an offense subject to both civil and criminal penalties.

As I have stated earlier, there is no simple solution to this problem. However, the measures I have proposed will go far toward protecting our youth from smut coming through the mails; they will place new restrictions upon the abuse of the postal service for pandering purposes; they will reinforce a man's right to privacy in his own home. These proposals, however, are not the whole answer.

The ultimate answer lies not with the government but with the people. What is required is a citizens' crusade against the obscene. When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.

RICHARD NIXON

THE WHITE HOUSE,

May 2, 1969

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CONGRESSMAN
GERALD R. FORD
HOUSE REPUBLICAN LEADER

**NEWS
RELEASE**

--FOR IMMEDIATE RELEASE--
May 5, 1969

Remarks by Rep. Gerald R. Ford, R-Mich., placed in the Body of the Congressional Record of Monday, May 5, 1969.

Mr. Speaker: Congress has struggled long and unsuccessfully to cope with the problem created by the mailing of obscene material. Now the Nixon Administration has come up with three proposals which offer genuine hope of curbing this despicable activity of the smut profiteer.

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

But President Nixon appears to have found the means of stopping the flood of obscene mailings. This mail is aimed at expanding the smut peddler's market and is therefore directed to our youth and to adults as well.

In the case of our young people, President Nixon is proposing an anti-obscene mail law which is based on a New York statute already upheld by the U.S. Supreme Court. This law would place a flat ban on the sending of obscene materials to any young person under 18. The court has indicated that such a blanket prohibition on the mailing of offensive sex materials to under-18 Americans will be upheld because of the age of those involved.

The other two of the Nixon Administration's anti-obscenity proposals involve mailings to adults. I strongly support these proposals as well as that dealing with young people. It is long past time that the courts recognize there must be a basis in law to support the desire of decent Americans to curb the smut peddler.

The people rightly are looking to the Federal Government for protection from the flood of pornographic mail. The laws now on the books have definitely proven inadequate.

President Nixon's anti-obscenity proposals constitute a reasoned and workable approach to a most difficult problem. I intend to press for prompt enactment of his recommendations. I would expect that the Congress would welcome Mr. Nixon's legislative initiative in this problem area.

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