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Senate

The Senate met at 9:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

Rabbi Morton M. Kanter, Congregation Beth El, Detroit, Mich., offered the following prayer:

Our Heavenly Father, King David's Psalm implores:

Seek peace and pursue it.—Psalm 34: 14.

The rabbis who came late said: "You must seek peace in your own place and pursue it even to another place as well." (Leviticus Rabbah, Tzav, IX, 9).

We seek Thy guidance and inspiration for those who are charged with the great responsibility of directing the affairs of our Nation. May Thy spirit dwell richly within them as they manifest abiding courage and sincere faith to work for freedom, justice, and peace within our Nation and throughout the earth. Grant them loving kindness and patience, understanding and foresight so that they will ever be warmed by Thy love and nurtured by Thy teachings.

Bless, O Father, all the people of our country. In our relations with one another, may we ever remember that we are all equally dependent upon Thee. Bring us together in an indissoluble bond of friendship and brotherhood, that, unitedly, we may promote the welfare of our country and increase the happiness of our fellow men. Hear Thou our prayer and bless us with strength and peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 8, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Joseph F. Donelan, Jr., of

New York, to be an Assistant Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Charles J. Nelson, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana, to the Kingdom of Lesotho, and to the Kingdom of Swaziland.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INFORMATION

The legislative clerk read the nomination of John Shaheen, of Illinois, to be a member of the U.S. Advisory Commission on Information.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1985, THE TRUTH-IN-FOOD LABELING ACT—REFERRAL TO COMMITTEE ON COMMERCE UNDER CERTAIN CONDITIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1985, the Truth-in-Food-Labeling Act, which has

been referred to the Committee on Labor and Public Welfare, be referred to the Committee on Commerce for a period not to exceed 30 days if and when it is reported to the Senate by the Committee on Labor and Public Welfare.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1991—CHANGE OF REFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged from the further consideration of S. 1991, a bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Company Holding Act of 1953 to provide housing for persons of low and moderate income, and that the bill be referred to the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of unobjected-to items on the calendar beginning with Calendar No. 136.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISPOSITION OF JUDGMENT FUNDS OF THE SNOHOMISH TRIBE, THE UPPER SKAGIT TRIBE, AND THE SNOQUALMIE AND SKYKOMISH TRIBES

The bill (H.R. 1444), an act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-140), explaining the purposes of the measure.

dren, grandchildren" and his grandchildren's children. Will he want them to live in a world that is better than the one he is living in now, or will he ignore this call and be indifferent to the whole situation. Today's eighteen year old is tomorrow's leader, and the future is in his hands. He has to vote for Congressmen and candidates for office who are best qualified. He must see through their false promises and corruption and pick out the true leaders for himself and his loved ones.

These are some of the endless responsibilities of the eighteen year old voter. But most of all, above all other responsibilities, when he is granted the privilege, he must vote. And vote knowingly. For it is very true that the future of America, of the world, and of everything is in the hands of the young.

FRAME-UP

Mr. MATHIAS. Mr. President, April 4, 1968, the date of the assassination of Dr. Martin Luther King, was a tragic day for all Americans. For all of us, it is a day which represents the loss of a great leader.

Such tragic events are inevitably explored from every angle, and speculations continue long after official verdicts have been rendered. In an effort to examine the events of April 4, Harold Weisberg, a constituent of mine, has written a book entitled "Frame-Up," in which he explores some new aspects of the death of Martin Luther King. While not all of us may agree with Mr. Weisberg's conclusions, all of us do have an obligation to inspect every side of such an issue before coming to a personal decision.

Mr. Weisberg's perspective on the slaying of Dr. King was reviewed by Fred J. Cook in the Saturday Review. Mr. President, I ask unanimous consent that this review, which details some of Mr. Weisberg's contentions, be printed in the RECORD.

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

FRAME-UP: THE MARTIN LUTHER KING/
JAMES EARL RAY CASE
(By Harold Weisberg)

On March 10, 1969, in a Memphis courtroom, the curtain rose on one of the most brazen travesties of justice ever to disgrace America. James Earl Ray, the accused killer of Dr. Martin Luther King, Jr., was to go on trial. But there was no trial. There was instead a deal between judge, prosecutor, and defense attorney. Ray would plead guilty in exchange for a life sentence, and the court would return the verdict so much desired by the American Establishment: Ray had acted alone.

The drama ran as smoothly as a well-plotted Hollywood film—up to a point. Then James Earl Ray spoke. He did not agree, he said, with Attorney General Ramsey Clark and FBI Director J. Edgar Hoover, who had been insisting there was no conspiracy. Here was the man who had to know, and, at some risk to himself, he was telling the court that the script was phony. Defense Attorney Percy Foreman, who had had to browbeat his unwilling client into copping a plea instead of standing trial, leaped into the breach. It was not necessary, he said, for Ray to accept everything; all that mattered was that he was pleading guilty to the crime. Was he? The judge asked. Yes, Ray said, and the juggernaut of official machinery rolled over his feeble but courageous protest.

Harold Weisberg, a onetime government investigator who has devoted himself to a

pursuit of the ignored or suppressed facts about political assassinations, has now turned to the case of James Earl Ray in the book he calls *Frame-Up*. He does not doubt that Ray was implicated in the King assassination, but his thesis is that Ray filled the same role Lee Harvey Oswald did in the assassination of President John F. Kennedy in Dallas. In Weisberg's view Ray like Oswald, was not the killer; he was the decoy, the patsy, the man meant to be caught.

Weisberg shows that in the King case, just as in Dallas, a baffling use was made of doubles. Just as there is evidence that two men used the name of Lee Harvey Oswald, so is there evidence that someone besides James Earl Ray knew and used some of his various aliases. Here are a few of the points Weisberg raises:

Ray's arrest at Heathrow (London) Airport, June 8, 1968. According to Scotland Yard, Ray, traveling under the name of Ramon George Sneyd, came into the airport about 6:15 a.m. on a flight from Lisbon. While awaiting for his plane to refuel and fly on to Brussels, he wandered unnecessarily into the immigration section for incoming passengers and was spotted and detained. But on that date a man using the name of Ramon George Sneyd was living—and had been for several days—at the Pax Hotel in London. He left about 9:15 the same morning to catch a plane for Brussels. The FBI's reconstruction of the case was based upon the proposition that Sneyd No. 2 was really Ray. The landlady of the Pax was subpoenaed for possible appearance in the Memphis farce, which the press dubbed "the minitrial." She said afterwards that she had been warned by an FBI agent, accompanied by four Scotland Yard operatives, that she was only to answer the questions she was asked—she was not to volunteer anything. When she remarked that she had found a hypodermic syringe in "Sneyd's" room after he left, she was "virtually told" she must be lying because Ray was not a narcotics addict. Was this all just some kind of official foul-up in announcing the details of Ray's arrest? No; as Weisberg shows by correspondence he reproduces, Scotland Yard was insisting in November 1968—five and a half months later—that the man it had arrested arrived on a Lisbon flight. Who, then, was the man at the Pax who had been using Ray's alias?

The two white Mustangs. The official version states that after Ray shot Dr. King from the bathroom window of a Memphis flophouse, he made his escape in a 1966 white Mustang he had purchased secondhand in Birmingham, Alabama. He drove some 400 miles through the night and abandoned the car in an Atlanta parking lot, where it was not discovered for days. But there was abundant evidence that two similar white Mustangs were parked in the street near the flophouse at the time of the slaying. According to eyewitnesses, both had red and white license plates—one set were Alabama tags, the other Arkansas. Furthermore, the Mustang which Ray had purchased in Birmingham had an automatic shift, while the one abandoned in Atlanta, with Ray's license plates on it, had a stick shift. The ashtray of the abandoned Mustang was overflowing with cigarette butts—and Ray does not smoke. No mention of model or serial numbers, which would have identified the Mustang positively, was made at the Memphis minitrial, and, though the car must have been splattered with fingerprints, there was no indication that the FBI had found a single print of Ray's in this, his supposed getaway car—evidence that almost certainly would have been flaunted, if it existed, to rivet the case beyond doubt.

The duplicate driver's license. In early March 1968 Ray was in Los Angeles attending bartender's school and getting his pointed nose clipped by a plastic surgeon. Records establish his presence there beyond

doubt. But, at this very time, the Alabama Highway Patrol received a telephone call from a man calling himself Eric Starvo Galt (the alias Ray had used in Birmingham). The caller said he had lost his driver's license and needed a duplicate, and gave the address of the Birmingham rooming house at which Ray had stayed. The duplicate license was mailed; the small fee required for this service was promptly paid—and Ray was not in Birmingham, but in California, nearly a continent away. The evidence seems unchallengeable that someone other than Ray—the roominghouse proprietor could not say who—had picked up the duplicate license and mailed the fee.

The telltale bundle. According to the official version, Ray, after shooting King, walked out of the flophouse, deposited a bundle almost in the doorway of an adjacent cafe, strolled down the street, and drove off in his Mustang. The bundle contained the rifle Ray had purchased and which supposedly did the killing, put carefully back into its cardboard carrying case and wrapped in a green bedspread, along with a pair of binoculars which Ray had bought that very afternoon and which were decorated with his fingerprints. There was also a shaving set he had purchased the day before—and, most helpful of all, a transistor radio he had acquired while in Missouri State Prison, with his prison number stenciled on it. Weisberg holds that it defies belief that the real killer would have taken the time to insert the rifle in its case and wrap up all these articles, then just drop them on the street instead of taking them with him in the Mustang. Such action, he argues logically, can be reconciled only with the role of a man serving as decoy in an elaborate plot.

Evidence that Ray fired the shot. There is none. The medical examiner's testimony at the minitrial failed to establish the first essential—the trajectory of the shot that killed Dr. King. *Paris-Match* tried the experiment of re-enacting the crime and found that the killer would have had to be a contortionist to have fired from the bathtub, as was alleged. Ballistics testimony was worthless. Dr. King had been killed by a soft-nosed dum-dum bullet; when it struck it exploded and fragmented. The prosecution claimed the largest fragment was "consistent" with a shot fired from Ray's rifle. That is the very word used by a corrupt prosecution in the Sacco-Vanzetti trial, when a police expert who was convinced fatal shots had not been fired from a given revolver was asked whether it was "consistent" that they had. He could answer "Yes," since the shots had obviously been fired from a revolver. So here "consistent" means only that the bullet fragment came from a rifle. The term that so deceived press and public does not meet the first requirement of proof—that the ballistics expert be able to testify the shot came from Ray's rifle and no other.

There is more, much more, in Weisberg's book. There is the question of how Ray, alone and unaided, a stranger in Canada, managed to come up with aliases that were the real names of three living men who looked much like him, in one case even to a similar scar on the face. There is the mystery of his free-spirited, cross-continental Canadian-Mexican spree, and of how a penny-ante crook like Ray came by so much money. There is the business of the phony police radio broadcast on the night of the assassination, graphically describing a gun battle with a fleeing car, which led police north out of Memphis and away from the assassin's escape route. The reek of conspiracy is on everything.

Weisberg is an indefatigable researcher. Unfortunately, he is not a skilled writer. His book suffers from lack of organization and conciseness. He mentions an issue in passing, then pages or even chapters later he goes back and worries it. He repeatedly lashes out

at virtually all concerned in the minitrial as liars and scoundrels, devoting long passages to denunciation instead of the cool presentation of evidence. Though his indignation is in most instances thoroughly justified, it gets in the way of the story.

But when all this has been said, Welsberg remains invaluable. He has pursued the facts, and they are there, buried in the mass of his book. And they are facts that lay claim to the conscience of America. For it should be clear by now that, if the assassinations of some of the nation's most outstanding leaders are to be dismissed with the "one man-no conspiracy" refrain, there will be no deterrent to conspiracies in the future whenever hate may point the way and pull the trigger. And, in that event, this greatest of democracies will have been reduced to the status of a Latin American banana republic. That is the issue.

EQUAL EMPLOYMENT OPPORTUNITIES FOR WOMEN

Mr. WILLIAMS. Mr. President, in the month of June, every year, thousands of young Americans graduate from high schools and colleges and begin their working careers. Unfortunately, because of discriminatory practices in hiring, promotion, and pay, many of these young people will have one strike against them before they ever start work.

Job discrimination comes in many forms, and is directed against many different groups of Americans. Certainly, we are all painfully aware of the discrimination practiced on the basis of race.

However, it is perhaps a lesser known fact that job discrimination based on sex, is nearly as pervasive in our society as is discrimination based on race.

There can be no question that there is widespread discrimination against women in hiring, promotion, and pay practices throughout this country. This situation is making a mockery of our efforts at the Federal level to mandate equal employment opportunity, and I believe Congress should move quickly to correct it.

I have recently introduced a bill, S. 1861, which would raise the minimum wage and extend the minimum wage and overtime protective provisions of the Fair Labor Standards Act to millions of workers. It would also amend the Fair Labor Standards Act to make its equal pay protections applicable to executive, administrative, and professional employees.

Recently, a Presidential Task Force on Women's Rights and Responsibilities recommended in a report to the President entitled, "A Matter of Simple Justice," that the FLSA be amended in the manner I have proposed.

I would like to take note of the fact that the senior Senator from Michigan has also introduced legislation in the current Congress, as he did in the last, which would extend the equal pay protections of the Fair Labor Standards Act to executive, administrative, and professional employees. Senator HART has also testified before the Senate Labor Subcommittee in favor of the provision of S. 1861 which would accomplish the objectives set forth in his proposal S. 1529. I would like to thank Senator HART for his support and for his untiring efforts to see that equal pay protections

are made applicable to all occupational levels.

Before discussing further facts which support the need for an extension of equal pay protections to executive, administrative, and professional employees, I would like to dwell for a moment on some shocking figures which have recently been released by the Census Bureau.

Under the existing legislation, the Equal Pay Act of 1963 and title VII of the Civil Rights Act of 1964, one would hope that things were getting better for the woman worker. However, the new census data indicates that the situation remains bleak for the working woman.

Poverty increased in our Nation last year for the first time in a decade, by about 1.2 million persons, and the most heavily affected were families headed by women. Over half of these 1.2 million persons were members of families headed by women. About one-third of the total—432,000—were members of black families headed by the mother.

S. 1861, in raising the minimum wage, is designed to help obtain a living wage for all family heads. But, it is apparent that a greater effort is needed to enforce existing laws, and to expand them, in order to guarantee all persons equal pay for equal work.

In extending the coverage of the FLSA minimum wage and overtime protections, S. 1861 will also extend the equal pay guarantees of the act to many of the lowest paid women workers who are not currently covered by the minimum wage. While this protection is essential, the provision of S. 1861 which would extend the Equal Pay Act to cover executive, administrative, and professional employees is equally important.

There are many different statistical studies which are available that support factually my amendment. One of these reports is entitled, "Fact Sheet on the Earnings Gap," and is published by the U.S. Department of Labor's Women's Bureau. In this report statistics indicate that in 1955 the median wage or salary income for women was \$2,719, or approximately 64 percent of the median wage or salary for men, \$4,252. Nearly 15 years later, and after the passage of the legislation that I have mentioned, we find that the median wage or salary for women was \$4,977 in 1969, compared to \$8,227 received by men. This represents only 60 percent of income received by male workers. Let me emphasize that these are median income figures—not averages.

In yet another report by the Women's Bureau, entitled "Fact Sheet in Professional and Technical Positions," we find that women are also vastly underrepresented in most technical and professional fields. The fact sheet states:

Although women are heavily represented in the health fields, in 1969 only 7 percent of physicians were women. Similarly women had only a token representation among scientists (9 percent), lawyers (3 percent), and engineers (1 percent).

One of the reasons for this underrepresentation seems related to traditional difficulties at the entrance stage of the career ladder. Furthermore, if a

young woman knows that she will quite likely be paid less than her male counterpart for doing the same technical, managerial, or professional work, that knowledge is bound to inhibit her from embarking on one of these careers.

It is time that we stopped thinking of males as the only breadwinners in this country. We must assure that women receive the same employment and promotional opportunities, and the same compensation, as men.

As a matter of basic justice, equal pay protections must be extended. Current discrimination is clearly evidenced by the statistics that I have referred to today.

When the Equal Pay Act amendments to the FLSA were debated in 1963, it was argued that the requirement should remain coextensive with minimum wage coverage. Inasmuch as executives, administrative, and professional employees were excluded from minimum wage and overtime coverage under the FLSA, an argument was developed around the difficulties of enforcement, if equal pay protections were extended beyond occupations covered by the normal FLSA enforcement mechanisms.

However, since 1963 the Department of Labor has begun to develop effective enforcement machinery for equal pay violations. There are now well established lines of judicial decisions to aid in enforcement. In addition, the Department has also gained a great deal of experience in enforcing equal pay cases over the years. Thus, while S. 1861 does not eliminate the exemption for executive, administrative, and professional employees from minimum wage and overtime requirements, it is time to eliminate the exclusion of these groups of employees from equal pay protections.

It is time that we guaranteed to every working woman, no matter what her occupational status, that she will receive equal pay for equal work. I believe my proposal would go far in that direction.

Mr. President, I ask unanimous consent that four reports be printed in the Record at the end of my remarks. These reports offer strong evidence which supports my proposal, S. 1861, to extend equal pay protections to executive, administrative, and professional employees. The reports are all published by the U.S. Department of Labor's Women's Bureau. They are entitled: "Fact Sheet on the Earnings Gap;" "Fact Sheet on Women in Professional and Technical Positions;" "Background Facts on Women Workers in the United States;" and "Under Utilization of Women Workers."

There being no objection, the reports were ordered to be printed in the Record, as follows:

FACT SHEET ON THE EARNINGS GAP

A comparison of the median wage or salary incomes of women and men who work at full-time jobs the year round reveals that while those of women are considerably less than those of men, the difference was less in 1969 than it had been in recent years. The gap, however, was wider than it was 10 to 15 years ago. For example, in 1955 women's median wage or salary income of \$2,719 was 65 percent of the \$4,252 received by men. By 1966 the proportion had dropped to 58 percent, where it remained through 1968. But in 1969 women's median earnings of \$4,977 were 60 percent of the \$8,227 received by men.



CHARLES McC. MATHIAS, JR.

UNITED STATES SENATOR

MARYLAND