

Summer 1977

Our next witness is Mr. Ken Wooden, who is an author and also an investigative reporter for CBS "60 Minutes."

Mr. Wooden, sometime ago a book, "Weeping in the Playtime of Others" which was a rather dramatic exposé unfortunately rather accurate, of the problems of institutionalization of children in this country, and it is sort of with special thanks that I welcome him here today. It was almost 2½ years ago that Mr. Wooden and I and a lot of other people sat in this room, and there were only 12 or 13 of us, talked about what we could do about institutionalization of children, and also I think it is related to this hearing because in terms of the runaways much of the problems we have we don't have alternatives for these children and I would like to tell Mr. Wooden just on my own behalf 2½ years later on Monday or Tuesday of next week this House will vote on H.R. 7200, which will dramatically change the foster care system in this country and hopefully never again will the accounts that took place in your book happen, and if we are going to move a child out of his home or out of a relative's home there is going to be a showing that it is to the benefit of the child and not to the convenience of the State, as you so clearly depicted in the issue of banishment and overinstitutionalization of children. I welcome you and look forward to your testimony.

TESTIMONY OF KENNETH WOODEN, DIRECTOR, NATIONAL COALITION OF CHILDREN'S JUSTICE, WASHINGTON, D.C.

Mr. WOODEN. I thank you and I commend you, Congressman Miller, for hanging in there during that long period of time.

I thank the committee for letting me come here and express my views.

Before I forget, I do want to comment about foreign mail and foreign pornography coming into this country. I would like to caution the Congress from making foreign interests the culprit in all kiddie porn in America. We found when I was working with CBS on the "60 Minutes" program that there are mail forwarding services in this country and out of the country. We ordered some material, I think it was from Denmark and the postmark on the material we received was Washington, D.C. Now, I think it would behoove the committee and some of your investigators to go and see how many of the addresses in Copenhagen and London are truly porno operations or simply mail forwarding services to this country, because we did find one.

In October of 1976, with the support of the National Coalition for Children's Justice and following the arrest of Rev. Bud Vermilye for running a porn operation from his Boys' Farm in Monteagle, Tenn., I began an extensive investigation of children's sex and pornography throughout the United States. Reverend Vermilye contacted me as a result of my appearance on the Today show and my book, Weeping in the Playtime of Others. He requested assistance from me in obtaining a boy from the State of Tennessee. His publicity, which I now make available to this committee, proved to be extremely interesting after his sexual exploitation of children came to light.

My investigation lasted 9 months—actually, it still continues—thanks to the cooperation and trust of police departments, social workers, district attorneys and the children we all profess to protect. In January of this year, I collaborated with CBS "Sixty Minutes" on the program, Kiddie Porn, which was aired May 15. That program was the visual results of an investigation which took me into the following States: California, Washington, Colorado, Texas, Nebraska, Kansas, Louisiana, Iowa, Illinois, Tennessee, Michigan, Virginia, Georgia, Florida, New Jersey, Pennsylvania, New York, Rhode Island, and Massachusetts.

Child sex and pornography is an interrelated, massive industry, a deeply rooted phenomenon in our society that has insidious ramifications for every child and concerned parent. We now know it is not simply a multimillion dollar film-picture industry with distribution and related activities centered in large cities and their adult book stores. Instead, the largest bulk of kiddie porn is "brown bag" material (homemade) (see exhibit A and B)—inexpensive 8 millimeter film, sound cassettes and 35 millimeter home processed photos, along with magazines and ad letters.

We also find men (mainly)—chicken hawks—preying on the young (chickens) in small towns in Maine, Oklahoma, Colorado, Texas, Florida, et cetera, and in organizations once thought safe by parents—Boy Scouts, private schools, summer camps, church groups, children homes, et cetera. No child is safe from these adults who reap sexual as well as financial gratification from their victims. The material produced from their exploitation, like a stick in a stream, is swept into the interlocking streams of post office boxes and finds its way to the delta of national distribution.

I am convinced that the use of adult book stores as outlets for child pornography is but the tip of the distribution iceberg: The vast bulk is carried through the mails. I have read scores of letters exchanged by adults across this country which document my premise. The following are portions of three letters, the first from a convicted Boy Scout leader in New Orleans:

* * * Very good on Nelson's comment on young girls * * * sure would enjoy a home-made movie along those lines. Does he have any slides or pictures of an (undecipherable)? Sure would enjoy seeing some. * * * I have decided to loan you and Dave and Church movies * * * please return within a week * * * and I hope sincerely it will inspire you to make a movie there to share with me.

A second letter:

Honey I am glad that you like the dark room equipment I sent to boys farm. I knew they could make good use of it.

A third letter-ad:

Special attention * * * Couple, experienced movie and still photographers, would like to hear from families and especially children for discreet documentary film and for still shots * * * we love children.

I would like to comment here on the role of the Federal Bureau of Investigation. On May 8, the Chicago Sun-Times carried an article stating that the FBI "is attacking Kiddie Porn" and that "the flow of child porn (there) has slowed to a trickle * * *." Mr. Chairman, that simply is not so and never has been the case. During the crucial period

The 1977 segment
heavily influenced
public policy

Busch

of piecing together the national child porn scandal, the FBI stood far removed from local police departments and their own integrity, as city and county law enforcement officers tried to cope with a national investigation without national resources. Many police departments could make only collect long distance phone calls. Los Angeles' Children's Sex Abuse Unit, a special division headed by Sgt. L. Martin, told me they lacked the proper equipment and cars to fight the rising epidemic of child porn in that city. FBI agents walked out of a meeting in Boston between Massachusetts and Louisiana police and never returned. Without exception, every police department or district attorney I worked with voiced combined frustration and bitterness when the FBI's responsibility was discussed.

During this past winter, as the story was being put together like a massive picture puzzle, the chief spokesman for the FBI in Washington, D.C., Mr. Thomas Coll, told Christian Science Monitor reporter, Robert Press, that they lacked the jurisdiction to intervene in child pornography unless it occurs on an Indian Reservation, which only then makes it a Federal offense. Since sexual abuse of children isn't a Federal offense, the FBI maintains no separate statistics on its frequency and according to Mr. Coll, he "(doesn't) think such data would be available anywhere."

Because the Federal Bureau of Investigation lacked the interest and/or will to help local law enforcement agencies on this issue, the National Coalition for Children's Justice acted as a national resource investigation center for both police and district attorneys. I respectfully submit to the Congress, however, that the modest budget of the NCCJ can no longer carry the FBI because they are heavy—heavy in the knowledge that they lacked the foresight to combat a hideous crime against children. Because of their irresponsibility, untold numbers of children are currently enduring sexual exploitation that all decent peoples abhor.

Child porn has not slowed to a trickle. As recently as 2 weeks ago, the outlet I have been monitoring through the mails was very much like a mountain stream after winter snows have melted—a flood of filth, overflowing the banks of post office boxes, credit companies, and bank accounts. There is nothing you can't obtain via the mail with your Master Charge and/or Bank Americard (exhibit C)—from hard core kiddie porn (age 4 to 16) to actual sex with the child model of your choice. (Exhibit D and E). And all this goes unchecked by postal authorities with their effective laws that are not enforced and ineffective ones that are enforced.

Let me cite four examples:

One. I requested, by mail, child porn material from 40 different distributors. Three of my letters were opened and returned by the post office with the following reply:

DEAR POSTAL CUSTOMER: The enclosed letter was undeliverable as addressed and contained no visible return address. This accounts for the delay in return and the 20 cents service charge. It is suggested that you place your complete address, including ZIP Code number in the upper lefthand corner on the front side of envelopes mailed in the future.

"LIM P. LEE, Postmaster."

Two. Rules for use of Post Office boxes state: "Post Office boxes or caller service may not be used for any purpose prohibited by postal regulations."

I believe enforcement of Postal Law Title 24, section 1461: "Mailing Obscene or Crime-Inciting Matter" (see exhibit F) could succeed in cleaning out the neglected work of postal authorities whose Post Office boxes provide a haven for photos and films of children who most certainly will be destroyed for life.

Three. A person receiving porn mail can fill out postal form 2201 (exhibit G) which requests that they "not receive sexually oriented mail". All such names are compiled on a monthly master list which, in accordance with Postal Law Title 39, section 3010 (exhibit H) is sold by the Postal Service to smut distributors—if they wish to purchase and/or honor them! I leave the logic and effectiveness of such a statute with you to ponder.

Four. When I recently interviewed Postal Inspector Kurt Similes of the Washington, D.C. L'Enfant Plaza West Office about the progress of their campaign to clean up the mails, he stated that no new postal directives concerning child pornography has been passed on to employees and that they can only inspect and investigate when there is a complaint.

With that knowledge, therefore, Mr. Chairman, for the kids we are charged to protect and on behalf of the National Coalition for Children's Justice, I would like to make a formal public complaint against the following groups, companies and people who may be in violation of postal laws as defined by the Congress:

One. The Broad Street Journal (The Best & Most Popular Personal Ad Listing Service), P.O. Box 337, Milliken, Colo. 80543 (exhibit I).

Two. Boy Studies, Timely Books & Overstock Book Co., 519 Acorn St., Deer Park, N.Y. 11729.

Three. T.B.C. (Teddy Bear Club), P.O. Box 91, Sinclair, Maine 94109 (exhibit J).

Four. Team, 1255 Post Office Street, Suite 625, San Francisco, Calif. 94109 (exhibit K).

Five. Hermes, P.O. Box 802, North Chicago, Ill. (exhibit L—tape cassette of a house parent seducing a boy in a boys' home. Instructions on how to infiltrate Boy Scouts, church groups, etc.)

Six. New World Sales, 7247 Eccles, Dallas, Tex. 73227.

Seven. CC, Box 85417, Hollywood, Calif. 90072.

Eight. Club-FW, 216 W. Jackson, #6121A6, Chicago, Ill. 60606.

Nine. Hollywood Color, Box 27932, Hollywood, Calif. 90027.

Ten. Mrs. Ingrid Johannsen, P.O. Box 924, Houston, Tex. 77001.

While most agree that child sex and pornography is basically a boy-man phenomenon, I still believe that the victims of the most outrageous and hardest core porn I have encountered are the young girls being raped day by day in city and county jails across the country. It is a fact too that Chicago girls in summer camps have been used in porno films and still pictures. And tragically, many social workers have simply given up on the frequency with which young daughters and foster care daughters are used as sexual playthings by poorly chosen foster parents or real fathers with serious incest problems. It is a problem that neither child nor parent can handle or cope with.

What can be done? I have been out of the country for the last week, so hope I will not go into what has already been discussed. However, I so want to stress four areas that have been lacking in testimony I have followed to date:

One. Children need protection. The U.S. Justice Department should organize within its agency a Child Protection Division as soon as possible, comprised of criminal and civil rights lawyers and newly trained FBI agents to investigate the criminal and civil exploitation of children. Adults who have traditionally abused children must know the long arm of justice will begin protecting our most vulnerable resource—American's youth.

Two. No organization, and that includes churches and their affiliates, should be free from filing financial records and reports (IRS form 990) for the public record. Without this basic information, kids are at the financial and sexual mercy of their keepers. Those who are honest do not resent the light of public sunshine laws.

Three. Fingerprinting and fingerprint checks should be made mandatory Federal laws. The Privacy Act should be amended to exclude the criminal sexual crimes against children by adults seeking employment that involves the young. A personal note: Before I started college in 1958, I classified fingerprints for the New Jersey State Police. Once a week I checked prints of adults seeking work as school bus drivers. I always "caught" six to eight people with long criminal records of sexually molesting children. That method of screening in New Jersey was certainly a safeguard. Now, however, because of the Privacy Laws, a Boston school bus driver's record, dating back to 1950 (a total of 11 years in jails, institutions and hospitals for sexual crimes) was not screened until he had added another 12-year-old boy and 13-year-old girl, both retarded, to his growing list of rapes.

Four. Most important of all, many of the kids which we interviewed for "Sixty Minutes" were either recently released from institutions or had run away from home and themselves. With an average 3d grade reading level, rejected for employment by a labor market whose unskilled jobs have diminished from 17 percent in 1960 to 5 percent in 1975, and void of dreams of a future, they become prey for child porno businessmen or sex offenders, because this country has never been willing to cross the last frontier of human rights and opportunity for its children.

Do not, Mr. Chairman, pass a porn law and forget about the basic needs of America's kids today. If you do, I fear this country, like the community of Waukesha, Wis., will be forced to repeat the child sex scandal of 1977 with still another ten years hence. If however, this Congress and new administration will make children a true priority, the lines of D. H. Lawrence will have renewed meaning for them:

"Not I, not I, but the wind that blows through me

A fine wind is blowing a new direction of time.

If only I let it bear me, carry me; if only it carry me!

If only I am sensitive, subtle, oh, delicate, a winged gift,

If only, most lovely of all, I yield myself and am borrowed

By the fine, fine wind that takes its course
through the chaos of the world " " " "

One very, very last point, Mr. Chairman. After this testimony I am going to be looking at the very interesting congressional hearings in the 1950s, congressional hearings on the very subject, congressional hearings that discussed a ring of porno operations and a ring of sex abuse around the United States. It is going to make very interesting

Same shit in
The 1950s.

reading because I am afraid we are recycling a scandal and until we really get tough and until we go after those exploiting children and until the Congress makes children the priority, I am positive we will have another hearing on this 10 or 20 years hence.

Mr. MULLER. Thank you.

Mr. KILDEE [now presiding]. Thank you very much.

You indicated that you wanted to formally request to file a formal complaint against certain groups with the U.S. Postal Service. Have you done that directly?

Mr. WOODEN. Well, in writing, after today's hearings, positively to the postmaster.

Mr. KILDEE. You have done that?

Mr. WOODEN. We will have after the hearing today.

Mr. KILDEE. Very good.

Mr. Ertel.

Mr. ERTTEL. Thank you Mr. Kildee.

I was interested in your comment that most or a great percentage of this is brown bag porn. How in fact do you suggest that the Congress attack that?

Mr. WOODEN. I think under child abuse.

Mr. ERTTEL. But we have to have jurisdictional hook. That is within the State prerogatives as long as they stay within the State lines. Do you have a suggestion as to how we approach that, possibly asking Justice to draft a uniform statute which could be enacted within each of the States?

Mr. WOODEN. I am not a lawyer, Mr. Congressman, but I do think if you tighten up legislation dealing with child abuse and make it a very serious offense to photograph a child and then sell the photograph, like the good minister was doing in Tennessee, it would help to curb that. Two, I really think that the Post Office should clean up their act.

I have a brother who worked with the post office. I used to work for the post office at Christmas time. They know what comes back on return to sender mail. They know the material that is coming back and they can clean up their P.O. boxes. I think to really help on the brown bag aspect of it, the postal authorities should really tighten up on who is taking out the P.O. box number. We have found with "Sixty Minutes" that the distributors would hire winoes, people like that, to be the front for the P.O. box number, and the real owner was removed several times back.

I think the post office could become much more secure and more aggressive in this area than they have.

Mr. ERTTEL. What you are saying, basically, is that there is a lack of priorities within the law enforcement establishment?

Mr. WOODEN. Yes, sir.

Mr. ERTTEL. Which is basically within the executive branch of Government.

Now, we can enact laws here, we can emphasize that we want a change of priorities in their enforcement, but I don't think we can correct. I think that is beyond our power.

Mr. WOODEN. I disagree to a point because if there is fingerprinting of people that work within public and private facilities where

children shall be kept at public expense you could screen out a lot of people who are into this activity. You could screen out a lot of people. How are we going to protect the children?

Mr. ERTEL. I prosecuted a lot of these people. I prosecuted a man who was active in scouting movement who was a chicken hawk. I have seen a lot of this. I prosecuted an individual who was making pornographic pictures in his home of youth. Now I convicted them under State laws.

I question whether the Federal Government has the authority under the Constitution to enact statutes which could have reached those individuals in the brown bag context, which I happen to think is much more devastating than we let on in the United States. The slick purveyor, probably there is a much smaller number of youth involved in that. I imagine a lot of it is the same, certainly it is reprehensible, but I wonder how and why the Federal Government can get into that. Is it not the State's position under the police power and should we not then encourage the State to prosecute here?

I am just asking your comments and your views on that.

Mr. WOODEN. Well, it has been my experience, Mr. Congressman, working not only on the story but working 4 years on kids that are kept in institutions, for my book, it has been my experience that the States, especially the licensing laws that are there to protect children within institutions, are simply not effective. The States do not protect their children. The licensing laws are a farce. They are watered down by vested interests, they are lobbied down to almost nothing.

It is for that reason, Mr. Congressman, that a group of licensing workers from all over the United States met in New Orleans less than 3 weeks ago to form a national organization to try to get some teeth in licensing laws to protect children.

Right now I am afraid that if you give or if you leave this responsibility up to the State you will have your reoccurring scandal, I assure you. I don't know the legal hook.

Mr. ERTEL. I understand what you are saying and I appreciate what you are saying, but I guess I have to come back to the power. Still we are a government of limited powers. Where do we have the authority to license State institutions? Where do we have the authority to require in that licensing, fingerprinting? That is one of the concerns I have.

Mr. WOODEN. I do believe that the Congress or the Senate—Senator Kennedy and Senator McClelland have come up with massive legislation for uniform standards in the area of crime. Isn't that overstepping the Federal-State jurisdictional battle, power battle? I mean they have come up with standards and we desperately need to protect children that have never been a priority. We desperately need some Federal standards.

Mr. ERTEL. Well, I am not sure, but if they are uniform standards, if they are the standards I am referring to, they are not enacted into law. That is strictly a commission or study suggesting that—if you are referring to the same ones I am, and I guess counsel agrees with me.

I worked on some of the committees who helped unify and do some of the studies prior to my coming here, so it really concerns me. If

→ especially in ME.

there were Federal funds involved in many of these things I think we probably could act.

Mr. WOODEN. There are Federal funds involved.

Mr. ERTEL. In some of them?

Mr. WOODEN. There are.

Mr. ERTEL. Not in the Boy Scouts, for example.

Mr. WOODEN. There was one institution in Louisiana where the people that set up the institutions, they called themselves Monks from Canada, and they were criminals, that set up an institution to do pornography with children, and when the police broke into the facility and found the material and all the literature they found were applications for Federal money and they did receive Federal money.

Mr. RAILSBACK. May I just try to distinguish between where Federal funds may be or may be funding a particular program or institution?

Mr. WOODEN. Sure.

Mr. RAILSBACK. I agree with what you say in that, in that case we probably would have a right to attach some conditions or standards.

What really bothers me is what you have alluded to and what others have, relating, for instance, to foster parent programs that may be strictly local in nature and where there have been inadequate screening procedures. Children have been assigned to a foster parent who may be ripping off that minor or that child. So you know what occurs. To me if you really want to mount a successful campaign, and I know that you do, without any doubt it is going to be mounted in my opinion, after hearing a great deal of testimony, after visiting with you, as a matter of fact, it is going to have to be mounted on the Federal level, it is going to have to be mounted on the State level. It would be a very good idea for us to coordinate with State Legislatures, the Council of State Governments, and I think really this thing is persuasive enough and it is complex enough, it is not just mailing pornography, it is child prostitution.

So I think that the first thing maybe we ought to do is concede that we can't help and we should and in my opinion, we will, but it is going to have to involve local law enforcement and State as well.

Mr. WOODEN. I don't mean to believe that the Federal Government can do everything. Believe me after working on this problem I don't have that much faith in the Federal Government to do all that and to everything. But I do think there are a few areas where you can do something. I do think you can in the fingerprint area, I do think it is some type of uniform standards developed with the money that is made available in title 20, for sure with foster care money.

One little point about foster care. We found, and thanks to the cooperation of the Michigan State Police, a letter from one of the worst chicken hawks in this country, a man now on the loose, named Dire Grossman, who has been indicted for everything under the Sun, letters that he mailed out around the country to other chicken hawks telling them to get into foster care, telling them to go after Federal runaway money and how to do it. They actually gave instructions on how to do it.

Mr. TETER. If I may reclaim my time.

Mr. WOODEN, I appreciate your concern. I think that we are all concerned with the same thing. I think that we are all trying to find

a proper role for the various Government agencies to deal with this problem. However, we have to do it constitutionally. If we enact something which is not constitutional, what we have done is to say to those fellows: "It is wide open now." If it is declared unconstitutional, then it is open game, and I am very concerned about that as an attorney and a prosecutor, and as a former prosecuting attorney I saw what happened.

I remember one movie theater which was showing X-rated films, and they wanted to show previews of films. We will give you a free ticket. You will come and tell us whether they are obscene or pornographic. They showed up the next day, and they were not obscene. If it is obscene they are still going to show it because I cannot prosecute.

I think that it is a very valid criticism. I think that we have to be very careful in any kind of legislation we set up, so we can get a coordination and avoid unconstitutionality. I appreciate your comments and the fact that you pointed that out. There were not many witnesses who got to that point, and you did it very well and I appreciate it.

Mr. KILDEE. Mr. Jeffords?

Mr. JEFFORDS. I have no questions. Thank you.

Mr. KILDEE. Mr. Railsback.

Mr. RAILSBACK. I have no further questions except that I would like to say that I have the privilege of knowing Ken Wooden. I attended a conference of which he was the chief sponsor in North Carolina. My feeling is that we can focus attention right now, and the heat is on right now. I understand that some of these materials, are drying up right now.

I agree with one comment that you made. If we don't do something more substantive, and put the heat on right now, it is going to be back in about 20 or 30 years. So I think that it is up to us to act. When we act, however, I sincerely believe that it is going to require action on the part of the States and local governments.

Mr. WOODEN. Not quite, Congressman Railsback. I also admire you and the work that you have done, and what you stood for during the Nixon years. On that point, I would like to say that I don't think that the Congress served this problem for the kids well.

When you enacted the recent Juvenile Delinquency Prevention Act, and you were giving States 5 years, 3 to 5 years to take noncriminal kids out of the institutions. The States do not need that long to empty the city and county jails where kids are being kept today. I think that this was a very poor piece of legislation, and I hope that President Carter will veto it. I don't think that the States need 5 years to empty out the jails of noncriminal kids.

Mr. KILDEE. The committee thanks you for the work that you have done and are doing. We hope that these hearings will be more productive than the hearings of 1950. To have reminded us of that is a service, too. I do hope that we will meet the constitutional standards. Thank you very much.

Our last witness is Mr. G. R. Dickerson, Acting Commissioner, U.S. Customs Service, Department of the Treasury. Mr. Dickerson brings to us a very experienced background. He started with the Custom Service in a junior management position, and worked himself up to his present role. We welcome his expertise today.