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90-32 POSTAL EMPLOYEE PROTECTION AGAINST ASSAULT  
UNDER FEDERAL CRIMINAL LAWS

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HEARINGS  
BEFORE THE  
COMMITTEE ON POSTAL OPERATIONS  
OF THE  
COMMITTEE ON  
OFFICE AND CIVIL SERVICE  
USE OF REPRESENTATIVES  
NINETIETH CONGRESS

SECOND SESSION

ON

H.R. 15387

A BILL TO AMEND TITLE 39, UNITED STATES CODE, TO  
PROVIDE FOR DISCIPLINARY ACTION AGAINST EM-  
PLOYEES IN THE POSTAL FIELD SERVICE WHO ASSAULT  
OTHER EMPLOYEES IN SUCH SERVICE IN THE PER-  
FORMANCE OF OFFICIAL DUTIES, AND FOR OTHER  
PURPOSES

MARCH 18 AND 19, 1968

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HEARINGS  
BEFORE THE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE

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# POSTAL EMPLOYEE PROTECTION AGAINST ASSAULT UNDER FEDERAL CRIMINAL LAWS

MONDAY, MARCH 18, 1968

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON POSTAL OPERATIONS OF THE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE.  
Washington, D.C.

The subcommittee convened at 10 a.m., in room 210, Cannon Building, Hon. Robert N. C. Nix, (chairman of the subcommittee) presiding.  
Mr. NIX. The subcommittee will be in order.

Today, the subcommittee will consider a bill introduced by Hon. Thaddeus Dulski, chairman of the Post Office and Civil Service Committee. H.R. 15387 is a bill which will protect postal workers from assault either by fellow postal employees or by street toughs.

There have been a series of serious incidents occurring throughout the United States. Letter carriers and other postal employees have been assaulted during the course of performing their work. It seems ironic to me that if you attack a letter carrier and take his mail bag you have committed a Federal crime. If you seriously injure a letter carrier without taking any mail, you have interrupted the distribution of the mail but you have committed a local crime, and a misdemeanor at that. The essence of the two assaults is the same, that is, the flouting of Federal authority. The assault is against a Federal employee because he is a Government employee. Personal reasons are not involved.

For example, in some areas Negro letter carriers have been assaulted in cities where there is a riot atmosphere. In many areas local law enforcement officers have a very difficult time enforcing the criminal law. Where Federal employees are involved because they are doing their duty, they must be protected. The mail must go through, regardless of snow, sleet, rain or thugs.

A copy of the bill under consideration, H.R. 15387, will be made a part of the record at this time. Also, reports on this legislation received from the Civil Service Commission, the Department of Justice, and the Post Office Department, will be inserted in the record.

(The material referred to is as follows:)

[H.R. 15387, 90th Cong., second sess.]

A BILL To amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the portion of chapter 41 of title 39, United States Code, under the heading "EMPLOYEES GENERALLY" is amended by adding immediately following section 3107 thereof the following new section:

**"§ 3108. Disciplinary action against employees who assault other employees**

"The Postmaster General may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in

pay, demotion, or removal from the service, against any employee who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any other employee while such other employee is engaged in the performance of his official duties or on account of the performance by such other employee of his official duties."

(b) That part of the table of contents of chapter 41 of title 39, United States Code, under the heading "EMPLOYEES GENERALLY" is amended by adding—

"3108. Disciplinary action against employees who assault other employees."

immediately below—

"3107. Postal employees relocation expenses."

SEC. 2. Section 1114 of title 18, United States Code, is amended by striking out "any post-office inspector," and inserting in lieu thereof "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department,".

U.S. CIVIL SERVICE COMMISSION,  
Washington, D.C., March 18, 1968.

HON. THADDEUS J. DULSKI,  
Chairman, Committee on Post Office and Civil Service,  
House of Representatives.

DEAR MR. DULSKI: This is in further reply to your request for the views of the Civil Service Commission on H.R. 15387 (Dulski), a bill "To amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes."

Section 1 of H.R. 15387 authorizes the Postmaster General to suspend, reduce in pay, demote, or remove from the service any employee who assaults, intimidates, or interferes with any other employee while he is engaged in performing his official duties or on account of the performance of his official duties.

The Civil Service Commission opposes this provision and recommends that it be deleted. The Postmaster General, like every head of a department or agency, has the inherent authority to remove or otherwise discipline an employee who engages in misconduct, including misconduct of the type described. Furthermore, section 01.3 of Executive Order 9830 places a positive responsibility on the head of each agency to remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service. Thus the Postmaster General and every other department and agency head is already empowered and obligated to take disciplinary action when such action is warranted.

Section 2 would place all postal employees under the protection of present laws that fix criminal penalties for assaulting, intimidating, interfering with, or killing certain other Federal workers in connection with the performance of their official duties. In so doing, H.R. 15387 makes another addition to the long list of employees who have been made eligible for coverage by a succession of amendments in previous years.

Rather than continue the same piecemeal approach which has characterized the past, the Commission strongly advocates that section 2 be enlarged to cover all Federal and District of Columbia employees.

It is therefore suggested, that section 2 of the bill be revised to read as follows:

"SEC. 2. Section 1114 of title 18, United States Code, is amended to read as follows:

**" § 1114. Protection of officers and employees of the United States**

"Whoever kills any civilian officer or employee of the Government of the United States or the government of the District of Columbia, or any officer or enlisted man of the Coast Guard, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title."

It will be observed that the foregoing suggested language speaks only of "killing" employees. Because of the structure of title 18, U.S.C., the proposed amendment of 18 U.S.C. 1114 will also result in a corresponding expansion of persons included in the coverage of 18 U.S.C. 111, relating to assaulting, resisting or impeding certain officers or employees. Therefore, what is proposed is sufficient to translate our full intent into law.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY JR., *Chairman.*

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
*Washington, D.C., March 15, 1968.*

HON. THADDEUS J. DULSKI,  
*Chairman, Committee on Post Office and Civil Service,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning H.R. 15387, a bill "To amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes."

As to section one of H.R. 15387, which would amend Title 39, United States Code, and authorize the Postmaster General to take disciplinary action against certain Post Office Department employees, we defer to the views of the Post Office Department and the United States Civil Service Commission for the reason it does not affect any matter within our responsibility.

Our comments, therefore, are confined to section two of H.R. 15387, which would amend section 1114 of Title 18, United States Code.

Section 1114 of Title 18, United States Code, makes it a felony to kill any of certain designated officers or employees of the United States while engaged in the performance of their official duties or on account of the performance of such duties. Section 111 of that title protects such persons against assaults and other acts.

Section 2 of the bill would amend section 1114, which now covers any "post-office inspector," to extend its protection and, consequently, the protection of section 111, to "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department".

The history of section 1114 reflects that it is primarily intended to apply to those employees of the United States who are assigned to perform law enforcement, investigative, or inspection functions. As amended through the years, the section has continued in that vein, with some exceptions resulting from the demonstration of particular need.

The Department of Justice has had occasion to report on numerous bills to bring various groups of employees within the coverage of section 1114. We have consistently taken the position that amendments as broad as that before this Committee—covering employees whose duties are clerical or administrative and not likely to be dangerous—should not be enacted. In addition to departing from the traditional concept of section 1114, an amendment such as is embodied in section 2 of this legislation raises a number of other questions which the Committee may wish to consider.

First, as a matter of federal-state relations, it would appear to be desirable to leave ordinary law enforcement to state and local authorities, except where there is a clearly demonstrated need for federal involvement. Second, an undue expansion of the coverage of section 1114, and in turn, section 111, would create an inordinate investigative load on the Federal Bureau of Investigation—to the possible detriment of the performance of its functions in major areas committed to it and not within the scope of the activities of state and local investigative agencies. Third, the volume of work which might be expected to flow from a substantial widening of coverage would add to the already congested federal court calendars cases which more appropriately should be handled in state and local courts. Finally, although this question has received extensive consideration in the executive branch and in Congress for many years, so far as we are aware there continues to be a lack of concrete information on which to base a judgment that legislation such as this is necessary or might be expected to be effective in terms of enforcement. Although we have tried often, we have never been able to obtain statistics which indicate substantial failure of state or local authorities to take appropriate action in cases which would be cognizable under expanded coverage of sections 111 and 1114. In the absence of such statistics, we are inclined to believe that in most instances in which the offended employee has been willing to press his complaint in the local courts, justice was administered.

In view of the above, the Department of Justice is unable to support section 2 in its present form but would support the bill if it were amended to cover any officer or employee of the Post Office Department who is "assigned to perform law enforcement, investigative, or inspection duties".

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

WARREN CHRISTOPHER,  
Deputy Attorney General.

THE POSTMASTER GENERAL,  
Washington, D.C., March 19, 1968.

HON. THADDEUS J. DULSKI,  
Chairman, Committee on Post Office and Civil Service,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on the bill H.R. 15387, "to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes."

Section 1 of the bill would authorize the Postmaster General to take disciplinary action against employees of the postal field service who assault other employees of such service while in the performance of their official duties.

The present law (5 USC 301; 39 USC 302) vests in the Postmaster General all authority for the administration of programs and activities of the Post Office Department. It, therefore, follows that any matter relating solely to the internal management of the Department, including the conduct of its employees, is encompassed in the Postmaster General's authority to operate the Postal Service. The Department always has administered, and intends to continue administering, disciplinary actions against its employees through established positive practices. Section 1 reaffirms this authority. Should the Committee determine that this section is desired, we recommend that it be amended by adding at the end thereof, "Nothing in this section shall diminish the authority and duty of the Postmaster General to provide for disciplinary action for matters not covered by this section."

Section 2 of the bill would amend the law (18 USC 1114) to make it a crime to kill any officer or employee listed therein, so as to include "\* \* \* any postmaster, officer, or employee in the field service of the Post Office Department." Section 111 of title 18, United States Code, accords protection to persons designated in section 1114 of title 18, United States Code, against assaults and similar acts. At present, postal inspectors are the only postal employees covered in section 1114.

Employees of the postal service are concerned with the movement, safety and sanctity of the mails, and these responsibilities may involve great risks, even to the loss of life. Every postal employee has the obligation and responsibility to guard and protect mail and postal property, whether specifically designated for such functions or not. Many postal employees are particularly vulnerable to assaults and other criminal acts because of the nature of their duties.

At present, there is no Federal law which provides penalties for such crimes as the assault or killing of a letter carrier or an investigative aide; or the rape of a female letter carrier.

We strongly support the principle that all postal employees who, because of the nature of their duties, are vulnerable to assaults and other criminal acts by persons not employed by the Department be accorded the protection of the present laws that fix criminal penalties for assaulting, harassing, intimidating, or killing certain other Federal workers in connection with the performance of their official duties.

While our primary concern, naturally, is extending to postal employees the protection of section 1114 of title 18, United States Code, the foregoing comments are not intended to imply that such protection should not also be accorded other Federal employees in similar situations and not now covered by the present law. In fact, we believe there is merit in the suggestion that 18 USC 1114 and 18 USC 111 be broadened sufficiently to cover all Federal employees.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the Committee from the standpoint of the Administration's program.

Sincerely,

LAWRENCE F. O'BRIEN.

Mr. NIX. The first witness today is Assistant Postmaster General Richard J. Murphy, Bureau of Personnel, Post Office Department.

It is very, very pleasant to see you again; and won't you proceed?

**TESTIMONY OF HON. RICHARD J. MURPHY, ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL, ACCOMPANIED BY ADAM WENCHEL, ASSISTANT GENERAL COUNSEL; AND MARLIN BROWN, BUREAU OF THE CHIEF POSTAL INSPECTOR, POST OFFICE DEPARTMENT, WASHINGTON, D.C.**

Mr. MURPHY. Thank you very much.

First of all I want to thank you for taking your valuable time for scheduling the hearing; and for the many favors you have done for the Post Office Department workers over the years.

I appreciate this opportunity to testify in general support of H.R. 15387, an important piece of legislation relating to the protection of employees from assault and murder. I am especially grateful to Mr. Dulski, chairman of the full committee, for calling attention to this important matter and to your Subcommittee on Postal Operations which is giving such speedy attention to this legislation.

I should like to indicate at this point, Mr. Chairman, I am accompanied this morning by Mr. Adam Wenchel, Assistant General Counsel, and Mr. Marlin Brown of the the Chief Inspector's Office.

I want to assure you that we share your concern for the safety of all of our postal employees, but particularly our letter carriers, special delivery messengers, motor vehicle employees, and others who go out—most often alone—into the cities and streets to serve the public.

We cannot tolerate intimidation or molestation or attacks upon any of our postal people. I can assure you that Postmaster General O'Brien and President Johnson himself are personally interested in the security of our employees. I believe that the President's legislation to combat crime in the streets—to make the cities safe for all decent, law-abiding Americans—is well known to you all.

Traditionally, our postal employees who come into contact with the general public have enjoyed the protection accorded to them in their positions of trust. This kind of respect from the populace has enabled letter carriers to move freely about most neighborhoods and communities without fear of challenge or harassment. As a matter of fact, one of the most interesting phenomena about the series of riots which our Nation endured last year was the almost complete absence of serious attacks on our postal personnel and relatively little damage to postal property located in the riot area.

Recently, however, attacks on and threats to our employees in the performance of their duties have begun to crop up and they constitute a very disturbing trend. Moreover, the fear of possible attack has become more acute since last summer's rioting and as tension and actual attacks have mounted in some of the high-crime rate areas of our major cities. While I must emphasize that the number of actual attacks is still relatively very small, we nonetheless think that this malicious tendency should be dealt with promptly and surely.

The best way to do this we feel is to extend the protection of Federal law to all those who perform their duties on behalf of the Federal Government as Federal civilian employees. Therefore, we

recommend that the protection under section 2 of H.R. 15387 be broadened to include any Federal employee who is attacked because of or while engaged in the performance of duties on behalf of the Federal Government. I feel certain that to all other Federal agencies, the safety of personnel is no less important than is the safety of postal employees to the Post Office Department.

The problem of assaults on employees becomes even more urgent when we consider the increase in the number of women employees, especially in the postal service. More than 122,000 now work for the postal service and we must do everything in our power to assure that they are given every protection we can afford them in the pursuit of their vocation. We welcome women as a valuable part of our working staff. Our policy is to afford them every opportunity available to male employees and assignment to duties and tours of duty on the same basis as male employees. This means that women employees, especially if they are new employees, are often assigned to night duty and to collection duty, often working alone. The dangers inherent in this type of duty in certain areas are all too obvious.

We think H.R. 15387 will help. However, I want to make it clear that we do not consider this bill a panacea. It will not stop all attacks or even guarantee that all attackers will be successfully prosecuted in Federal courts. It cannot cloak our people with complete immunity. It cannot render them invulnerable.

We must remember that historically 18 U.S.C. 1114 was designed to protect Federal law enforcement and investigatory personnel. Over the years, however, it has been amended on several occasions to cover additional categories of employees.

We are aware that the Department of Justice has some concern that the expansion of coverage such as provided for in H.R. 15387 could place an undue burden on already overburdened Federal courts and an especially difficult burden upon their investigatory personnel to the possible detriment of some of their other activities.

We also know that very often Federal judges look with disfavor upon burdening their courts with what they consider to be relatively minor cases which should be in State or local courts.

Despite these important considerations, I nonetheless believe that a law making it a Federal crime to assault a letter carrier or any other Federal employee engaged in the performance of his duties will help to deter transgression. I think it is important that we make would-be assailants understand that the Federal Government will not tolerate such attacks and that we will demand severe penalties for perpetrators of them.

Moreover, passage of this bill would accord to an unarmed postal supervisor or letter carrier who is working alone in a dangerous area the same protection which the law now provides for armed investigatory and law enforcement personnel who often work together.

Consequently, a most important effect of this law would be the enhancement of the morale of the Federal workers, postal and non-postal alike. Every civil servant will know that he enjoys the protection of his agency and the Federal Government and that his well-being is a matter of concern to the highest authorities in the Nation. This is an important consideration given the fears which many of our employees have expressed.

There are laws, many of them, which protect the mails, but unless mail is stolen or destroyed, impeded, or delayed, or the intent is such, no Federal crime attaches to the assault or murder of the carrier on his route. For example, if someone shoots a mailman while on his route, the assailant cannot be charged with a Federal crime, but if someone so much as steals a postcard, he can be arrested and tried for a Federal offense. Certainly the sanctity of the mail is of utmost importance, but the lives of our employees are important beyond measure. This division of jurisdiction between the person of the postal employee and the mail he carries is in my opinion indefensible.

As I have indicated, assaults on postal personnel are increasing. Although the number is yet relatively small, there is a persistent and disquieting rise. In 1967 our 100 largest post offices, which employ about 50 percent of the postal population, reported 14 cases of assaults by patrons on postal employees. This is an increase of fully 100 percent—a total double that of the year before.

Deplorably, most of these instances were not related to mail theft or robbery; they were senseless, vicious attacks directed at the individual.

For example, about a week ago right here in Washington, a carrier was beaten by a patron whom he had asked to install a proper mailbox.

In April 1967, in New York, a dispatcher was stabbed with an ice pick after he discovered a man puncturing the tires of a postal vehicle.

In Brooklyn last June, a collection truck was stopped by two men and the driver was stabbed. There was no reason for this attack; no mail loss occurred.

Two months ago, in Stockton, Calif., a female clerk coming to work at 6 a.m. was kidnapped at gun point from the main post office parking lot. Two men drove her out of town, assaulted her, and robbed her. A similar attack occurred in Chicago in July 1967 upon a young woman carrier who was delivering mail in an apartment building.

This matter is not only a Federal problem, Mr. Chairman. Private industry and the unions are considerably troubled by it.

Only last week an arbitrator decided that the New York Telephone Co., will have to protect installers and repairmen who go into certain areas; the company must assign either a guard or another employee to accompany the repairman. Many delivery companies in New York assign two men to each vehicle in certain neighborhoods. The post office's delivery man or girl, of course, usually goes alone in the performance of their duties.

There is no doubt that Federal employees exposed to such uncertainty should have the additional protection afforded by H.R. 15387. We feel that section 2 provides this extra measure of security, and we endorse the principle and advocate that it be extended to other Federal workers similarly situated.

We note, however, that the authority in section 2 is drawn broadly enough to cover internal disciplinary matters; we doubt that this extensive grant could help us achieve our objectives, either within the post office or without, and could constitute an undue burden on the Federal courts, since cases of this type are more numerous.

In fact, we are concerned lest the application of this broad authority in section 2 inhibit the responsibility of the Postmaster General for the maintenance of discipline.

As Department head, he is properly charged with the maintenance of order within the postal establishment, and I want to assure you that the Postmaster General has been fulfilling that obligation firmly and fairly.

He has made it quite plain that the postal service will not tolerate altercations, whether they involve rank and file personnel or employees and supervisors. In proportion to our postal population, these cases are very infrequent, and rarely are they severe, but we recognize that they do happen, and we are aware that under the stress of postal operations, disputes can become heated.

We consider any assault of one postal employee on another, be he rank and file or supervisor, to be serious and we will continue to impose such corrective action as warranted.

In the 100 largest post offices in the last 5 years, we had 413 cases in which employees assaulted each other physically or by verbal threats. Fifty-six employees were dismissed; 182 were suspended; three were demoted, and 89 were reprimanded. The other cases were resolved by the employee's resignation or transfer.

Similarly, of 686 cases of employees attacking or threatening supervisors verbally, employees were dismissed in 185 instances; 317 employees were suspended; seven were demoted; 86 were reprimanded, and the remainder were solved by some other means.

These figures indicate clearly that the Postmaster General not only has the authority proposed in section 1 of Chairman Dulski's bill, but now does and will continue to exercise his authority under present law and regulation to impose corrective administrative action upon employees for misconduct of any kind. Although we interpose no objection to the inclusion of this section, it must be clearly understood that the proposed section 3108 of title 39 U.S. Code adds no new authority to the Postmaster General—nor does it in any way detract from or diminish any responsibility or authority he now has.

The promise of swift and certain administrative disciplinary action in these cases I have already cited above serves as a deterrent and a force for the maintenance of order among the 720,000 employees of the postal service. Discipline must be the responsibility of the employer if any enterprise is to sustain itself and its operations. That authority cannot be diluted.

I want to assure you that the postal service recognizes that responsibility and will continue to bear it. In good conscience, we cannot advocate that our internal disciplinary matters be made the subject of criminal law and committed to the jurisdiction of the Federal courts. We cannot advocate that every altercation between one employee and another be referred to the Justice Department for prosecution before a Federal judge.

Not only would we be derelict in our own duty, we would be placing additional strain on our labor-management relations and we would be imposing an unconscionable burden upon our Federal attorneys, investigators, and the Federal judiciary alike. All are already heavily laden, and we simply cannot contribute to that workload by referring matters which rightfully should be handled by our own disciplinary procedures.

The question of an outsider attacking a postal worker, however, is quite another matter. The assailant would not be subject to postal regulations, and we would have no adequate administrative remedy.

In such cases, recourse to the judiciary is clearly, in my estimation, justified.

Therefore, Mr. Chairman, I should like to say that the Post Office Department endorses H.R. 15387, with the provisions that coverage under section 2 be extended to all Federal employees similarly situated, and that jurisdiction be defined specifically to assure that Federal employees engaged in the performance of their duties shall be protected from any attack by persons not in the employ of the agency.

Mr. Chairman, I thank you for the opportunity to present the Post Office Department's views on this bill. I will be pleased to answer any questions.

Mr. NIX. Thank you very much for the usual excellence of your statement.

Mr. MURPHY. Thank you, sir.

Mr. NIX. Let me ask you this: Under the present law, if one postal employee strikes another, he would both be subject to disciplinary action, and he might be charged locally with assault and battery. Now, if this proposed legislation becomes law, then there would be concurrent jurisdiction between the local authorities, the State authorities and the Federal Government. Now, there are numerous instances in the law where there is concurrent jurisdiction, and the justification for making this another category of concurrent jurisdiction is specifically what?

Mr. MURPHY. I think first of all, Mr. Chairman, that we have currently, in certain post offices, concurrent jurisdiction already existing between the State and Federal authorities. This is the case in certain of the post offices which are covered by section 113 of the United States Code. That section covers assaults within the maritime and territorial jurisdiction of the United States; it is already a Federal crime to commit an assault at one of these offices on another employee.

There is a provision of subsection (e) of that section, which provides that simple assault should be punishable by a fine of not more than \$300, or imprisonment for not more than 3 months, or both. Depending upon which post office such an assault would occur in, by one employee on another employee, it is already possible for the injured party to bring such a case to the attention of the U.S. Attorney under section 113.

We feel that the law itself, rather, the bill before us, should be drawn so as not to place the internal disciplinary matters of the Department in the hands of the Federal courts; but rather to confine this additional protection or grant of protection of Federal law to those cases where a postal employee is assaulted by either a patron or by someone other than another employee of the postal service, because we already have the jurisdiction to be able to handle the general run of employee cases administratively, either by firing the assailant, severely suspending him, or taking other appropriate action.

But to turn over each assault case to the U.S. Attorney and to ask him to prosecute would, we feel, be placing a tremendous burden on the U.S. Attorney and on the courts, which in many cases are backlogged in this area; and in many cases the assault is not of such sufficiently severe nature that the U.S. Attorney would desire to take up the time of the court, et cetera, and especially where it can be more appropriately dealt with by administrative remedies.

Mr. NIX. I agree with you when you say the disciplinary authority of the Post Office Department should in no sense be transferred to court. That no one can question.

As to the assault, that is a matter that comes clearly within the jurisdiction of the police powers of the municipality. And they are the ones who would determine whether or not it offends against their laws.

So you can't take it away from them nor can you give it to them; they already have it. So I feel also that there has been established—and there will be additional evidence to the fact that because of the ever-increasing number of these attacks, because of the climate of the times, I think it is most desirable for the employee to have as much protection as he can get.

Mr. GROSS?

Mr. MURPHY. I agree thoroughly with your comments, Mr. Chairman.

Mr. GROSS. Thank you, Mr. Chairman.

Mr. Murphy, why do you suggest that all Federal employees be brought under this proposed law?

Mr. MURPHY. We feel, Mr. Gross, that the other Federal agencies—I am sure—also have a concern about their particular workers, the same as the Post Office Department would about its workers.

In addition, there have been from time to time, I think on some 20 occasions or so, opportunities, or rather, presentations made to open up for consideration additions to section 1114 of title 18, United States Code, to include additional categories of employees than are already included. Originally it started out to simply protect investigatory and law-enforcement personnel; but it has been amended to include additional categories. And rather than do this kind of piecemeal amending of the law from time to time, we felt that the time has come perhaps to say that anyone who works for the Federal Government who is assaulted while in the course of the performance of his duties, or because of the performance of his duties, ought to be given the protection of the authority of the Federal Government.

Mr. GROSS. Would the Department's position be in favor of this bill if it were limited to the Post Office Department?

Mr. MURPHY. We would prefer the amendment which I suggested; that is, that we include all Federal employees in it. We think it should be extended to cover other Federal employees also engaged in the performance of Government work.

Mr. GROSS. Your position would not be in opposition to the proposal if it is limited to the Post Office Department? It would not be in opposition to it?

Mr. MURPHY. We would not oppose it, Mr. Gross.

Mr. GROSS. Am I correct in the information that I have been given that there is an increasing number of attacks within the Post Office Department upon supervisors?

Mr. MURPHY. There is an increase in the number of attacks upon supervisors—

Mr. GROSS. Perhaps you gave it in your statement. I regret I wasn't here when you started. Did you provide any figures?

Mr. MURPHY. Yes, sir; I gave a total number of attacks. There were, for a 5-year period from 1963, January 1 of 1963 to December 31, 1967, a 5-year period, there was a total of 686 cases of assault, either

actual physical assault or verbal threats, to supervisors by rank and file employees. Of that number the vast majority were verbal threats. The number of actual assaults themselves was 166, during that 5-year period of time.

Now, while the frequency of assaults has increased each year for the past several years, a slight increase almost each year for the past several years, nonetheless when you consider this against the total number of postal employees, which is 720,000, this is not an enormous number of assaults.

I think you would have to say it is small; but it is increasing, sir.

Mr. GROSS. How many individuals have been suspended by the Post Office Department for threats, and actual assaults?

Mr. MURPHY. Of the total of 686 cases, sir, in the same period of time to which I referred earlier, 185 employees were removed. Three hundred seventeen employees were suspended. Seven employees were demoted. Eighty-six employees were reprimanded; and 91 other employees either retired or other appropriate action was taken.

Mr. GROSS. But you do feel there is a need for this law—I mean, for amendment to the law, to make it more effective?

Mr. MURPHY. Oh, yes. I feel, as I indicated, sir, that there ought to be an extension of the protection of Federal law to any postal worker, and we would like to suggest any Federal worker, who is assaulted while in the performance of his duties, or because of his performance of his duties on behalf of the Federal Government.

However, we do feel that those actions which are purely internal actions, an altercation between one employee and another, whether one rank-and-file employee against another rank-and-file employee, or a rank-and-file employee against a supervisor, or even occasionally an attack of a supervisor against a rank-and-file employee—we have had those, also—are in the ordinary case essentially internal, administrative matters, and we can take effective action. We would not advocate putting them into the Federal courts.

Mr. GROSS. What I think we are all most concerned with is discipline within the ranks of workers. I can understand how there can be fisticuffs and there can be fights between employees in a post office or in any other office in the Federal Government; that is, fights for personal reason, assaults, threats as between employees. But what we are interested in here is discipline within the Post Office Department; is that correct?

Mr. MURPHY. Absolutely.

Mr. GROSS. And the maintenance of discipline as between supervisors and workers, foremen and workers, and so on and so forth?

Mr. MURPHY. It is essential.

Mr. GROSS. To what do you attribute the increasing number?

Mr. MURPHY. Well, as I have indicated, I don't think—

Mr. GROSS. Lower standards of employees, or what? Lowering the standards for qualifications of employees, or to what?

Mr. MURPHY. No, sir, I wouldn't attribute it to that, Mr. Gross. First of all, I feel that the increase, as I have indicated, is relatively small when compared to the fantastic size of the postal operation. Certainly 686 over a 5-year period, 520 of which are verbal, out of 720,000 employees, is not a very large number.

On the other hand, we are concerned about any assault, and we should be concerned. I think that probably it reflects a general trend

of the times in which we seem to have an increasing crime rate, and have had over a number of years.

I think that also perhaps the increased tempo of postal operations might account for it.

I really don't know the specific causes. I wish I did have the specific causes better at hand.

But we have taken effective action in every case that has been brought to our attention. We are about to come out with another statement within the current week on disciplinary policy in the postal service which will once again cover this and many other subjects, and will bring home to every rank and file employee the seriousness with which we regard any kind of assault or attack on another employee.

Mr. GROSS. Did not the President send to Congress some kind of message about the rehabilitation of criminals?

Mr. MURPHY. He has been interested for a considerable period of time.

Mr. GROSS. Hasn't he urged the employment of people—

Mr. MURPHY. He has been interested in rehabilitation of persons that have a good record for whom we feel it would be a fairly good risk to take to try to rehabilitate them rather than put them on the welfare roles.

Mr. GROSS. Do you have a record in the Post Office Department for the past 5 years of the number of ex-convicts, the number of those who have been convicted on criminal charges who have been employed in the Post Office Department?

Mr. MURPHY. I don't have such a figure.

Mr. GROSS. Would it be available?

Mr. MURPHY. We would have to do a special survey in order to get such information.

Mr. GROSS. Perhaps it is not the time and place to go into it, but it does have a definite bearing upon this subject, the employment of a man who had been convicted of numerous criminal law violations and employed by the branch post office in Philadelphia, which led to the death of a supervisor. Do you recall that case?

Mr. MURPHY. I do.

Mr. GROSS. When was it? The last 2 years or so?

Mr. MURPHY. Within the past year, I think, sir.

Mr. GROSS. The amazing thing to me was how could this man possibly be employed by the Post Office Department having been convicted of robbery, assault, and various other things.

Mr. MURPHY. I think if it had been brought to the attention of the highest authorities, he probably would not have been employed by the Post Office Department.

On the other hand, whenever you are engaged in a policy of rehabilitation, there is some degree of risk involved. Not every case is going to turn out to be the way you had hoped.

Nonetheless, there is no reason to indicate, and we have no evidence to indicate, that this policy itself is a bad policy, or that we have any large number of employees engaged in such rehabilitation that have in fact attacked other people. There is no indication here, of the 166 assaults that occurred within 5 years, that they were committed mostly by employees that were under rehabilitation. As a matter of fact, most of them have been employed more than 7 years. So you can't

make the case that the vast majority of assaults are occurring by people who are in the process of rehabilitation.

Mr. GROSS. That is all, Mr. Chairman.

Mr. NIX. Just one last question, Mr. Murphy. Did I understand you to say that the Department does not recommend the extension of the criminal provisions to cover assaults by one employee on another?

Mr. MURPHY. That is correct, Mr. Chairman.

Mr. NIX. Thank you very much.

Mr. GROSS. If I may, Mr. Chairman?

Mr. NIX. Go right ahead, Mr. Gross.

Mr. GROSS. One employee upon another? Do you mean one employee of like status upon another? Or do you mean an assault upon—and we are dealing with the Post Office Department—a clerk or a carrier or a messenger upon a supervisor?

Mr. MURPHY. My testimony here indicated that the Department does not favor placing our internal administrative actions in the hands of the Federal courts. Because, first of all, the number of such cases is larger than those involving an attack by a patron upon a postal worker, we do not wish to overburden the Federal courts with cases that we already have the jurisdiction to handle effectively. And, secondly, we feel that this would create additional problems in terms of employee-management relations that we ought to avoid.

We do favor strongly the protection of Federal law to any postal worker, whether he be a supervisor, a rank-and-file employee, or anyone else, who, in the performance of or because of the performance of his duties, is attacked by a member of the general public, or by someone from other than our own agency over whom we have no jurisdiction. In other words, we are saying those things where we have jurisdiction, we can handle it. We want to continue to handle it. But in those cases where we don't have jurisdiction, such as with a patron assaulting a supervisor or letter carrier or postmaster, we are advocating the protection of Federal law for that purpose.

Mr. GROSS. I might just as well have said an attack of a supervisor upon a carrier or clerk or messenger, because I am sure there are supervisors who are capable of making an attack upon another person.

Mr. MURPHY. We have had a few, sir.

Mr. GROSS. I am only trying to get to whether you are suggesting that this proposal be nullified by establishing certain exemptions, stated or otherwise.

Mr. MURPHY. No, sir; our sole purpose, sir, is to, first of all, attempt not to overburden the courts with cases that we already have the jurisdiction to be able to do something about.

Our second objective is to assure increased confidence upon the part of all postal employees, supervisors as well as rank-and-file employees, that they will have the protection of Federal law in the performance of their duties if they are attacked while engaged in them.

We do not favor placing before a Federal judge the ordinary case of an assault of one rank-and-file worker on another rank-and-file worker, or a supervisor on a rank-and-file worker, or a rank-and-file employee on a supervisor, because we have the power to be able to deal with it. That is our responsibility, and we should face up to it and do it, and we have.

And to give the Federal courts the additional cases of this sort I think would be an undue burden on the courts, and also might detract from some of the investigatory work that the Federal Bureau of Investigation and other agencies have to do, if they were forced to investigate all cases of this nature. That is the simple point I am trying to make.

Mr. GROSS. Thank you.

Mr. NIX. Mr. Derwinski?

Mr. DERWINSKI. Thank you, Mr. Chairman.

As usual, Mr. Murphy has made a very forceful and logical and proper presentation to us. I am pleased to see that he endorses the basic principle of the legislation.

Just to refresh my memory, Mr. Murphy, how long have you been with the Department?

Mr. MURPHY. I begin my 8th year this week there, Mr. Derwinski.

Mr. DERWINSKI. Looking back at your career in the Department, have you noticed or do you have statistics to show whether the instances under discussion here have been increasing or decreasing? Just what is the pattern?

Mr. MURPHY. There has been an increase each year for which we have kept statistics, and I am told that this has been a constant thing over a number of years, going back a number of years.

I think it probably is reflective of the general increase that we have in crime statistics throughout the country for a number of years; and for this reason it is a matter which we feel ought to be dealt with, and ought to be dealt with promptly.

Mr. DERWINSKI. You do point out that you feel that the Postmaster General presently has authority. Now, do your statistics show the degree to which your authority has produced necessary disciplinary or legal action?

Mr. MURPHY. Yes; it does. In the 100 largest post offices in the last 5 years, which cover about 53 percent of our total employment; there were 413 cases in which employees assaulted each other physically or by verbal threats. Of those figures, I think that the total number was 289 physical assaults, and 124 verbal threats. Of those cases, 56 employees were dismissed, 182 were suspended, three were demoted, and 89 were reprimanded, with the remainder being resolved by the employee's resignation or transfer.

In the same period of time there were 686 cases of employees attacking or threatening supervisors, of which 166 were actual attacks, and 520 were verbal threats of assault. Of those cases, 185 employees were dismissed from the postal service, 317 employees were suspended, and seven were demoted, and 86 were reprimanded, and the remainder resolved by other means.

Mr. DERWINSKI. Would you have any statistics to show the average length of the suspension?

Mr. MURPHY. I don't have it here with me, Mr. Derwinski. Perhaps we could get that information. I don't know whether it was included in the survey or not.

Mr. DERWINSKI. The reason I ask the question is that there could be occasions when the suspension really would be so minor in time that it amounts to nothing but a slap on the wrist, and the disciplinary use of the suspension wouldn't be used to the maximum. If a suspension is meaningful in terms of the disciplinary or personal effect on

the attacker, the use of suspension would be that much better. I note that in approximately half of the cases of the statistics you gave us, suspension is the penalty used.

Mr. MURPHY. Yes; I think that here it depends on the nature of the threat or the assault, Mr. Derwinski, and a lot of this judgment has to be taken in the context of what is the background of the threat or the assault; was that a heated remark that grew out of an altercation or something planned and premeditated, and was it actually a physical assault, hitting a man with a dangerous weapon? Or was it a punch in the nose or something of this sort?

I think you have to give a lot of consideration to what were the actual circumstances and background, and make the penalty accord with the nature of the severity of the attack. Not all attacks are equally severe in either intent or in terms of their physical intensity.

Mr. DERWINSKI. When you mentioned the larger post offices, obviously there is where disciplinary problems become more acute. I should preface what I am going to tell you by saying I have a high regard for Postmaster McGee in Chicago. But about 6 months ago, the last time I visited the Chicago main post office, just by accident I left the group I was with and wandered down a side stairway, and I saw two empty liquor bottles in the corner.

Now, I recognize when you have 24,000 people, you have one heck of a problem. But to what degree are some of the fracasés caused by workers keeping liquor in their lockers, or having some access to liquid stimulants while on the job?

Mr. MURPHY. I would hope not a large number would be. I don't have exact statistics on that, but of course, that is prohibited under our existing regulations, and whenever we find people that are either under the influence of alcohol or people that are in possession of alcohol and selling it to other employees, we take disciplinary action against them.

In an operation as gigantic as the post office, with 44,000 installations, you are occasionally going to find them here and there, especially in stairways, which are open in many cases to the general public.

I guess if you wandered around Washington, D.C., and went through several corridors of several buildings, you would find bottles here and there.

But we do take a serious view of any employee drinking on the job. It will not be tolerated. As a matter of fact, we have some new regulations that will be forthcoming this week which will deal with the specific subject of any employee caught drinking on the job.

Mr. DERWINSKI. One other question your statistics leads me to ask is: Is there any way that you would know the number of instances of violence that are never reported, where the intimidation is such that the person subject to physical threats just doesn't make a report?

I realize that this is almost impossible, but obviously with the number of people you have and the degree of the problem, I would be curious to know how many resignations or, let's say, the requests to supervisor and others for transfer or reassignment, or even return to a lesser assignment, might not have been caused by intimidation.

Mr. MURPHY. All cases of transfer or resignation that occurred for those purposes were included in the figures which I gave you.

However, there are probably some cases of especially verbal threats against employees that perhaps are not included in our figures because

they are never reported. We have no way of being able to get this information. But I have included for you here in these figures any case of a transfer of an employee, a demotion of an employee, or his resignation in which we had a record of the fact that it was caused by a threat or an actual assault against another employee.

Mr. GROSS. Will the gentleman yield?

Mr. DERWINSKI. Yes.

Mr. GROSS. Well, the Postmaster General can take disciplinary action, and that goes to dismissal, demotion, and so on and so forth. But that doesn't deal out the punishment for the actual crime. Why shouldn't the Federal courts handle punishment for an actual crime?

Mr. MURPHY. Because this is covered in virtually every case now by the State and local courts; and our inspectors do investigate all cases of assault, and we assist employees in the prosecution of such cases wherever it is warranted. Very often inspectors will appear on behalf of employees, if the employee will sign a complaint. In many cases, he won't, and you can't get a prosecution if the employee doesn't sign a complaint.

Mr. GROSS. You seem to be feeling sad and sorry for the Federal courts. I attended a dinner the other evening, and a Federal judge was at this dinner, wearing a beautiful coat of tan. He had just returned from a few days in Puerto Rico or Florida, I have forgotten which. And then he went on to tell me that "Don't you know that we have 3 or 3½ months a year vacation time?"

I don't find it easy to feel sad and sorry for the burden imposed on the Federal courts. I happen to think that 30 days would probably be a pretty good vacation period for them, and they could clear up a lot of cases in the other 2 or 2½ months. So I am not feeling so sad and sorry as you are for the burdens imposed upon the Federal courts in this regard or any other.

Mr. MURPHY. I am not prepared to comment, Mr. Gross, on what the length of vacations for the Federal judiciary should be at this hearing.

Mr. GROSS. Let's don't get carried away by feeling sorry for the additional cases we might send to the Federal courts.

Mr. MURPHY. I just want to be sure that we don't unnecessarily clutter the U.S. attorney's office nor the Federal courts with cases that we have other jurisdiction to be able to handle properly.

Mr. NIX. Mr. Waldie?

Mr. WALDIE. I simply wanted to comment somewhat on the subject Mr. Gross covered. I gather that your fear is not necessarily cluttering the courts, but the desirability or undesirability of having the Federal Government move into what has essentially been a local law enforcement problem; and I share that concern.

It seems to me that the Federal Government has moved into too many areas, and if you permit them to move into local law enforcement, which has been essentially always held or always managed by local governments, that you are making a tremendous inroad into the separation of powers, as I understand them to be, and as I support them.

If there are adequate laws at the State level to take care of the assaults that this bill is designed to protect against at the State level, and if those laws are being enforced at the State level, it would seem to me there is a great philosophical argument in favor of not

intruding into an area that is handled responsibly and well by the local government.

I have missed the testimony on this particular bill, and I am curious to know whether there has been testimony indicating that assaults on Federal personnel have not been handled properly by local law enforcement personnel; and it would seem to me that that fact ought to be made most clear before I would vote to permit the Federal Government to extend its powers in the local areas far greater than they have historically been in this country, particularly in the area of law enforcement, where I believe the Government has the least right to intrude in terms of responsibility, obligation, and authority.

Mr. MURPHY. I think you have made a very excellent point, one which I would subscribe to strongly. And that is one of the reasons, in addition to the question of the Federal courts that was brought up by Mr. Gross, that the Department indicated that we do not favor taking those cases where we already have administrative jurisdiction, one employee over another, either in a case of a simple assault on one rank-and-file employee on another, or on a supervisor, or vice versa, and making these a Federal crime to any extent greater than they are already Federal crimes in certain installations where they occur and the Federal Government has exclusive or concurrent jurisdiction.

We do, however, feel that, in view of the fact that there are certain increasing tensions and certain high crime rate areas, and since certain assaults have actually occurred in high crime rate areas on letter carriers—and this is increasing—and other employees that travel alone and work in these areas alone and are engaged in this work on behalf of the Federal Government or because of their duties in the Federal Government, it is appropriate, more as a psychological deterrent, if you will, sir, that the authority of the Government and protection of the Government should be extended to them if they are attacked by anyone, by any member of the general public, because of the performance of their duties.

There are only 33 such cases that have occurred in 5 years in the 100 largest offices. And—

Mr. WALDIE. Let me interrupt, if I may. I personally don't believe that we ought to stretch the present separation of powers doctrine for a psychological purpose alone; and I suggest that your testimony indicates that the reason why you think the Federal Government should intrude in what has essentially been a local area of responsibility is because of the psychological benefits that would accrue to the Federal employee. I am more interested in determining if there is presently a situation where the Federal employee that is assaulted in the performance of his duties does not have access to State courts and State law enforcement people, that are, No. 1, willing to give redress for that act; and No. 2, that are sufficiently sympathetic with the problem that they act promptly and vigorously.

If the situation that causes this bill to be introduced is such that, No. 1, there are nonexistent State laws covering the assault—which I strongly doubt is the case—or No. 2, that the State officials are not sufficiently anxious to afford the protection that the Federal Government wants for them I would desire to know that.

Mr. MURPHY. No, sir. The point in case No. 1, there are laws, to my knowledge, in every case, which cover the question of assaults.

No. 2, I have been unable to ascertain in any of the statistics we have gathered from the 100 largest offices that there has been any reluctance at all that I could find on the part of local law enforcement officials to prosecute cases where they had been brought to their attention.

Mr. WALDIE. Then it would seem to me, following the argument of conservatives, which I happen to accept in large part, in an area where you find local authority responsive and able to accomplish the job, the Federal Government ought to stay out of it, particularly in terms of law enforcement.

Mr. NIX. Mr. Olsen?

Mr. OLSEN. I find myself quite in agreement with Mr. Waldie.

However, perhaps these assaults are actually interfering with the movement of mail?

Mr. MURPHY. If they are, Mr. Olsen, we have adequate remedy. They are then a Federal offense.

Mr. OLSEN. But you can't prove it unless mail is missing?

Mr. MURPHY. That is correct. In other words, the question of proving of intent is the key to whether or not it is a Federal crime.

Mr. OLSEN. But, nevertheless, the molesting of postal employees does impede the mail. Obviously, the assaults that are inside the post office—one employee on another—you can handle that.

Mr. MURPHY. I think the principal thrust of the bill—of course, we did not introduce the bill—but the principal reason that we are supporting a substantial section of the bill is that we feel that it is necessary with the rising tensions that we have in many areas. And with the fears that have been expressed by our letter carriers and other employees of going into certain high crime rate areas, it is necessary to have this as a deterrent against an attack on an unarmed vehicle carrier who has to go into this area, or an unarmed motor vehicle employee who is making a collection run at night. Very often it is a woman that is making the collection run; she is new and therefore assigned to night duty; and she is unarmed.

On the other hand, the Federal law currently protects an FBI or postal inspector, who generally carries a gun, and may travel in groups rather than alone, and we feel there is something wrong if the law simply gives Federal protection to an armed investigatory or law enforcement employee of the Federal Government, but does not give protection to an unarmed employee who is nevertheless engaged in an essential duty also.

Mr. OLSEN. That is well and good, but I wouldn't want the Post Office Department to discontinue making the complaint to local authorities about infractions against postal employees. We are entitled to local law enforcement protection of the Post Office Department. All the employees are entitled to local law enforcement protection. We shouldn't give up that right, no more than a businessman or another business would give it up, by relying absolutely on Federal law enforcement. I don't think the Federal Government can protect the postal employee in every instance, either. However, protecting these employees will expedite the movement of mail. That is the reason I would support the bill.

Mr. MURPHY. Mr. Olsen, the Post Office Department under no circumstances would give up its authority and right to be able to bring to the attention of local authorities any assaults that occur on our people. That would continue in any event.

No. 2, we certainly feel that a postal worker who is engaged in the performance of an essential Federal function and who had to do this in all sorts of areas—he has no choice as to the areas he has to go into—is entitled to the protection of Federal law if he is assaulted while in the performance of his duties or because of the performance of his official duties.

I think that is the basic philosophical point we would desire to make.

I am in full agreement with Mr. Waldie that to take other types of cases which are essentially within our jurisdiction and can be handled administratively internally for disciplinary purposes and to make them into a Federal crime, and to turn them over to the Federal courts, in my estimation, is going far too far in terms of the intrusion of the Federal Government into what essentially should be a State authority or should be handled by the Post Office Department itself.

So I am making that point for the overwhelming majority of cases that we have. As I indicated in my testimony, 686 cases in a 5-year period in the 100 largest offices of employees assaulting supervisors, of which 166 were actual assaults; the others were verbal. There were 413 cases of employees assaulting each other, of which 289 were actual assaults, and 124 were verbal threats; and during the same period of time there were only 33 cases of patrons assaulting employees or supervisors, and 20 verbal threats of assault by patrons against postal employees for a total of 53 cases.

So we say we favor the extension of the protection of Federal law to our employees while engaged in the performance of their work against attack by any member of the general public, but would not favor taking internal disciplinary matters into the courts.

Mr. OLSEN. I have one other question. You presently have authority to discontinue the service of the mail to that patron who in any way assaults or threatens assault upon a postal employee?

Mr. MURPHY. Yes, sir; we certainly do.

Mr. OLSEN. Just as you do in the case of vicious dogs?

Mr. MURPHY. The same way, sir; yes, sir.

Mr. OLSEN. Do you have authority if the premises are unsafe? Do you have authority to tell the mailmen not to go into an unsafe premise?

Mr. MURPHY. Absolutely, sir.

Mr. OLSEN. Because the structure is not safe?

Mr. MURPHY. If they don't take corrective action, mail service may be terminated.

Mr. OLSEN. The local postmaster makes that order?

Mr. MURPHY. That is correct, yes, sir.

Mr. OLSEN. Thank you.

Mr. GROSS. Will the gentleman yield?

Mr. OLSEN. I have finished.

Mr. NIX. Go right ahead, Mr. Gross.

Mr. GROSS. Thank you, Mr. Chairman.

Well, Mr. Murphy, in response to Mr. Waldie, suppose there is trouble between a supervisor and a clerk or carrier or any other employee of the post office leading to assault, and there is an actual assault or a threat upon the supervisor's life, or vice versa? You come in with the inspector, who accumulates the evidence.

If the assault or threat upon the life of the supervisor is on Government property, how in the world does this get into a municipal court, or into a State court?

Mr. MURPHY. First of all, there are several post offices, Mr. Gross, in which there is State jurisdiction; some of our largest offices—

Mr. GROSS. Let's don't split hairs. Most of it would be considered to be Government property, wouldn't it?

Mr. MURPHY. Yes, but much Government property is under the jurisdiction of State governments—for example, the post office in Chicago is under State jurisdiction.

Mr. GROSS. And the evidence is accumulated by the postal inspector, by the Post Office Department—some division of it. You tell me how this would get in the municipal court.

Mr. MURPHY. If the employee is willing to sign a complaint, then the inspector will support his complaint and will also testify on his behalf on the basis of the investigation we have made. They investigate every single case of this nature, and they very often assist—in fact, they will always assist an employee if the employee desires to sign a complaint along this line.

Mr. WALDIE. Will the gentleman yield?

Mr. GROSS. Yes.

Mr. WALDIE. As a matter of fact, if the employee signs a complaint, it isn't dependent upon the inspector. In California the district attorney comes in and makes the examination himself, does he not?

Mr. MURPHY. That is correct.

Mr. GROSS. What if he signs a complaint to the Federal district attorney?

Mr. MURPHY. In certain areas it is already a Federal crime for one employee to assault another, if it occurs within the area covered by section 113, covering assaults within the maritime and territorial jurisdiction of the United States; and then it is up to the inspector to make a determination whether or not the case is severe enough to warrant turning it over to the U.S. attorney. The U.S. attorney then makes a determination if it is severe enough to warrant going into Federal court. If it is simple assault, the penalty is a fine of not more than \$300, or not more than 3 months' imprisonment, or both.

In many cases because the courts are backlogged, in Washington, New York, and other cities, the U.S. attorney may decide not to take such a case because of the relatively trivial nature of the offense. It depends on what it is and how serious it is. And, therefore, the fact that it is a Federal crime does not guarantee, as I indicated in my testimony, that we are going to get a prosecution, even in those cases where it is already a Federal crime.

Mr. GROSS. I think any threat upon your life would be a serious offense.

Mr. MURPHY. I certainly am glad to hear that, Mr. Gross. I do, too.

Mr. NIX. Just let me make this observation. I would like to have examples of instances where people in Government service have been assaulted, and where the assailants are charged with a Federal crime where concurrent jurisdiction under present law has been established.

I want to make the further observation that just because a murder has been committed in a Federal installation does not in itself make it a Federal crime. The only time it becomes a Federal crime is when it

has, by law, been made a Federal crime. It doesn't make any difference where it occurs.

And in the instance that you are speaking of, under present law, if someone walks in and assaults the postal employee, it is not a Federal crime, but it is or may be a crime under the State laws, and the person assaulted certainly has the right under the State law to sign a complaint, and he is not precluded from prosecuting under State law as it stands today.

We seek to add something to give greater protection to these people who are engaged in this particular kind of service.

Is that the way you see it?

Mr. MURPHY. That is correct, Mr. Chairman.

Mr. DERWINSKI. Mr. Murphy, in your original presentation, you emphasize the authority that you feel the Postmaster General now possesses.

Is it possible for the Department to summarily discharge a person involved in an assault?

Mr. MURPHY. Absolutely. Not summarily. "Summarily" is the key word. There has to be, of course, a hearing. The man has a right to a hearing.

Mr. DERWINSKI. Spell out the procedures you follow in disciplinary actions.

Mr. MURPHY. If a man assaults another employee, generally he is put under emergency suspension; if he is deemed to be a danger or menace to himself or other employees; he is given an emergency suspension. And then a decision is made as to whether or not he is to be given a continuing suspension during the notice period and whether or not he is to be fired. A letter of charges is drawn up and issued against the man. He has a right to respond. He then also has a right to a hearing and to present his evidence so that we are sure that his penalty will not be of an arbitrary nature.

But during this time, if he is deemed to be a danger to other employees, he is kept in a suspended status, and not allowed to return to work.

In other cases, depending upon the severity of the offense, he might later be allowed to return to work; or he may be reassigned to another area so as not to come into contact with the person against whom he made the threat, or something of this sort. We can definitely take action.

Mr. DERWINSKI. But the procedures, of course, give him this right of an appeal hearing, et cetera; and I presume these procedures are basically those worked out in your various union agreements?

Mr. MURPHY. Yes, sir. They would come under the adverse action procedures that have been worked out as part of our national contract.

Mr. DERWINSKI. Is there any distinction or pattern in disciplinary actions which would ease the nature of the discipline if the person involved is a veteran? Do you make distinctions for veterans in these cases?

Mr. MURPHY. There used to be a difference, Mr. Derwinski, in terms of the notice required of the employee for an adverse action, as to whether or not he was a veteran or nonveteran, and certain time limits in these cases.

This has been pretty well wiped out, and we accord to nonveterans the same rights as we accord to veterans.

Mr. DERWINSKI. Have you entered into any agreements, or have you had any difficulty negotiating the agreements with unions in this delicate area where this need to protect the rights of their members might interfere with your ability to discipline?

Mr. MURPHY. We just had a very long negotiation with the seven exclusive unions over the question of whether or not the Postmaster General should have the right to suspend, in pending cases for 10 days or less, an employee before he has his hearing. And this question was ultimately passed to the mediator because we were unable to agree between the Department and the unions. And after due consideration the mediator recommended to the Postmaster General that the status quo be maintained, subject to a reopener after 60 days' notice on either party's side. This was a question of suspension for 10 days or less.

It would probably not directly affect the type of cases we are talking about here, especially if a physical assault took place, because we already have the power to be able to give an emergency suspension to such employee.

Mr. DERWINSKI. I hope you will forgive me. In my preoccupation with the legislation, I forgot to wish you a happy St. Patrick's Day as of yesterday. I hope you did enjoy the day.

Mr. MURPHY. I had a thoroughly delightful day, and I hope you also had a good day yesterday.

Mr. NIX. Thank you, Mr. Murphy, and your associates, for being here today.

Mr. NIX. Our next witness will be Mr. James Rademacher, vice president, National Association of Letter Carriers, AFL-CIO.

You may proceed.

**TESTIMONY OF JAMES H. RADEMACHER, VICE PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO; ACCOMPANIED BY JACK LEVENTHAL, PRESIDENT, BROOKLYN BRANCH; AND J. STANLY LEWIS, SECRETARY-TREASURER**

Mr. RADEMACHER. Mr. Chairman and members of the committee: My name is James H. Rademacher. I am vice president of the National Association of Letter Carriers.

We have approximately 205,000 members located in more than 6,000 local branches scattered through every State and possession of the United States.

I am accompanied here today by the president of our Brooklyn branch, Mr. Jack Leventhal.

I want to thank you very much for giving us the opportunity of appearing before you today. I also want to thank you, Mr. Chairman, and the members of the committee, for scheduling hearings on this very important bill.

I want to express our gratitude to the chairman of the Committee on Post Office and Civil Service, Mr. Dulski, for introducing the bill under discussion, H.R. 15387.

I also want to thank those who have introduced similar bills: Mr. Hamilton, of Indiana; Mr. Brasco, Mr. Scheuer, and Mr. Wolff, of New York; Mr. Rodino and Mr. Joelson, of New Jersey; Mr. Fascell, of Florida; and Mr. J. J. Pickle, of Texas. I might add that in the other body, Senator Daniel Brewster, of Maryland, has introduced a companion bill.

Mr. Chairman, we, of the National Association of Letter Carriers, are in full and enthusiastic accordance with this bill. I would like, a little later in this statement, to suggest a couple of small amendments, but the principle involved is, in our opinion, unimpeachable.

Also with us today, Mr. Chairman, is our very able secretary-treasurer, Mr. J. Stanly Lewis.

Because of growing irresponsibility and a tendency toward hoodlumism in many of our major cities, the job of a letter carrier is becoming an increasingly dangerous one. Every month, at our headquarters, we receive scores of reports of letter carriers who have been mugged, beaten, robbed, threatened, or otherwise assaulted. I shall discuss some of the individual cases with you at the end of my formal statement, with your permission, in order to give you an idea of the immensity of the problem. In Brooklyn alone we have had almost a score of serious assaults upon letter carriers—all carried out in broad daylight—and one of our members there died from injuries sustained in a savage beating.

The Post Office Department's interest in this matter begins and ends with the protection of the mail. It does not extend to the protection of the mailman. Under the present law, the Government takes action only when the mail has been stolen or otherwise interfered with. The letter carrier—if he survives his experience—must file charges himself in the local jurisdiction, and as we shall see, the local courts can be so lenient that the punishment—if any—cannot be called a deterrent to crime.

The causes for the upswing in violence against letter carriers are numerous.

Perhaps the most prevalent cause is the knowledge, among underworld types, that the letter carrier's satchel is likely to be loaded with money, checks, stocks and bonds and other reasonably negotiable paper. The letter carrier has become the paymaster of the Nation and our members deliver, literally, trillions of dollars to their patrons every year. Old age pensions, social security checks, checks for retired persons, veterans' pension checks, insurance premiums and payments, welfare checks, checks for the payment of bills, checks to be deposited in banks, all go through the mails. The letter carrier, loaded down with these valuables, unarmed and unprotected by Federal law, makes an enticing target for a hoodlum. In increasing numbers, dope addicts have attacked letter carriers in the hope of stealing enough money to pay for the day's "fix."

Our people are also faced with a growing sense of irresponsibility among householders. We have had members savagely beaten because they protected themselves as best they could against dogs that were attacking them. One carrier had his jaw and nose broken because he used the official spray the Department issues in order to discourage a savage dog. The carrier preferred charges against the attacker, and a lenient judge fined the man only \$25.

Now Mr. Chairman, under the United States Code, if H.R. 15387 were a law today, naturally the provisions of the law would be followed, and I want to quote here part 111, of chapter 70, the United States Code, which states: "Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title, which now includes postal inspectors of the Post Office Department, while engaged in or on account of the per-

formance of his official duty shall be fined not more than \$5,000 or imprisoned not more than 3 years or both."

And I want to reiterate, the patron who savagely beat the letter carrier was fined \$25.

We have had letter carriers attacked because the welfare checks were a day late. This is the sort of accident in the postal service that cannot possibly be the fault of the carrier—who delivers every day what he is given to deliver—but it is the carrier who must bear the brunt of the disappointed patron's wrath.

In Chicago, not long ago, a letter carrier—female—was raped while delivering mail in an apartment house. I must say, this kind of problem never occurred when I first began in the postal service.

There seems to be a growing tendency among certain greatly disturbed people to send bombs—what used to be called infernal machines—through the mails. These create another hazard which faces the letter carrier on his daily rounds.

In the early days of the Republic, Mr. Chairman, it was a hanging offense—under Federal law—for anyone to threaten or assault any carrier of the mails in the performance of his duty. Naturally, we are not seeking any penalty as bloodthirsty as that—but we do feel the pedulum has swung back too far in the opposite direction. There should be some penalty under Federal law—and we believe the penalty should be sufficiently stiff to act as a deterrent to this kind of criminal action.

The human arguments in favor of this are most persuasive, but there are also monetary arguments which should appeal to the Government accounts. This bill, if enacted into law, will not cost the Government money. On the contrary, it will save the taxpayers money. A good letter carrier represents a considerable investment of Federal funds. A trained and efficient carrier is a valuable asset to his Government. If he is killed or wounded, the Government must pay insurance or compensation. It is economically sensible for the Government to keep its letter carriers, alive, healthy, and physically secure in their jobs.

Mr. Chairman, in the case in Brooklyn with a letter carrier who was killed while making his deliveries the Government has already paid \$40,000 in life insurance to the widow of that carrier.

I have mentioned, Mr. Chairman, that we would like to have some amendments to this excellent bill considered by the committee.

For instance, the language of the bill, which would be incorporated into the United States Code as section 3108, of chapter 41, title 39, reads:

"The Postmaster General may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from the service, against any employee who forcibly assaults," et cetera, et cetera.

We feel that the right of such an employee to appeal such a decision should be guaranteed and spelled out in the law. The present wording is rather loose and could permit arbitrary punitive action which could be undeserved. Any employee, no matter how obnoxious his actions may appear to be, should at least have his day in court and an appeal to higher and unprejudiced authority before suffering punishment.

Just recently, in a New Jersey city, a supervisor, irritated by the lack of manpower on a certain day, became argumentative with one of our members. The supervisor, without physical provocation, slugged the carrier. When the Post Office inspectors were called in, they deter-

mined that both parties were at fault, and the matter was forgotten. I am not arguing the case before this committee, but I would like to point out that there were witnesses who swear that the employee made no threatening gesture before or after he was hit—and I feel that a more objective investigation would have resulted in a different conclusion.

In a city in California 2 months ago, one of our branch leaders, in presenting a grievance, was beaten so severely by the postmaster that he had to be hospitalized. In this case, the carrier—according to witnesses—exhibited self-control that I am sure I could never have exhibited under such circumstances: He resolutely kept his hands at his side while being hit so there could not possibly be any argument that the postmaster was acting in self-defense.

I might add that the Post Office Department has taken action against this postmaster.

Before I discuss, with your permission, some case histories of assaults, I would like to add a final word on this bill relative to section 2.

We feel that it should be a Federal offense not only to assault a letter carrier but, also, in any way, to impede the prompt delivery of the U.S. mails. An amendment to H.R. 15387 providing for punishment to any person who would impede the mails is in order. We have had several instances where letter carriers have been robbed of their personal effects, but in which the mail has not been stolen, and in which an actual assault has not been perpetrated. I might add that the number of robberies has increased since the last pay raise, since perhaps it was common knowledge before that time that it would not be worthwhile victimizing an underpaid letter carrier.

We know, as you know, that adding a few words to the law is not going to make assaults on letter carriers obsolete overnight. There is no way we can eliminate the possibility of a mad sniper like the one who shot and severely wounded a letter carrier a few months ago, in Texas, just on a whim, or the dope addict in search of a "fix" or the aggressive crackpot.

These are the abnormal realities of life and we all take our chances of encountering them whenever we walk down the street.

But, by toughening up the law, and advertising its toughness effectively, we can, I think, deter the deliberate criminal from committing criminal acts against letter carriers.

If this bill becomes law—and I sincerely hope it will—I believe it would be very wholesome if this committee, and the Congress generally, would insist that the Post Office Department place in every post office and postal facility, a notice to the general public announcing that there are severe penalties under Federal law for threatening or assaulting a letter carrier in the performance of his duty.

Criminals, if they have any knowledge at all, are almost always wary of violating the Federal law because they know the chances of their apprehension, and the penalties prescribed are generally greater than they are for offenses against State laws or local ordinances.

It is increasingly apparent that something drastic and constructive must be done to stem this growing wave of assaults against letter carriers. In our opinion this bill, if it is sufficiently advertised in post offices and Federal buildings, will go a long way toward achieving this end.

Here are a few examples of what has been happening just during the last year.

Minneapolis, Minn. letter carrier, Jack Zimney, on October 9, 1967, was collecting mail from a street corner letterbox when suddenly two men appeared, one on each side of his vehicle. One assailant slashed at him with a knife cutting through his coat and shirt, fortunately only causing a slight scratch. The assailants were frightened away and no mail was stolen although the carrier suffered from fright as well as the slash.

On December 15, 1967, at Minneapolis, Minn., Letter Carrier Rolland Neuman, on a collection assignment, was dragged partially from his vehicle by an assailant. The carrier suffered a cheekbone injury as well as severe kidney pains from being kicked by the assailant.

At Clearwater, Fla., Houston, Tex., and Canoga Park, Calif., letter carriers have been severely beaten by owners of dogs who retaliated after letter carriers found it necessary to ward off the vicious animals. In the Clearwater incident, letter carrier Ralph Howell sprayed the dog-repellent "Halt" on a karate expert's dog and was sent to the hospital following a severe beating.

Letter Carrier Jack Pasternack, of Brooklyn, N.Y., died on December 24, 1967, following 2 months in a coma after being viciously beaten as he made his deliveries in a Brooklyn apartment house.

A 19-year-old Chicago, Ill., female letter carrier was raped previous to thefts of checks from her possession. This assailant has been captured and is awaiting trial at this time.

At Donalsonville, Ga., three thugs are currently awaiting trial charged with intent to murder, and assault, in the wounding of a rural letter carrier. James L. Moore was shot in the back of the head after he was flagged down on his route by one of the trio who said he wanted to buy stamps.

At Long Beach, Calif., a letter carrier is still suffering from an eye injury caused by a brutal attack upon him by two assailants who assumed that the carrier had sprayed dog repellent on a child.

A Kansas City, Mo., letter carrier has recovered from a fractured nose and other bruises which resulted from a patron's attack following the carrier's unintentional killing of a dog beneath the wheels of his vehicle.

A Corpus Christi, Tex., letter carrier has recovered from a gunshot wound suffered when a deranged patron fired promiscuously at him while he made his deliveries.

A Washington, D.C., letter carrier has just returned to work following an attack upon him as he made his deliveries in a downtown Washington building on February 12. Mail was stolen following the assault.

Another Washington, D.C., carrier was critically injured earlier this month when he parked his vehicle legally in an area where a patron had ordered him not to park. The carrier was following his normal procedure when the patron viciously attacked him causing him to be hospitalized.

Mr. Chairman, with your permission I would like to have Mr. Jack Leventhal, president of our Brooklyn branch, address the committee briefly with some specific examples of what is happening in that city.

Mr. NIX. Certainly, Mr. Leventhal.

Mr. LEVENTHAL. Thefts and assaults against letter carriers in Brooklyn have increased at an alarming rate. I have here a list of 35 thefts that have taken place this past year and 23 assaults.

Mr. NIX. Without objection, we will make that a part of the record, by unanimous consent.

Mr. LEVENTHAL. Fear has spread like wildfire in certain areas of Brooklyn, particularly in the Brownsville, Metropolitan St. John's, and Stuyvesant areas. There has been a gnawing fear all year, since on November 1 of this year a letter carrier, Jack Pasternack, was found lying in a pool of blood at 129 Tapscott Street in the Brownsville post office area, suffering from a double fracture of the skull. He was taken to Kings County Hospital. Extensive surgery was performed to remove a blood clot. He remained in a coma for 2 months and finally passed away on December 24.

On the very same day as the assault on Jack Pasternack, a letter carrier on an adjoining route, Stanley Jefferson, was thrown up against a wall by two hoodlums. A bundle of mail containing welfare checks was stolen, and although Carrier Jefferson wasn't physically assaulted, it had its traumatic effect, because 2 days later he was admitted to Kings County Hospital, suffering from a nervous breakdown.

I would like to read a letter addressed to me by the son of the carrier who died in the performance of his duties.

Dear Mr. LEVENTHAL: I am the son of Jack Pasternack, the mailman who at this moment has been in a coma since November 1st as a result of a savage beating undertook while performing his duties as a public servant. Although it is too late to help my father, it is not too late to help other mailmen. Something must be done to spare the families of other letter carriers from the torture and anguish that my mother, younger sister and I have been experiencing. We must protect all mailmen from mugging and attacks like my father received so that their lives will not be affected like our lives have. They won't have a hysterical mother who is now out of work, a young girl whose college plans have been changed and a young boy who has had to assume awesome responsibilities and whose plans for graduate school and career moves have been altered.

What is to become of families whose breadwinner is attacked? Can the Post Office or the city afford to let these attacks continue? Is no one safe to walk our streets even if he is bringing good news to people?

You know, I can remember when being bitten by a dog was the mailman's biggest worry. At this time, when I don't know whether I will ever speak to my father again, I ask you to do something to spare others and to protect our public servants.

Carrier Jack Pasternack passed away on December 24.

Now, local enforcement officials are doing all they can, and a Federal law making it a Federal offense will not be in place of local law enforcement, but in addition to local law enforcement, even as a psychological deterrent.

In these areas even carriers who have not been attacked are afraid on the 1st and 16th of the month. These are when most of these assaults occur. It seems that these welfare checks are negotiable. There isn't any problem cashing them. The welfare recipients themselves suffer because the mail is delayed. They don't get their checks for 2, 3, or 4 weeks later, and they live on a day-to-day basis. Any additional deterrent we can get in this area so that criminals will not attack carriers as easily as they do—it seems to me they are getting away with it. There isn't a deterrent strong enough to deter them from stealing and assaulting against letter carriers.

Mr. NIX. Thank you, Mr. Leventhal.

I might say that so far as this member is concerned, I think you have presented the case most dramatically—both Mr. Rademacher and Mr. Leventhal certainly has presented his case in a most dramatic way. And I didn't realize how very serious the problem has become. But I now realize the seriousness of it.

Mr. Gross?

Mr. GROSS. I will pass for the time being, Mr. Chairman.

Mr. NIX. Mr. Olsen?

Mr. OLSEN. Thank you, Mr. Chairman.

I wish to associate myself with the remarks of the chairman. I think that Mr. Rademacher and his associates have made an excellent presentation.

I have just two questions. One is that it already is the law, title 18, section 1701, United States Code:

Whoever knowingly willfully obstructs or retards the passage of the mail or any carrier or conveyance carrying the mail shall be fined not more than \$100 or imprisoned not more than six months or both.

Now, of course, that requires proof of the intent of the assailant that he intended to impede the mail.

As I take it, you want a law that would say that anyone who willfully attacks a letter carrier while he is in the performance of his duties, has committed the crime of impeding the mail?

Mr. RADEMACHER. Yes, Congressman Olsen. I think we might go beyond that and reiterate the case of the letter carrier that was merely robbed of his personal possessions. I realize you are stretching a point, but this is actually impeding the mail and if it is one way to bring a halt—

Mr. OLSEN. I think I agree with you that to place the mailman in fear of his personal safety in fact impedes the mail.

Mr. RADEMACHER. If that language could bring a halt to these attacks and assaults and robberies, we naturally are going to support such a proposal.

Mr. OLSEN. I don't know how much it will, but I would like to bring a real halt to this kind of violence.

I do fear that—and I must say this out loud—I do fear that our entry into this field will encourage the local authorities to further avoid their responsibilities.

What do you think?

Well, let me say first—hearing your testimony, you criticized a judge for imposing only a \$25 fine, and I am in agreement with you there, but won't the judge and the local authorities be of the view that this is none of their business anymore, all this business has to go to Federal courts? Maybe it should, but don't you know that that may be the thing that will happen.

Mr. RADEMACHER. Look at it this way, Mr. Olsen. In the case of the Houston judge, who assessed only a \$25 fine, we may have here a case of a dog lover. I am not criticizing the judge. I am not even aware of his name. We have a situation where the person who committed the assault is a local citizen and politics could enter into it. There are a number of reasons why only a \$25 fine was assessed.

If this was a Federal offense, to have attacked this letter carrier, that judge wouldn't have any authority to assess only a \$25 fine. It would be in the statutes of what he could do in this case, but first of all it wouldn't even be in his hands. It would be in a Federal court.

Mr. OLSEN. Then that is what you do want? You want it in Federal court?

Mr. RADEMACHER. Yes. As far as the local officials assuming less responsibility, they have no responsibility now in this regard. They only have a responsibility if this letter carrier who was so disturbed about being slugged and assaulted—he himself swore out a warrant against the person who committed the assault. He didn't have to, but he did and brought it to the attention of the local people there. But this is insufficient in our opinion because carriers are being attacked constantly, and it is just part of the complete breakdown in this country, we feel, of law and order, and when it has got to a point now where the people that are charged with the responsibility of carrying the mails are being assaulted, certainly it ought to be of concern to everyone to do something about it legislatively.

Mr. OLSEN. So you look to have an amendment to that portion of the code which protects postal inspectors?

Mr. RADEMACHER. That's right, to include all postal employees.

Mr. OLSEN. Now, then, getting to the other point I have, is that the question of the postmaster having authority to discipline employees who are involved in assaults one upon another. What kind of appeal to higher or other courts do you advocate? Do you have some language that you are going to submit to us?

Mr. RADEMACHER. The language that is existent in our postal regulations and the national post contract today which merely permits an employee to exercise a right of appeal. And this exercise of rights has proven in numerous cases that the postmaster has not been correct in assessing the punishment. That after the facts were developed by higher level boards, it was determined that the employee was not responsible for the acts.

And I might say here, Mr. Chairman, and members of the committee, that I happen to represent about—or have represented about 99 percent of all appeals of letter carriers ever since the Post Office Department inaugurated its appeal system 5 years ago, and not in one case out of several hundred has there been any reference to an assault by a letter carrier on a supervisor.

I think the—I don't want to get too deeply into this—but I think that if the records of the Department were revealed to this committee that they would indicate the people that are doing the assaulting are new employees, some of whom may be ex-convicts—I don't know, but I am certain that the career employee, the person that has made up his mind to spend a lifetime in the postal service, is not going to harass or attack his boss.

What few cases that I know about from other crafts have been new employees that are responsible for this disgraceful record that was reported to you by Mr. Murphy and which would lead anyone to believe that there is just a terrible lot of assaulting going on in the postal service, and this is far from the truth. There are more attacks on the street than there are within the postal service.

Mr. OLSEN. Thank you, gentlemen, for presenting a splendid case and thank your organization.

Thank you, Mr. Chairman.

Mr. NIX. Mr. Derwinski?

Mr. DERWINSKI. Thank you, Mr. Chairman.

I take it, then, sir, we have two problems. We have the one problem within the Department itself, employee assaults on fellow employees, and then we have a problem which you emphasized, one of employees being assaulted in the streets or wherever they are working.

Now, let's take this list submitted by your Brooklyn branch. There are a variety of assaults listed. Is it proper for me to assume in these cases the party was obviously a Post Office employee, either because he was wearing a full uniform or the obvious identity such as a mail sack or a properly painted vehicle and so on, so that the persons perpetrating the assaults realized or should have known they were attacking a Federal employee?

Mr. RADEMACHER. Yes, sir. In all the cases that Mr. Leventhal has presented here, the case which I think was one of the 23 instances of assault, these are instances where actual assaults took place of postal employees, mostly letter carriers, some of whom were en route into the post office, others were on their actual assignments, but they were in uniform in almost each instance when they were attacked.

Mr. DERWINSKI. In other words, wearing of this uniform which is distinctive and does identify them properly, wasn't a deterrent to these attacks.

Mr. RADEMACHER. No, it was not.

Mr. DERWINSKI. You mentioned that the problems within the Department, the assaults by employees, do I understand correctly that you feel that these are primarily caused by new employees?

Mr. RADEMACHER. I will say that in the absence of the record I would assume that. Knowing the people in the postal service, I would assume that they are generally newer employees who have no possible conception of what the postal service means, and all of this has to do with the type of people that we are getting in today. The type that are using it as a stepping stone somewhere else, and I would respectfully urge that the committee seriously consider asking for statistics from the Department as to who are these people. I am not suggesting that. I would just urge that the committee consider that, to find out who they are that are maligning our name and are causing this testimony to be given to make it look as if all we do in the postal service is fight. It is absolutely ridiculous with three-quarters of a million people to go back 5 years to try to develop a case.

We have problems, and frankly, in our opinion, section 1 shouldn't be in the bill, and I think perhaps it is necessary that it is in there in order to bring the legislation before this committee, and we are for that. We think that anything to do with the Post Office ought to come before this committee, but as Mr. Murphy has stated—and this is one time we are in agreement—the Postmaster General has authority and has done it. He has got evidence here they have suspended people, and I was happy to note in there that supervisors have been suspended also for the attacks on employees. It hasn't all been one way.

Mr. DERWINSKI. You feel that the great void in this area is in assaults by patrons or people in the streets?

Mr. RADEMACHER. That is our concern. We naturally have accepted section 1, because we don't feel that the employee ought to be harassing the supervisor or the supervisor harassing the employee or attacking each other. We are against it, and if we can bring it to a halt through this means we are for it.

But I say that the important problem and the purpose really of the legislation is to do something about the assaults on people that

carry the mail and other postal employees to try to prevent them from the attacks that are taking place.

Mr. DERWINSKI. Thank you.

Thank you, Mr. Chairman.

Mr. NIX. Mr. Waldie?

Mr. WALDIE. Mr. Rademacher, I think you heard my comments given to Mr. Murphy and my concern about involving the Federal Government in an area which has been essentially and properly, in my view, the responsibility of local government.

I would be willing to involve the Federal Government in that particular area if I am convinced that the State and local law enforcement people are unable to take care of the problem with which they are confronted, and to which this legislation is addressed.

I gather you assumed by your support of the measure and by your testimony in this particular aspect that that is a correct assumption—that they are unable to take care of the situation?

Mr. RADEMACHER. They are unable to take care of the section 2 problem?

Mr. WALDIE. That is the only section to which I had reference to.

Mr. RADEMACHER. I certainly concur with your thoughts and those of others that section 1 should not for a moment infer that these cases of assaults between individuals ought to go into the courts.

Mr. WALDIE. No. Actually I would like you to confine your remarks to section 2 which is the one that offends my sense of a separation of powers most thoroughly. I gather your support of section 2 and your comments relative to these cases is an assertion on your part of a lack of confidence in the local law enforcement people and their ability to handle the problems with which your people are confronted.

Mr. RADEMACHER. I wouldn't want to make such a broad statement, Mr. Waldie, because we have no evidence that these people are not acting responsibly at the local level. They don't have authority. If a letter carrier is attacked in Kansas City, Mo., because he ran over some patron's dog and goes to the hospital, he can file a complaint or not file it. It is up to him. But our organization feels that the patron ought to be subject now to a Federal offense, to Federal action as a result of this offense.

Mr. WALDIE. That is what I am trying to direct my attention to. I think that the person who commits the assault should receive punishment. I think the punishment ought to be administered by the local law enforcement people rather than the Federal.

I assume that your experience in all these cases that you presented to us leads you to the conclusion that local law enforcement either, one, is not operating effectively in their prosecution of these cases, or two, that they are not able to, under their laws, administer sufficient punishment to act as a deterrent. Is that a fair statement?

Mr. RADEMACHER. Well, it is a fair statement except that we would have to look at this as we do a case of kidnapping or any other Federal offense which brings in the FBI. They take the case right out of the hands of the local people and bring it into Federal court. The same thing would happen there. This is larger than what the local courts could cope with in my opinion.

I think all we need is a few examples of Federal crackdown on attacks on people that represent the Government and we won't have the problem.

But I see what your point is, and I can't necessarily concur, because of our purpose here, which is to make it a Federal offense to assault a person charged with the responsibility of carrying the U.S. mail.

Mr. WALDIE. You see, I am not ready to make any crime a Federal offense until such time as I have been shown that local law enforcement people are unable to handle the problem. I feel very deeply about the separation of powers, particularly in the area of law enforcement. And the administration of the laws affecting criminal activity. And I would be willing to, and have in the past, supported the intrusion of the Federal Government into this area that has been traditionally reserved for local government, but I would only act in that manner when the evidence before me convinces me that local law enforcement is incapable of handling the particular matter with which you are confronted.

In California—and I am not familiar with New York where the other cases came from, but certainly in every case that you cited in California—and by the way, parenthetically, it seems to be a tremendous number of dog-motivated cases, that perhaps is another problem, but aside from the dog-motivated cases, in California, the assaults such as you have described fall into two categories, either misdemeanor assault under the criminal code, or a felonious assault. And in case of the misdemeanor assault, the penalties range from a minimum of \$500 fine up to a maximum of a year and/or a year in prison. But the felonious assault involves a State penitentiary imprisonment which would seem to me to be the equal of all the penalties which would be available under title 2 of your code, and recourse to those statutes would seem to me to provide the deterrent that you are seeking, unless—and your evidence isn't clear on this—the local prosecutors and judges are not availing themselves, or the local postal people are not availing themselves of the opportunity to commence prosecution under those existing laws. Until such time that I am convinced that there is that breakdown that will necessitate the intervention of the Federal Government into this traditionally local responsibility, I would be greatly inclined not to permit our intrusion into the area. And the evidence thus far has not convinced me that that is so.

Mr. RADEMACHER. Mr. Chairman, Mr. Waldie raises a very valid point and I would like to ask of the Chair if we are understanding each other and how he would explain that if a person were to steal a letter and then have the Federal Government take that thief into Federal court, how we can say that that person should go into Federal court because he stole a letter but the person that attacked the same letter carrier should take his chances at the local court.

I think there is a misunderstanding or misconception on the part of many of us in this regard.

Mr. WALDIE. I can respond only in this respect: I was not present when the law which you refer to, relative to the letters, was enacted. Had I been, I would have asked the same questions of the proponents of that law that I have asked of you and I suspect they would not have been able to convince me that local law enforcement was not able to handle the situation.

The extension of this proposal that we have before us is that the Federal Government enact a structure of laws that has direct application to every Federal employee in the country as well as every Fed-

eral property interest in the country which would be an enormous structure of law requiring an enormous number of people to administer, prosecute and imprison, whereas at the present time most of the prosecution, administration and imprisonment functions of violation of the penal laws are reserved to the States.

I think it is proper philosophically and I think it is proper also in terms of the cost of such a system that it be undertaken primarily by the State. Those preliminary convictions are subject to change if the evidence is sufficiently persuasive to me that that system has not afforded you folks the protection that you rightfully desire.

The evidence submitted to me today at least has not convinced me that that is so. You have been subjected to a number of assaults as has the population at large over recent years and it may be an entirely correct assumption that local law enforcement is no longer capable of protecting Federal employees, but before I make such a determination I want much more persuasive evidence than has been submitted so far.

Mr. RADEMACHER. So long as there is a provision in the statutes which protects postal inspectors, we felt it only right that the people who are now being assaulted to a greater extent than postal inspectors ought to be protected under the same statute.

Mr. WALDIE. Had I been present at that time that law was enacted I would have asked the same questions and require for my own personal vote the same burden of proof.

Mr. NIX. I just want to say that the time allotted for the meeting is just about to expire and if there are further questions I would deeply appreciate it being withheld until the next meeting.

Do you have any questions, Mr. Gross?

Mr. GROSS. Yes; I do, Mr. Chairman.

Mr. NIX. Could you possibly come back tomorrow morning?

Mr. RADEMACHER. I would be happy to.

Mr. NIX. I want to express my appreciation to Mr. Rademacher and Mr. Leventhal and Mr. Lewis and I want to call Mr. Patrick Nilan just to make a statement.

Mr. Nilan?

Mr. NILAN. Mr. Chairman, I have another commitment tomorrow morning but either I or our representative will be here to present a statement on the legislation.

Mr. NIX. Thank you very much.

I have a report dated March 15, 1968, entitled "Brooklyn thefts of mail," which will be made a part of the record at this point.

(The report follows:)

MARCH 15, 1968.

## BROOKLYN THEFTS OF MAIL (1967 and 1968)

All of these thefts occurred on the 1st or the 16th of the month.

Arthur W. Deall, Jr.	Bushwick.
Henry J. Fiorillo	Metropolitan.
Joseph J. De Martino, Jr.	Adelphi.
John Musumeci	Bay Station.
Luther Frederick	Garage (D).
Richard Goodman	St. John's.
Fred Gross	Brownsville.
Burton Huhem	Gravesend.
Peter M. Kurtin	Midwood.
Martin Lamboy	Metropolitan.
Frank Luberto	St. John's.
Vincent P. Mattiello	East New York.
Joseph McGivney	St. John's.
Nestor Messina	Flatbush.
Gaspar Rugusa	Metropolitan.
Ralph Richardson	Brevoort.
Albert Roffman	Brownsville.
Sidney Schwartz	St. John's.
Solomon Schwartz	St. John's.
Stephen Signaevsky	St. John's.
Samuel Simon	Brownsville.
George J. Thompson	Stuyvesant.
Michael J. Cadito	Blythebourne.
Leonard Brooks	East New York.
Jerry Loffie	Bay Ridge.
Stanley Jefferson	Brownsville.
Frank Ballerina	Stuyvesant.
Leonard Brooks (2nd time)	East New York.
Frank Conti	Adelphi.
Sheldon Schwartzberg	Kensington.
Alfred Scher	Brownsville.
Perry Katzman	Rugby.
Hercules Jamison	Vanderveer.
Joseph Desrochers	Metropolitan.
Carmine Gigante	Blythebourne.

## EMPLOYEES ASSAULTED IN 1967 AND 1968 IN THE BROWNSVILLE, METROPOLITAN, ST. JOHN'S, AND STUYVESANT AREAS IN BROOKLYN, N.Y.

Jack Malin: Accosted by, and successfully fought off, 3 hoodlums.

Albert Roffman: Bearing coincidental likeness to Jack Malin, was stabbed the next day.

Max Bosworth: Assaulted and robbed. (Head injuries.)

Max Dennis: Assaulted and unsuccessfully robbed. (Neck injuries.)

Superintendent Conrad Reese: Brick, smashing in window of his office, narrowly averted serious cuts by flying glass.

Herbert Bartfield: Assaulted by patron.

Anthony Bergamo: While having lunch, was assaulted and threatened with pistol.

Paul Kravitz: Involved in "shoot out" between police and law breakers.

Maurice Brickel: Threatened with knife.

Solomon Schwartz: Robbed.

Stephen Signaevsky: Robbed.

Albert Roffman: Robbed.

Frank Banner: Physically assaulted on 2 different occasions.

Robert Warren: Robbed.

Two seasonal assistants: Both assaulted the first day of employment to the extent of being physically unable to continue their duties. Resignation followed same day.

William Votta: Assaulted and robbed.

Joseph Desrochers: 1. Thief stole a bundle of mail. Carrier shouted at the thief and gave chase, and attracted attention of passerby who joined in the chase.

When they reached the thief, he pulled a gun on them and got away. 2. Robbed at knifepoint at 808 McDonough St., B'klyn, N.Y.

Kenneth Bowers: Night Collector—Stabbed while collecting mail on St. John's Pl. Critical condition.

William Votta: (2nd attack) While delivering mail at the Brownsville Public Library, an assailant walked up to the carrier and punched him in the face.

Aaron Kaplan: After delivering a C.O.D. parcel, was accosted in the hallway by 3 individuals and was robbed of his C.O.D. money.

Jack Pasternack: While delivering mail at 129 Tapscott St. in the Brownsville Post Office area, was struck on the head and suffered a double fracture of the skull; and was then operated upon to remove a blood clot. However, he remained in a coma for 2 months and then passed away.

Stanley Jefferson: On the very same day that Carrier Pasternack was assaulted, and while delivering mail on an adjoining route, was pushed up against a wall by two individuals. A bundle of mail was stolen. Although Carrier Jefferson was not physically assaulted, it had its traumatic effect, as Carrier Jefferson was admitted to Kings County Hospital 2 days later suffering from a nervous breakdown.

Mr. NIX. The meeting tomorrow will be in room 310, the hearing room of the Committee on Un-American Activities.

The subcommittee will recess until tomorrow morning at 10 o'clock.

(Whereupon, at 11:50 a.m., the subcommittee was recessed to reconvene at 10 a.m., Tuesday, March 19 1968.)



## POSTAL EMPLOYEE PROTECTION AGAINST ASSAULT UNDER FEDERAL CRIMINAL LAWS

TUESDAY, MARCH 19, 1968

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON POSTAL OPERATIONS  
OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE,  
*Washington, D.C.*

The subcommittee convened at 10 a.m., in room 310, Cannon Building, Hon. Robert N. C. Nix (chairman of the subcommittee), presiding.

Mr. NIX. The subcommittee will be in order.

We are indeed fortunate at this time to have as the first witness the distinguished chairman of the full committee, Mr. Dulski, from the State of New York.

You may proceed, Mr. Chairman.

### TESTIMONY OF HON. THADDEUS J. DULSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. DULSKI. Thank you, Mr. Nix. It is always a pleasure to present my views to my colleagues.

Mr. Chairman, I deeply appreciate your scheduling prompt action on this important legislation.

It has been most gratifying to me, in reading yesterday's hearing record, to note the very informed interest the subcommittee members have in the legislation.

I sponsored H.R. 15387 to correct what I sincerely believe to be shortcomings in both postal and criminal statutes—shortcomings that leave letter carriers and many other postal workers without the protection to which they are entitled.

These gaps in the law have been highlighted by the recently increased frequency of assaults on postal employees.

Now, if I may, I will direct my attention to several issues raised at yesterday's hearing.

Mr. Chairman, my bill would help remedy the serious assault problem in two ways.

The first section writes into the postal code, title 39 of the United States Code, positive authority for the Postmaster General to take disciplinary action when a postal employee is assaulted by another postal employee.

Section 2 extends to postal employees Federal criminal law protection now afforded only those engaged in enforcement activities.

In drafting the first section of the bill I was fully aware that general disciplinary authority already is vested in Government department

heads. However, in my judgment, the mission of the postal service is so critically important to the national economy and the public welfare that separate and specific protective legislation is both necessary and suitable.

The postal service is unique, among all governmental services. It touches and affects every person in the United States. Postal employees, too, are unique among governmental employees because it is they who really are the postal service.

There is ample precedent for separate statutory treatment of protection needed by postal employees. Their extraordinary status has been recognized by the Congress in terms of their pay, their working conditions, and many other aspects of their employment rights and benefits.

I strongly recommend that the first section of the bill be retained as an affirmation of congressional recognition of the special needs of postal employees.

The chief thrust of my bill is to give protection against forcible assault. So long as that protection is accomplished, I would not object to such changes in the remaining language of the section as the subcommittee might decide upon.

Section 2 of H.R. 15387 is the most important part of the bill, because assaults have become so numerous recently.

Section 1114 of title 18 of the United States Code (the criminal code) now protects many types of Federal enforcement officers, most of whom are far better able to protect themselves than are our letter carriers. Those enforcement officers now have protection against assaults under section 111 of title 18.

But other postal employees have no statutory protection under Federal law against being assaulted or killed while performing their duties.

I sympathize with the problem of excessive workloads on public officials—whether they be in the judicial, executive, or legislative branch. We all probably have more work than we can do readily.

But convenience in scheduling prosecutions or court action does not, in my opinion, outweigh the very evident and immediate need for protection of postal employees under Federal law.

State and local laws generally are available in case of assault on, or killing of, a letter carrier. In any event, we have every indication that many, if not most, of them are inadequate.

On the present record, the local laws and ordinances have not been an effective deterrent. Perhaps the best evidence of their weakness is the rapid and continuing rise in forcible assaults. Apparently, the local statutes and ordinances neither frighten nor deter anyone who decides to attack a postman.

From my observations, too, the penalties assessed locally—and even the maximum penalties permitted—often are not in proportion to the gravity of the offenses which my bill seeks to cover.

Mr. Chairman, it is an extremely serious thing to assault a postal employee who is performing his official duties. Any such assault is bound to impede the movement of the U.S. mails.

Such an assault is not merely an offense against the social order—to which the local laws and penalties are directed. It is an offense against the postal system and the sovereign Nation itself.

Few people outside of the Federal service realize or understand this. The petty thieves, the hooligans, and others disposed to violence apparently give it no heed. Nor do the local laws and penalties help to impress them—because of the relatively mild penalties permitted and often assessed.

On the other hand, the Federal criminal statutes fix realistic penalties—penalties that far more nearly measure the gravity of the offenses. With these penalties to protect postal employees enacted into Federal law, there would be fair warning to all—a truly effective deterrent force.

I am confident that all postal employees will strongly support this legislation. But it is of special concern to our letter carriers, and I consulted closely with them in preparing the bill.

The letter carriers are more vulnerable than other employees to assaults and threats of assault because of the nature of their work.

The letter carrier must go alone and unarmed into the streets and alleys and buildings where lawlessness and violence may thrive. The known or anticipated value of the mail he carries is in itself an attraction to attempted robbery.

He may even be subject to violence simply because an addressee resents the content of his mail and takes out his resentment on the innocent letter carrier.

I think that one of the most unfortunate signs of the time is the change in public attitude toward our letter carriers.

The letter carrier—many still call him the “mailman”—traditionally has been a symbol of respect and even affection from those he serves so faithfully.

This fine tradition continues for the vast majority of Americans. Most regrettably, however, we now are faced with increasing evidence that the tradition means nothing to a growing number of crooks and crackpots.

The representative of the National Association of Letter Carriers placed in yesterday's record a number of instances of grievous assaults on letter carriers, and I will not burden the record further in that respect. Those instances point up the gravity of the situation.

Let us make no mistake, the more of these attacks that occur without adequate redress—that is, the more that offenders get away with—the greater will be the danger to our letter carriers and other postal employees.

Should we not give the employees as much protection for their persons as we now give by law to the letters and packages they deliver? I believe we should.

Mr. Chairman, I thank you and the members of the subcommittee for your kind attention and consideration.

Mr. Nix. Thank you very much, Mr. Chairman. Your authorship of this legislation is characteristic of the interest and the concern that you have exhibited on behalf of postal employees over the years, and we are grateful to you for bringing this matter to the attention of the committee for its consideration.

We are grateful to you for your appearance here this morning. We know that you are slated to appear at another meeting in 15 minutes, but you have, because of your deep interest, sacrificed that time to come here and give us the benefit of your views on this legislation.

I know that my colleagues on the subcommittee share my opinion, and I would be happy to have the distinguished gentleman from Iowa proceed.

Mr. DULSKI. I thank the gentleman.

Mr. GROSS. Thank you, Mr. Chairman. I want to commend the distinguished chairman for his statement to the committee this morning, and say to him that I find myself at this point in opposition to the Post Office Department testimony of yesterday with respect to this legislation, in that they want to make it governmentwide.

The Post Office Department and the services thereof are unique in the Federal Government.

I have introduced—and I am not sure that the chairman has seen my bill—I have introduced a bill which would confine the legislation on this subject to the Post Office Department. That is where I think the need arises. And at this point I am not sure as to the scope of your bill, Mr. Dulski, but as far as I am concerned, I want to confine this to the operation of the postal service. If later it is deemed necessary to extend it to other agencies and departments of Government on the basis of testimony that justifies it I would be willing to move in that direction.

Mr. DULSKI. Mr. Gross, as always, I agree wholeheartedly with your opinion, and I am of the same opinion as you are, that my bill mostly concerns the postal employees.

Mr. GROSS. Again, I thank the gentleman.

Mr. NIX. Thank you.

Mr. DULSKI. Thank you very much.

Mr. NIX. A letter from Al Shamas, president of branch No. 101, National Association of Letter Carriers, addressed to Mr. Dulski, with enclosure, will be made a part of the record at this point.

GEORGE A. HAHN BRANCH No. 101,  
NATIONAL ASSOCIATION OF LETTER CARRIERS,  
Altoona, Pa., March 18, 1968.

HON. THADDEUS J. DULSKI,  
Chairman, House Committee on Post Office and Civil Service,  
New House Office Building, Washington, D.C.

DEAR CONGRESSMAN DULSKI: On Monday, March 11, 1968, one of our letter carriers was attacked and stabbed viciously for no apparent reason. He was delivering mail at this time. His assailant was and still is unknown to him. He has never seen him.

Enclosed is the article about the incident that appeared in the Tuesday, March 12 issue of the Altoona Mirror, our daily paper.

Mr. Gerald Appleby, the carrier was listed in a "guarded condition" for several days, he suffered a great loss of blood. I am glad to say now that his condition is listed as "good".

I made a small initial investigation of my own and from neighbors, this is only a rumor, I heard that the assailant was depressed because he had not received a check that he was expecting.

I know how you feel about these things and I am familiar with H. R. 15387, which you have introduced. If this incident can help in any manner in the passage of this Bill please use it.

I know that you are a kind and understanding man, you have proved this to the letter carriers many times, and I want to thank you for all you have done for us.

Sincerely Yours,

AL SHAMAS,  
President, Branch #101, N.A.L.C., Altoona, Pa.

WHILE ON DUTY: CITY MAILMAN STABBED BY ASSAILANT  
"FOR NO REASON"

An Altoona man was arrested by police yesterday in connection with the stabbing of a city mailman yesterday at 12:55 p.m. while he was delivering mail in the Fairview area.

The victim, Gerald Appleby, 54, of 1217 24th Ave., was treated for a stab wound of the left kidney area and was admitted to the intensive care unit of Altoona Hospital. He was reported in good condition today, officials said.

Police said he was delivering mail in a box on a porch post at 104 E. 27th Ave. when he was allegedly stabbed by Peter Ritchey, 26, of 201 E. 23rd Ave.

About 1:20 p.m. yesterday, Ritchey walked into the police department at City Hall and said he stabbed the mailman, according to police. He then turned over the weapon, a pocketknife with a three-inch blade.

Police said Ritchey was admitted to the Holidaysburg State Hospital Sept. 13, 1966, as an outpatient and was discharged Nov. 10, 1966. He was on trial basis from his discharge until yesterday, police said.

Investigation disclosed that Ritchey followed the victim for awhile. No motive for the stabbing could be established.

He was charged last night before Alderman Randolph Clark with aggravated assault, assault and battery, and assault with intent to kill, police said. Ritchey has been committed to the Blair County jail pending a hearing scheduled for a later date.

Mr. NIX. Our next witness is Mr. Wyatt C. Williams, vice president, National Alliance of Postal and Federal Employees. Mr. Williams, will you please take the chair? Do you have a written statement?

Mr. WILLIAMS. Yes, I do.

Mr. NIX. You may proceed.

**TESTIMONY OF WYATT C. WILLIAMS, VICE PRESIDENT, NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES**

Mr. WILLIAMS. Mr. Chairman, I might say before I start my statement we certainly are pleased that your committee has gone to such great length for the protection of the postal employees.

Chairman Nix and members of the committee, I am Wyatt C. Williams, vice president of the National Alliance of Postal and Federal Employees. We are an industrial union representing Federal and postal employees of all crafts and classifications. We have 120 branches, located mostly in the major cities of the United States, the District of Columbia, and the Virgin Islands.

We have a continually expanded membership of over 40,000 members. We maintain offices in our building at 1644 11th Street, NW.

I am accompanied by Presidential Aide William S. Bradley, Jr.

Mr. Chairman, the National Alliance of Postal & Federal Employees wishes to express sincere appreciation for the opportunity to give our views before the distinguished chairman and members of the committee in behalf of the Dulski bill to protect postal employees against patron abuse. And I might add also, Mr. Chairman, that we appreciate the efforts of your aide, Mr. Kennedy. I am also honored to appear in the absence of our national president, Mr. Ashby G. Smith.

We support the bill in principle. However, in dealing with offenses by one postal employee against another employee we warn against precipitous action that would visit punishment against he who strikes the last blow rather than against one who might have provoked the assault.

In this connection, we state our contention that in a confrontation between a supervisor and his subordinate, the supervisor, presumably better trained and with superior judgment, should be held to a higher standard of self-restraint than is to be expected of a rank and file employee.

We base our plea for Federal protection legislation on three principles.

(a) In carrying out his duties the postal employee is inevitably thrown into direct contact with the public.

(b) Existing local law has proved unable or unwilling in many cases to provide needed protection.

(c) An agency which places its employee in a position of potential danger owes that employee maximum protection against becoming a victim to that danger.

Mr. Chairman, we feel that Federal protection of postal employees from patron or public abuse is long overdue. The urgency of the need for such protective legislation is pointed up by the growing turmoil in our cities and the pockets of hate that infest every urban community.

With branches in all major cities and a cross section of crafts and agencies represented in alliance membership, we have the advantage of receiving a well-rounded picture of the Federal employee and his or her problems. His or her problems partake of the nature of the society in which he or she live and work.

It is a society with massive unemployment in certain groups; lack of job training and job opportunity with its accompanying frustrations; viciously segregated housing patterns; teen-age-gang terror; slum areas and middle-class areas whose residents are poisoned by hate born of unreasoned fear.

Into all these areas must the postal employee go; with all these people must the postal employee deal.

Mr. Chairman, I have merely related but a few of the many danger signs that have come to the attention of our national office from our many dedicated postal servants. If you might indulge for a moment more I would like to relate one specific experience of Carrier Charles Ingram, of Dayton, Ohio. Mr. Ingram is also president of our Air City branch in Dayton, Ohio.

Mr. Ingram relates an incident that threatened his life. In order to understand Mr. Ingram's situation it might be well to start with the basic details, Mr. Ingram, a carrier in a substation of Dayton, Ohio, was the successful bidder on a route whose residents were predominantly white. It was not a stable neighborhood but one subject to constant change. On many occasions Mr. Ingram, while covering his route, was subjected to verbal abuse along racial lines. One certain patron, a minister by profession, seemed to be his constant adversary along with the aid of the minister's vicious dog. I believe most carriers will attest to the fact that a dog alone is substantial enough deterrent to orderly delivery of the mails.

Reasonable and prudent attempts of Mr. Ingram to protect himself from the dog resulted in the threat of the bigoted minister to shoot the carrier.

Report of the incident to the superintendent of mails about the threat and the abuse brought only a suggestion that Mr. Ingram change to another route. No protection offered, just a suggestion that the carrier surrender to bigotry.

An appeal to local authorities met with the plea that, "We can do nothing about it."

A plea to the postal inspector that he inspect the neighborhood with a view toward determining what was required to provide safety for a carrier was ignored. Ignored also was his suggestion that mail receptacles be placed on the outside of bars so that contact with abusive patrons could be avoided.

Enough of such instances—not all of which have racial basis, instances where infuriated or inebriated patrons wreak verbal or physical abuse upon the postal employee engaged in carrying out his duties—enough of such instances are in our files to justify this plea for Federal protection.

Mr. Chairman, we hope through our testimony that some additional light has been shone upon the need for Federal protection for external postal employees.

Thank you again, Mr. Chairman, for this opportunity.

Mr. Chairman, I would like to make a few comments on remarks that were made yesterday.

Mr. NIX. Yes.

Mr. WILLIAMS. We would like for the record, not to believe that if there is any acceleration of assaults in the postal service that blame should not be placed on the new employees coming in or a particular kind of employee coming into service, which we heard mention of yesterday. We believe that the civil service examination which has not changed appreciably, the postal laws and regulations which are still intact as they were at the inception of the Post Office should be sufficient to make sure that we still have the same caliber of postal employees that we have always had.

So we would not believe that it is the new employee or a kind of employee that is coming into the postal service. We would prefer to put the blame on probably overcrowded conditions in many of our major post offices in the Nation; and this, according to the testimony of Mr. Murphy, seems to be where the focus of the major amount of increased assaults are happening.

We have examined for our own records the increased volume of employees that are handling the increased volume of mail in the cities, and we are certainly aware that this continuous influx of employees into installations that were built for half their number certainly adds to the continuous conflict of personalities in the postal service and could be one of the causes for the increase in assaults.

We believe, also, the social attitudes have a lot to do with the attitude of the employee in the postal installation, and so this, too, may add to some of the assaults.

We are certainly in accord with the Postmaster General's program to build more and better installations, much larger installations, and we feel that this will eliminate much of the cause.

There was considerable concern yesterday about whether the local jurisdiction was able to handle the increase of assaults on postal employees. There is a lack of faith in the local jurisdiction from some of our members.

We are also concerned about the ability to give the same type of penalty for supervisors who abuse employees.

Mr. NIX. Thank you very much, Mr. Williams.

I was interested to hear you say in most positive terms that you supported the proposed legislation except that you had reservations

about that part of the bill that had to do with assaults by one employee of the Post Office on another. I would call your attention to the fact that it is, under present law, a violation of the law for one postal employee to commit an assault and battery on another, that such an act is an offense under State law. To make this a Federal crime would only add another legal dimension to the act committed by one employee on another.

Without expressing any personal opinion, I will say that I find it difficult to see how the creation of another crime could be offensive to anyone in view of the consensus that there is a need for more protection of postal personnel. Now that is merely a statement, but not a fixed opinion.

Now you mentioned, in the statement and remarks that you made, something about the new employees. I do recall reference being made to the new employees as possibly being a source of the accelerated conflict within the Post Office. My opinion of what was said is that it was only a groping about for a reason, and the reason why the new employee was mentioned was because the dedication of the older employees over a period of years had been such that the opinion was widespread that their interest in the Post Office, their dedication to the service, had, over a period of years, shown that they were not prone to jeopardize their position, and they had too much interest and too much respect for the service itself to engage in any act that would disrupt that service.

Now that, too, was not a final opinion. It was merely someone seeking an answer, and I take the view that whenever a problem arises we seek answers from as many sources as we can, and then we analyze the answers that all of us have arrived at, and perhaps we might arrive at the truth and a just solution.

I thank you very much.

Mr. Gross.

Mr. GROSS. Thank you, Mr. Chairman, and thank you, Mr. Williams and Mr. Bradley, for your appearance before the committee this morning.

Mr. WILLIAMS. Thank you.

Mr. DULSKI. Mr. Chairman, I would like to commend the gentleman for a well prepared statement. I am sure that, as the chairman stated, every factor of this legislation will be analyzed.

Mr. WILLIAMS. Thank you very much.

Mr. NIX. Yesterday, at the close of the meeting of the subcommittee, I said to Mr. Rademacher, at the insistence of the distinguished gentleman from Iowa, that I would ask him to do us the courtesy of coming back again for some questions from Mr. Gross.

Will you take the chair, Mr. Rademacher?

**TESTIMONY OF JAMES H. RADEMACHER, VICE PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO—Resumed**

Mr. RADEMACHER. Yes, Mr. Chairman.

Mr. NIX. Mr. Gross?

Mr. GROSS. Thank you. Mr. Rademacher, my first question is whether you subscribe to the Post Office Department's suggestion

that legislation on this subject be made Governmentwide. What is your opinion as to that?

Mr. RADEMACHER. Well, Mr. Gross, we are here, of course, to urge protective language for letter carriers, and we would not want to deny our fellow Government workers an equal privilege. However, I think to place into this legislation an amendment to include all Federal employees you certainly would be jeopardizing the legislation, and you would be including something that is not of immediate importance.

In other words, Mr. Gross, we have instances daily where letter carriers are being assaulted and attacked, and yet we haven't heard of similar assaults going on in other agencies. So although we feel that there ought to be protection for other Federal workers, I cannot see where it is immediately relevant to the legislation before the subcommittee.

Mr. GROSS. Postal employees by the nature of their work are required to go places, prescribed routes and that sort of thing, where comparatively few of the other Government workers are forced to go in their work and their livelihood, isn't that true, sir?

Mr. RADEMACHER. Like the old song, "Where Angels Fear To Tread," our people are required daily to go into every corner of this country of ours, everywhere.

Mr. GROSS. I don't want to belabor this, but I am pleased to have your statement. It would be my hope that the subcommittee and the full committee would limit this for the present to the Post Office Department. Thank you for your testimony.

Mr. RADEMACHER. Mr. Chairman, may I conclude by citing an error yesterday, an inadvertent error. We did not include in our listing of those who have supported this legislation and sponsored it the very distinguished gentlemen from Iowa, Mr. Gross, and also Mr. Derwinski, who have bills in on this subject, and we appreciate the recognition that they are giving in this manner to this very serious problem. We again urge that some action be taken, and if we cannot accomplish this objective we would urge that the committee request the Post Office Department to do all that they can in an education program to acquaint the public with the seriousness of the situation, by using post office bulletin board notices or other means, so that our letter carriers do not have to work in a state of fear as they do not only in Brooklyn, where there have been a half a hundred assaults in the last year, but in all other areas of our country.

I want to also thank Chairman Dulski, who not only sponsored this bill now before the subcommittee, but has submitted a very appropriate statement in which he points out our plight today. It is further evidence that the chairman is extremely interested in the welfare of not only the employee, but the Government itself.

Mr. NIX. Thank you, Mr. Rademacher.

I want to say this to you, that I have not been privileged to receive many statements as informative and as logically constructed as that which you presented yesterday. I mention this to you because I have learned that in going to the Rules Committee, seeking a resolution for myself, it is essential that I am conversant with every possible phase of the bill and every possible question that might be asked. I am particularly interested in those facts which will support and establish the need for the legislation. I was happy to note that they were set forth in abundance in your statement.

Do you know of any cases when local authorities have refused to come into the post office to investigate a case because it was a Federal installation?

Mr. RADEMACHER. No, I don't have any knowledge of such instances.

Mr. NIX. Thank you very much.

Mr. RADEMACHER. One last thing, Mr. Chairman. I think cures have been suggested, but what is more important and the key to this whole problem is prevention rather than cure.

Mr. NIX. Thank you. If there is no objection, I wish to offer at this point in the record a statement by the distinguished gentleman from Illinois, Mr. Derwinski.

(Statement of Hon. Edward J. Derwinski follows:)

STATEMENT OF HON. EDWARD J. DERWINSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman, as a sponsor of H.R. 15501, one of the bills pending before the Subcommittee to provide for disciplinary action against employees in the Postal Field Service who assault other employees in the performance of official duties, I trust that our Committee will give positive attention to this matter.

As a member of the Committee I will have an opportunity to expand the subject matter with other witnesses and, therefore, my statement in support of this legislation can be brief.

The purpose of the bills before us is to correct the obvious shortcomings and gaps in present law in both criminal statutes and postal regulations. It is clear that letter carriers, clerks, and other Post Office personnel do not have the complete protection of the law that conditions warrant.

These bills provide for disciplinary action by the Postmaster General which would permit him to suspend, demote or separate from service any official or employee who assaults another postal employee. The bills also provide for postal employees, effective protection of the law by strong criminal penalties in instances involving intimidation, interference with, assault or killing of a Federal worker who is performing his official duties.

A major presentation on behalf of this legislation, Mr. Chairman, will be made by the National Association of Letter Carriers. I am confident that the recommendations they and other groups will give before our Committee will clearly demonstrate the need for this legislation.

Mr. NIX. Our next witness is Mr. Patrick Nilan, legislative director, United Federation of Postal Clerks, AFL-CIO.

**TESTIMONY OF PATRICK NILAN, LEGISLATIVE DIRECTOR, UNITED FEDERATION OF POSTAL CLERKS, AFL-CIO**

Mr. NILAN. Thank you, Mr. Chairman. I would appreciate it if the chairman and the committee would permit Mr. Andrews to join me up here.

Mr. NIX. Thank you, Mr. Andrews.

Mr. NILAN. For the record, Mr. Chairman, my name is Patrick J. Nilan, legislative director of the United Federation of Postal Clerks, and I am accompanied this morning by Mr. Emmett Andrews, who is our executive aide and also one of our Washington officers. We appreciate very much the opportunity to appear before the committee this morning concerning the pending legislation, H.R. 15387 and companion legislation, and also appreciate the chairman of the committee scheduling these hearings in the interest of the legislation which we are concerned with.

I would like to commend Chairman Dulski, if I may, Mr. Chairman, for the thoughts he expressed in his statement this morning.

The chairman is always interested in the best interests of our postal workers and the postal service generally, and certainly we concur wholeheartedly with the majority of the statement which he presented to the committee this morning.

I don't have a prepared statement, Mr. Chairman. I regret very much that time did not make it possible for us to prepare it. Also I was familiar with the testimony to be presented by my distinguished colleague, the executive vice president of the National Association of Letter Carriers, James Rademacher, and as you mentioned, my colleague does do a great job in preparing such testimony, does have perhaps more problems in this area which we are concerned with; and rather than be repetitious, why, I would like to comment just briefly, if I may, about the pending legislation.

I might say, Mr. Chairman, in general we endorse the legislation, but we do have some reservations about section 1 of the legislation pending before the committee whereby section 3108 would provide that disciplinary action against employees who assault other employees and give statutory authority to the Postmaster General for related disciplinary action. We suggest, Mr. Chairman, particularly that in line 4 on page 2 where it concludes "against any employee who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with"—we are concerned that this language does open up a number of areas which the membership of our organization may have difficulty in interpreting and could cause some problems in implementing the language of the proposed legislation. We do feel that these additional words after "who forcibly assaults" should be deleted if the committee does report such legislation.

We are also concerned, Mr. Chairman, with the language in lines 7 and 8 on page 2 of the proposed legislation which suggests in addition to the statement, "any other employee while such other employee is engaged in performance of official duties," and then goes on to say "or on account of performance of such other employee of his official duties." These words do leave considerable doubt in our minds as to exactly how this language would be administered if enacted into law and we suggest these final words be deleted.

We suggest if this section is permitted to remain in the legislation that in the two instances we refer to the language be more specific and more definitive as to exactly what is intended.

Generally on the question of section 1, we feel that perhaps this section is not necessarily required as far as enactment into law.

We don't concur in the statement by Assistant Postmaster General Richard Murphy yesterday that the Department's present internal remedies for disciplinary action in such cases are as ideal as they could be. However, we also feel that if this section is placed on the laws of this great country of ours that it does remove this area from a legitimate area of labor-management consideration between postal management and the postal employee unions.

So we cannot wholeheartedly endorse section 1. We do suggest if the committee does decide to report it as a part of a final bill that the two references we made either be deleted or clarifying language be introduced.

In regard to section 2 of the proposed legislation we join wholeheartedly with our brother letter carriers and the other union groups which have testified in stating that our postal employees, postal clerks, letter

carriers, all postal employees are entitled to the same type of protection Federal law gives to the 5-cent postcard or the first-class letter or other mail. That is a violation of Federal law if it is interfered with or destroyed.

We do feel that this is important because while in some States, counties, and municipalities, both law and ordinances may protect the postal employee against assault or even his untimely death, however we do not feel that such municipal or county or State laws are uniform. They do not, in all instances, provide equal and timely justice for postal employees. Certainly a Federal law which would be applicable throughout the 50 States, the District of Columbia, and U.S. possessions, would, in our opinion, provide the type of protection that our postal employees are entitled to during these very difficult days.

Our main problem, Mr. Chairman, as far as clerks are concerned, results from the tremendous operational changes in the postal service which have resulted in constantly varying work schedules for our postal clerks. We have had many women come into the postal service as clerks as well as male employees, and unfortunately because of the many night tours that are presently utilized throughout the postal service our people are leaving post offices at 1, 2, 3, 4, and 5 o'clock in the morning. Generally the postal installation is in an area, unfortunately, in which we do not have the type of police protection for our people coming and going to work that would be desirable. Employees may be parking their automobiles four or five blocks away, and in the dark hours of early morning unfortunately many of our postal clerks, both females and males, are running into problems of muggings, robbery, assault, and other attacks which local enforcement authorities are having a great difficulty in policing.

I would also like to comment, if I may, Mr. Chairman, in response to a question that was raised yesterday by Congressman Gross concerning the increase in attacks against postal employees by other employees as Mr. Murphy referred to in his statement. We feel that because of the tremendous pressures that are now being exerted on postal clerks and other postal employees, including supervisors, and particularly in recent years, the introduction of automated machinery and equipment into the large postal facilities, the pressure to move more and more mail with the limited physical abilities of all postal employees has created, unfortunately, an area of tension, frustration, and personal reaction to words or actions which under normal conditions would not result in the assaults that are taking place within the postal service today.

In conclusion, Mr. Chairman, we do suggest that we endorse section 2 of the proposed legislation, we do have some reservations about section 1. Frankly, we would prefer at this time to have it left out of any final legislation. If the committee does desire to include it, we do suggest that the language be more specific and definitive in any final draft that may be reported out by the committee.

Again, Mr. Chairman, it is always a pleasure to appear before your committee and the members of your committee, and we do appreciate this opportunity. We will be very happy to respond to any questions or cooperate in any way we can concerning the legislation.

Mr. Nix. Thank you, Mr. Nilan.

In the practical world in which we live often there are situations where a given thing is so much needed that in order to get it we are

willing to accept, along with it, something that is less desirable. That prompts me to ask this question. Is the protection in section 2 of such pressing need that in order to get it you might be able to live with section 1?

Mr. NILAN. Mr. Chairman, we wholeheartedly endorse section 2; we would prefer that this section only be included in any final draft of the legislation.

Mr. NIX. Thank you very much, Mr. Nilan.

Mr. Gross?

Mr. GROSS. Mr. Chairman, I regret that I got in on just the latter part of that conversation. Are you saying, Mr. Nilan, that section 2 is the so-called guts of this legislation?

Mr. NILAN. We believe, Mr. Gross, that section 2 is the most important part of the legislation as far as our postal clerks and letter carriers are concerned, and we do also feel that, as I believe you and some of the other members of the committee indicated yesterday, that we prefer that the Federal Government does not extend or over-extend its responsibilities in certain policing areas which may be capable of local or State protection without Federal law. We do feel section 2 is badly needed. We have reservations about section 1.

Mr. GROSS. On both counts I want to commend you for your statement, Mr. Nilan, and say to you that the bill which I introduced and which went to the Judiciary Committee, H.R. 15029, is limited to the language of section 2. That's all. For jurisdictional reasons section 1 was put in the bill before the subcommittee.

It would be my hope that the subcommittee would limit its reporting of the bill to section 2 and pass it with the expedition that I think it deserves.

Thank you, Mr. Nilan, for your statement.

Mr. NIX. Mr. Olsen?

Mr. OLSEN. Thank you, Mr. Chairman. I want to thank the gentlemen from the United Federation of Postal Clerks for their statement. Pat Nilan always does a good job.

But tell me, do you think that it would be just as well that we left section 1 in and strengthened the appeal right of postal employees?

Mr. NILAN. Well, this would certainly be necessary. I mentioned changing the language to be more specific and definitive. We would hope that in any final draft the present protection which our people have under our national agreements with the Post Office Department providing appeal rights and other procedures would be retained in any statutory act which the Postmaster General may have the authority for enforcement of.

Mr. OLSEN. I regret that I haven't had an opportunity to talk to you and your organization or to any of the leaders of the employee organizations on this specifically, but would it be well if we put into law the appeal rights of postal employees in such instances as we have in section 1?

Mr. NILAN. We feel that would be very beneficial, Mr. Olsen. Very much so.

Mr. OLSEN. Would it be too much for me to ask that you submit that so that I can ask unanimous consent to put it in the record at a later time?

Mr. NILAN. We could submit a statement on that, Mr. Congressman; very happy to do so.

Mr. OLSEN. I think it would be helpful, if we go to the floor with this bill, that it be something that is really in our jurisdiction. I feel that if we leave out section 1 we are more or less usurping the jurisdiction of the Judiciary Committee. It may very well be that section 1 ought to be in the bill and that this is a way to put into law the rights of employees of the Post Office Department to have appeal rights and to have them reviewed, in case of disciplinary action, by some independent authority, which I think was the testimony of your brother organization, the National Association of Letter Carriers.

Mr. NILAN. Well, may I say to avoid any possible misunderstanding, we recognize the intent to protect all employees, whether it is postal employees, letter carriers, supervisors, or even postmasters, against forcible assaults, but we are concerned the way the language is presently drafted could open up a complete, if I may, Pandora's box. Postal management, if they desire to terminate the employment of rank and file employees particularly, they could use the language of "resist, oppose, impedes, intimidates or interferes with," for example, as an opening to remove such an employee who otherwise is performing good service for the Post Office Department. That final sentence, or part of the sentence, "or on account of the performance by such employee of his official duties," could result in postal clerks or letter carriers or a supervisor and a clerk, as the case may be, getting involved in a fracas outside the post office on a purely personal matter, but yet the clerk or the supervisor could bring action against the other employee and charge that the attack or assault directly resulted from their work relationship in the post office. We feel this would be very difficult to administer under law and could leave a great number of openings for our people, our members, to be subjugated to charges which otherwise they could not be subject to under the present procedures within the postal service.

Mr. OLSEN. Well, my only inquiry of you is whether or not we could adopt the language of your negotiated agreements on this subject and put it into the bill.

Mr. NILAN. We would be very happy to submit a statement. I am sure that we can. Mr. Andrews, who is with me, is on a labor-management committee, our negotiation committee, and I am sure we could prepare such a statement for you and the chairman and the members of the committee. At least, we will make every effort to provide such a statement.

Mr. OLSEN. Thank you very much, Mr. Chairman. I want to say again Mr. Andrews and Mr. Nilan always do a splendid job. I appreciate their contribution here today.

Mr. NIX. Thank you very much. It is always a pleasure to have you distinguished gentlemen appear before the subcommittee.

Mr. NILAN. Thank you.

Mr. NIX. Our next witness is Mr. Daniel Jaspan, legislative representative, National Association of Postal Supervisors.

**TESTIMONY OF DANIEL JASPAN, LEGISLATIVE REPRESENTATIVE,  
NATIONAL ASSOCIATION OF POSTAL SUPERVISORS, ACCOMPANIED BY FRED J. O'DWYER, NATIONAL PRESIDENT, AND DONALD LEDBETTER, NATIONAL SECRETARY**

Mr. JASPAN. My name is Daniel Jaspán. I am the legislative representative of the National Association of Postal Supervisors, composed of more than 33,000 postal supervisors, with members in all 50 States and in Guam, Puerto Rico, and the Virgin Islands. Our members are employed in post offices, branches, stations, motor vehicle facilities, maintenance units, air mail facilities, and mobile units.

Mr. Chairman, I am accompanied by our national president, Mr. Fred J. O'Dwyer and our national secretary, Mr. Donald Ledbetter.

We are deeply grateful to Chairman Dulski of the House Committee on Post Office and Civil Service, Congressmen Brasco, Derwinski, and Hamilton, and other Members of Congress who have introduced bills on this important subject. These bills are of particular interest to postal supervisors who find their jobs difficult enough without the additional hazard of physical assaults.

It has been an objective of our association for many years to have section 1114 of title 18, United States Code, amended as proposed in section 2 of H.R. 15387, extending protection to "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department."

At the present time, section 1114 provides a penalty for murder and manslaughter if the victim is a U.S. judge, attorney, marshal, an officer or employee of the FBI, postal inspector, etc.

This section also provides penalties for the murder or manslaughter of officers or employees of the Department of Agriculture or the Department of Interior, the National Park Service, the Bureau of Land Management, and many others, but does not include postmasters, supervisors, and other postal employees. That this protection is needed can be best demonstrated by the fact that a postal supervisor was murdered in Philadelphia by a disgruntled employee. The only thing the supervisor had done to this employee was to notify him officially that he was to return to his former position in the post office since the person he was temporarily replacing was being returned to the position he formerly held and which was being filled temporarily by the clerk who is charged with murdering the supervisor.

#### ASSAULTS

Section 111 of title 18, United States Code, provides penalties for anyone who "forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties."

Assaults, intimidation, interference, and so forth, with postal supervisors engaged in the performance of their official duties are becoming more frequent. The provision of section 2 of H.R. 15387 to include all postal employees would be most helpful in eradicating this danger.

Assaults and threats have been increasing so much in the New York City Post Office, for example, that supervisors are afraid to leave the

general post office alone at night. They wait until they can go out of the building in groups of three or four for their own protection.

#### ASSAULT CASES

It may be helpful to this committee to have a record of some of the more recent cases of assaults. In addition to actual physical assaults, it is becoming very commonplace for threats of violence by employees. Some of the cases we have in our records—and this is only a small percentage of the total number of cases—are as follows:

Case No. 1. In a station in New York City recently an employee snatched a fire ax from the wall and menaced a supervisor with it. Fortunately, he was restrained before he could do any damage.

Case No. 2. Inside the main post office in New York City two supervisors were attacked, thrown to the ground, and beaten.

Case No. 3. Also in New York City, an employee attempted to run over a supervisor with an electric truck.

Case No. 4. Another supervisor in New York City was threatened with a knife by an employee.

Case No. 5. In another part of New York State, a supervisor noticed a mail truck which was unguarded. He waited for the carrier to return to the truck and merely told him that he should not leave the truck open and unguarded. When the supervisor walked away, the carrier ran after him and stabbed him in the back.

Case No. 6. In Chicago, Ill., a supervisor was set upon for no reason at all by an employee who had made the statement earlier that he would hit the first supervisor who talked to him. The supervisor was knocked unconscious when his head hit against a letter case and blood came from his head. A female employee dipped some Kleenex into the blood, raised her hand with the Kleenex and blood and ran up and down the aisles yelling "we have his blood. Let's finish the job."

Case No. 7. Prior to the above case, a supervisor in the Chicago Post Office was knocked to the ground by an employee who then ran to his locker and took out an umbrella. He returned to the prostrate supervisor and rammed the point of the umbrella into his chest several times.

The above cases are merely a sample of what has been happening. These assaults are occurring in all parts of the United States—not only in New York City and Chicago. They have occurred in such places as Kansas City, Mo.; San Francisco, Calif.; Dayton, Ohio; Harrisburg, Pa.; Philadelphia, Pa.; and other parts of the country.

We have appealed to the Post Office Department for help over the years. The inspection service has cooperated, but this is not enough of a deterrent. In our opinion, there must be definite punishment for any employees who assault supervisors or there will be a complete breakdown in the morale of the postal service. It is only natural for a supervisor to want to protect his health and prolong his life. The job is difficult enough without adding this element of danger, which can only be controlled if there are proper penalties in cases of assault, manslaughter, and murder.

We know that the bills being considered by this subcommittee do not restrict their protection to supervisors. We are certain that other organizations are interested in protecting their members. We are in agreement with this extension of protection, but have not mentioned

the other employees since the representatives of their organizations have already spoken for them.

#### WHY A FEDERAL OFFENSE?

Members of the subcommittee may wonder why we are so insistent that assaults be punished under Federal regulations. It is true that, in some instances, civil suits can be filed. However, this can be a long, drawn out, expensive proposition. And there is always a strong possibility that there will not be a just solution.

Just as an example, let's follow up what happened in the case where the supervisor was knocked to the floor and an umbrella poked through his ribs. He was unable to do anything through Federal courts and he did bring a civil suit. However, there were many postponements and by the time the case came up in a civil court, he had fully recovered and the case was dismissed. Such a conclusion emboldens others to assault supervisors.

#### WILL ASSAULTS INCREASE?

We are certain that assaults will continue to increase unless H.R. 15387 is enacted into law. Assaults on supervisors have been on the increase in the last 15 years or so. They were very rare prior to 1950. Prior to that time, the Post Office Department was more selective in recruiting personnel, basically because there was little or no recruitment problem throughout the country. However, since then salaries and working conditions have been much more appealing in nonpostal positions and attracted the better potential employees.

In recent years, it has become the practice to accept practically any type of employee in the postal service as attested by the fact that the employee who is alleged to have murdered the supervisor in Philadelphia had a long criminal record, with charges of rape, robbery, burglary, larceny, assault and battery, and violation of the Uniform Firearms Act. As recently as 1957, he was sentenced to a 5- to 15-year term in prison. With the employment of this type of personnel, is it any wonder that supervisors are fearful of their very lives?

We could go on and on citing cases of assaults on supervisors, but the mere listing of these cases does not solve our problem. We need Federal protection for these faithful supervisors so they can perform their duties without fear.

We are especially grateful to Congressman Nix for scheduling these hearings. This is the first time that this type of proposed legislation has reached the hearing stage. We hope that the subcommittee and the full committee will act favorably as soon as possible. We know that the enactment of the protective features of H.R. 15387 will reduce assaults and will probably save lives.

The preceding part of this statement was prepared prior to the hearings held on March 18. We believe that it is necessary to comment on some of the statements made during that hearing.

Assistant Postmaster General Murphy repeatedly stated that, in his opinion, it was not necessary to have assaults prosecuted as a Federal offense, but that the Post Office Department should deal internally with the necessary discipline.

However, the Post Office Department has presented many cases to the U.S. Attorney for prosecution and convictions have resulted in Federal courts. We appreciate the cooperation of the Post Office Department in dealing with such assaults on supervisors.

It appears inconsistent to us, however, that the Post Office Department now states that prosecution of assaults in Federal courts is not necessary since any number of cases have already been prosecuted. Disciplinary measures in themselves are not the deterrent factors that a Federal law will provide. Such prosecutions have been made based on section 113 of title 18 and there is some doubt as to the legality of this approach.

The section referred to is interpreted as only applicable to assaults committed on Federal property. The Post Office Department now has many leased buildings.

If assaults occur in a leased post office, this would not be considered a Federal crime and would not be tried in a Federal court.

If a criminal prosecution is instituted in a State or local court the U.S. Attorney will not act as prosecutor in such case nor will the Department provide legal counsel or assume the costs for the fees of any attorney.

This means that the employee must take the initiative and institute the suit. What happens then? We have had cases in Chicago and other cities where this was done. In Chicago, for example, a supervisor, who was assaulted by an employee complied with the police requirements that he initiate a complaint. The supervisor was so seriously injured that he was unable to sign a complaint and the Post Office Department would not authorize anyone else to sign. When the suit was finally brought, it was dismissed by the local court which claimed it had no jurisdiction in this case.

The supervisor not only was unable to have justice done, but he was worried that he might be sued for false arrest. We have an opinion from the general counsel's office that if a supervisor brings suit and the accused files a countersuit against the person assaulted and obtains a judgment against him the Federal Government cannot assume liability for such judgment. The local authorities are under no obligation to prosecute and this puts the burden on the assaulted supervisor.

If, however, section 1114 is amended to include supervisors, there will be no question of jurisdiction and the cases will be tried in Federal courts. It is only in this way that a real deterrent will be offered.

Mr. Chairman, another thing I would like to clarify or have clarified, if the first part of the proposed bill would nullify section 2 we would be opposed to it. That is, if the part for disciplinary action would mean that section 1114 would not be used we could not support the disciplinary action section. If it is going to be used in addition to section 1114 we would not be as strongly opposed to it.

Thank you very much, Mr. Chairman, for permitting us to give our statement.

Mr. Nix. Let me ask, Mr. Jaspan, whether or not you are in a position to further document instances of the increased batteries on postal employees. You said in your statement that since 1950 there had been a noticeable increase in these offenses. Are you in a position to document the offenses against postal employees occurring since 1950?

Mr. JASPAN. Yes; we have quite a file on that, Mr. Chairman. The reason I didn't put it in the statement is that it would have been a very lengthy statement if I had included other cases.

Mr. NIX. However voluminous it is, I think it would be most helpful to be placed in the record, because that, in itself, and the acceleration of the offenses, is the actual proof to establish the need that you seek.

Mr. O'DWYER. Mr. Chairman, if I could make a comment on that.

Mr. NIX. Yes.

Mr. O'DWYER. We have any number of these cases in our files, as Mr. Jaspán has said, but we don't have the full scope of the number of cases. And I note in the testimony of Mr. Murphy that he has indicated 686—they have records of 686 cases. We don't have near that many, and I believe that they would be in a position to document each and every one of these cases, where we would have perhaps a sampling.

Mr. NIX. I have no intention whatever in accusing the State courts of neglecting their duty, or of undue leniency, or of failing to prosecute properly. To start with, I don't believe it. And secondly, my son is one of the judges of a State court, and it would ill behoove me. I have been associated with State courts for almost 40 years. I know better.

The occurrences that you are speaking of and the recurrence of the offenses, the acceleration of the offenses, is what I am concerned with. That is the material with which others can be convinced of the need for the added protection, that, in addition to the reluctance on the part of offenders to tangle with Federal regulations and Federal laws. There seems to be a widespread consensus in the country among offenders, or would-be offenders, that the punishment under Federal law is more expeditious than it is any other place.

Now because of that, I believe that a deterrent force would be present if this were made a Federal offense.

During the hearings, I also—and I am glad to see that you brought it out—wanted to know whether or not there was available for the committee a statement showing the other Federal employees in other Federal agencies in which assault on them is a Federal offense. I wanted that because someone had raised the question of interfering with the right of the State to prosecute, without also saying that there are many cases in which an offense is both a State offense and a Federal offense and thereby under concurrent jurisdiction of the Federal-State courts. I wanted that fact established on the part of the record, and it is going to be, in order to clarify the minds of the uninitiated with that particular fact.

Now as to section 1, do you agree with me that at the present time there is vested in the Postmaster General, as an administrative function, the right to do these things that are set forth in the proposed legislation?

Mr. JASPAN. Yes, Mr. Chairman. We believe that the Postmaster General now has that authority to do all of these things. The exercise of the authority, of course, isn't always apparent.

Mr. NIX. Well, you see, that is a function between management and your part. However, in the event that there is no section 1, I frankly don't see how this committee could ever have jurisdiction over the legislation; and as has been said, there is pending legislation before another committee that does not include section 1.

Mr. JASPAN. Mr. Chairman, that is the reason we were not strongly in opposition to section 1. We realize this committee has jurisdiction over the proposed legislation—and we would be willing to leave it as is, provided section 1 does not nullify section 2. Section 2 we know has gone to the Judiciary Committee.

Mr. NIX. How do you feel that section 1 could possibly nullify section 2?

Mr. JASPAN. The only way we feel could be in the interpretation, Mr. Chairman; that the Post Office Department may interpret it that in any internal assaults they will apply section 1, and will apply section 2 only to external, like assaults on letter carriers, for example.

Now if we can be assured—in fact, we would like to see the report state that section 1 shall also be applied in cases of internal assaults. Then we could buy the bill.

Mr. NIX. This could be done in two ways, I understand. Either revise the language, and that is what you suggested, I believe, or make legislative history to explain what the intention of the committee was.

Mr. JASPAN. Yes, sir; that the report contain that part or that explanation. Then we would be certainly willing to go along because we are very anxious to have this kind of legislation enacted.

Mr. NIX. I think it would be most helpful if you presented to the committee such revision of the words of that part of the proposed legislation as you feel would meet the purposes that you have in mind. Will you do that?

Mr. JASPAN. I will try, Mr. Chairman.

Mr. O'DWYER. Mr. Chairman, could I say one thing in regard to prosecution of these cases in Federal court and as relates to the prosecution of the cases in the civil court? As indicated in our testimony, the Post Office Department under the provisions of that title 113 now are prosecuting these cases in Federal court. The problem, however, that exists is in the leased quarters the Post Office Department maintains that these cases cannot be prosecuted.

In the situation we cited in Chicago, Ill., this was leased property where these attacks occurred, and as a consequence the Department could not prosecute under this title because it was leased property.

The amendment to this law would embrace both leased and Federal property and would correct this condition.

It seems inconsistent on one hand that they could prosecute in Federal court cases that occur on Federal property but with the growing trend toward leased buildings they cannot prosecute those cases that occur in leased quarters.

Mr. NIX. Well, it is obvious to me—of course, I express the opinion of this Member—that there is a need for the legislation that is sought by this legislation. It is also apparent to me that there is an acceleration of these offenses. It also is clear to me that there is a widespread respect for Federal courts. It is equally clear to me that the deterrent force of possible prosecution there might be most helpful in eliminating or lessening the offenses now being committed. If I were sitting as a judge and jury, I would find for the proponents of this legislation.

Mr. JASPAN. Mr. Chairman, you expressed our opinion so well I am sorry you didn't write my statement.

Mr. NIX. Gentlemen, we are deeply grateful for your coming here and making your contributions to the subject under discussion by the subcommittee. It is always a pleasure to have you, and it is

especially a pleasure to read your statements because they are lucid and informative.

Mr. JASPAN. Thank you very much.

(The following listing of assaults on postal employees was requested of Mr. Jaspán, by Chairman Nix, and is made a part of the record, as follows:)

In response to the request of Chairman Nix for additional assault cases, we are supplying those which we have in our files. Our files on the subject are not complete. The Inspection Service of the Post Office Department also maintains a file of cases in which they were involved. They probably could supply many more, but those listed below are typical.

As requested by the chairman, we have made a list going back to 1951. We do not have the final disposition in all cases, but we have listed those in which the files are complete. These are in addition to the ones used in our testimony:

## 1951

New York City: Foreman assaulted by substitute clerk who was later arrested by police. Foreman hospitalized. No information on disposal.

New York City: Foreman assaulted by temporary mail handler. No information on disposal.

New York City: Several other cases of foremen assaulted by substitute and temporary mail handlers but we have no information on disposal.

New York City: On post office dispatching platform, foreman instructed temporary mail handler to assist in unloading mail truck. Mail handler refused and was told by foreman that if he did not comply with instructions he would be "written up." Mail handler cursed and struck foreman. Mail handler had tour terminated. No information on final disposal.

New York City: Mail handler who refused to carry out instructions was asked by a foreman to give his name and badge number. He struck the foreman on the face, cutting inside the gum in two different places, resulting in extensive bleeding. Mail handler's tour of duty was terminated. No record of final disposition.

Chicago, Illinois: Substitute clerk who was not performing his duties was told by Foreman that if his work did not improve a report would have to be made. This was the fourth time he had been counselled that his work was below what was required. The clerk struck the Foreman in the mouth, knocking him to the floor and cursing him, also breaking his glasses. Foreman required sutures at the U.S. Marine Hospital. Clerk was taken to police station and a complaint signed. After several postponements requested by defendant's attorney, case was finally heard, clerk pleaded guilty and was fined \$50 and costs.

## 1954

New York City: Foreman assaulted by sub mail handler. Offender discharged.

New York City: Foreman assaulted by mail handler. Offender resigned.

New York City: Foreman assaulted by clerk. Clerk suspended but we have no record of length of suspension.

New York City: Foreman assaulted by laborer. Offender suspended. No record of length of suspension.

Seattle, Washington: Probationary substitute clerk, who had been warned many times that his work was below normal, was notified that he would be dropped effective the next day. He struck the Foreman on the jaw and knocked him to the floor. Local post office inspectors were immediately notified and requested supervisor to call at their office the following day. Inspectors conferred with federal court and was told that they had no jurisdiction and should be taken to a state court. Clerk was arrested and released on bail. Matter was heard before Justice of the Peace and after several continuances, decision was made that the clerk was guilty of third degree assault. He was fined \$100—granted one week to raise the fine or spend 30 days in county jail. Supervisors were notified that in filing assault charges, local police should be called. This put the burden on the assaulted supervisor, resulting in no action being taken a short time later when another supervisor was assaulted by a mail handler. He did not press the charges.

## 1960

San Francisco, California: Supervisor assaulted by mail handler. Tried in federal court. Judge stated that there was no doubt that assault had been com-

mitted but with assaulter a family man with great responsibility he could see no good accomplished by putting him in jail. After conferring with Judge, supervisor stated he had no animosity toward mail handler and agreed to lesser penalty. Mail handler placed on six-month probation and returned to job.

1962

Philadelphia, Pennsylvania: Two assaults by mail handlers on supervisors. Both assaulting employees were immediately suspended and subsequently discharged.

Cincinnati, Ohio: Supervisor assaulted by employee and suspended for 90 days. Employee reported back to work for several days and was then separated. He was charged in federal court with assault and battery, convicted and sentenced to six months on three separate charges, with the sentence to run concurrently. He was then placed on probation.

The second assault case in Cincinnati the same year was not quite as serious. Employee immediately suspended and resigned the following day.

New York City: Foreman assaulted by temporary mail handler and another Foreman assaulted by regular mail handler. Both mail handlers were taken into federal court, pleaded guilty and were sentenced to 30 days by federal judge.

1963

Kansas City, Missouri: Supervisor assaulted by clerk. Clerk suspended from duty and resigned.

Chicago, Illinois: Supervisor seized by berserk employee. Two post office guards were present who stood by and did nothing since they claimed that they had been instructed not to "touch employees". No record of disposition.

Chicago, Illinois: General Foreman was approached by female employee who was protesting the advances of a male employee. General Foreman admonished the male employee and was struck behind the ear with a powerful blow—so powerful that the employee broke his hand in two places by the force of the blow. General Foreman had a broken ear drum. No record of disposition.

Chicago, Illinois: Foreman of Mails had occasion to counsel a female employee. She threatened to have him "taken care of". A few days later Foreman was accosted at midnight in the subway by a huge man, six feet-two and weighing about 240 pounds. This man threatened to kill him if he did not "leave this female employee alone".

Chicago, Illinois: Foreman knocked to his knees and his glasses broken by employee. No record of action.

1964

Chicago, Illinois: Six assaults on supervisors on record. In four out of six cases employee was suspended pending appeal. Many threats were made on supervisors during this time. A guard "watch service" was established and this roving patrol of two guards constantly on duty acted as a deterrent to further assaults. Our informer notes that most of the Chicago assaulters had been drinking and there is also a suspicion of "goof pills".

New York City: Supervisor assaulted by employee. Employee detailed to another station immediately and finally removed.

New York City: Supervisor assaulted by employee who was detailed to another station and resigned six weeks later.

New York City: Supervisor assaulted by employee who was transferred to another station. Employee was suspended for 13 days.

New York City: Supervisor assaulted by employee who was not detailed to another station but was suspended for 6 days.

New York City: Supervisor assaulted by employee who was detailed to another station and removal recommended. He was suspended for three days.

New York City: Supervisor assaulted by employee who was detailed to another station and given a 28-day suspension. The post office board of appeals and review rescinded the 28-day suspension and directed that a letter of reprimand be issued. Employee received back pay and continued on rolls.

Boston, Massachusetts: Clerk was counselled by supervisor for allowing work to pile up and was informed he would be reassigned the next day. Clerk reported the following day and appeared to be under the influence of liquor. Clerk began "rough and tumble acts" with another employee and they were told to desist. The clerk struck out at the Foreman. The 28-day suspension issued by Postmaster was supported by Regional Director. Clerk appealed to the board of appeals and review and we have no record of outcome.

Bloomfield, New Jersey: Supervisor assaulted by clerk. Clerk suspended. Civil Service Commission reversed the suspension and had clerk reinstated with back pay.

Cleveland, Ohio: Two cases of physical assaults by employees on supervisors. Employees involved were suspended from duty immediately. One resigned and other was removed from service. Many threats of assaults on supervisors, however.

Chicago, Illinois: Clerk was found in locker room three quarters of an hour before end of tour of duty. Supervisor instructed him to report to his work station until the 8 hours were up. Employee walked with Foreman through the locker room and then leaned against the wall and held supervisor's right hand, after which he struck him repeatedly on the head. He later struck supervisor on nose and kicked him in the stomach. No record of disposition.

## 1965

New York City: Supervisor assaulted by employee and detailed to another station. Case referred to Inspection Service. No record of disposal.

New York City: Supervisor assaulted by clerk who was detailed to another station. Case referred to Inspection Service which recommended USPHS examination. No record of results.

New York City: Supervisor assaulted by employee and case referred to Inspection Service. Still pending.

New York City: Supervisor assaulted by employee who was later removed from service.

Bronx, New York: Supervisor assaulted with umbrella received superficial cuts. Assaulter received 60-day suspended sentence. Ultimately removed from service.

Bronx, New York: Supervisor stabbed twice over right eye and in shoulder. In hospital seven days and on sick leave sixty days. Carrier who assaulted him was sentenced to jail for nine months and removed from service.

Chicago, Illinois: Clerk who was doing excessive talking was admonished by supervisor to cut down the talking. Employee asked to be excused from work and when told to complete his tour of duty came upon supervisor from behind and grabbed him around the neck in a strangle hold. He said to supervisor "I fought in the war and killed Japs, and I'll kill you too." Employee wrestled supervisor and bent him over the moving mail belt causing abrasions on his neck. Assaulter was finally pulled away by three other employees. No record of disposal.

Chicago, Illinois: Supervisor attacked by mail handler. Fifteen stitches required in his head. Employee taken to city jail. Employee suspended, pending prosecution in Federal court. No record of final outcome.

Chicago, Illinois: Supervisor attacked by mail handler who jumped on his back and attempted to choke him. Employee not suspended because he is a 50% disabled veteran, neurotic and schizophrenic. He continued to work on the job but was later required to get psychiatric treatment.

Chicago, Illinois: Supervisor attacked by clerk, punched in face and kicked in stomach. Employee suspended pending trial in federal court.

Chicago, Illinois: Janitor ran after Foreman, swinging at him wildly until restrained. Janitor suspended pending appearance in federal court.

Chicago, Illinois: Mail handler attacked supervisor, punching and kicking him. Mail handler suspended, indicted in federal court, sentenced to 15 days in jail and removed from service.

Kansas City, Missouri: Foreman of Mails pulled time card of employee from rack and asked him to go to the city primary case. According to the time card the first name of the employee was "George" and the supervisor said to him "George, I want you to go over to the city primary." Clerk jumped up from the rest bar at his case, slugged Foreman in neck and screamed "no one calls me George". Clerk was sent home and given a temporary suspension, pending the outcome of the investigation of case. No record of disposition.

## 1966

Chicago, Illinois: Supervisor attacked by employee and so seriously beaten he had to go to a hospital. Supervisor in charge of building called police and had the attacker arrested. The Inspection Service was contacted and the case presented to federal attorney who accepted it for prosecution. Employee suspended for 90 days pending disciplinary action for removal. When the supervisor who signed the complaint placing the attacker under arrest came to municipal court to press the charge, the judge and the city prosecutor stated they had no jurisdiction. This

took place after the defendant's attorney made a motion "not to prosecute because proper jurisdiction was in the federal court". No record of final disposition.

New York City: Supervisor assaulted by employee. Case referred to Inspection Service. No record of disposition.

New York City: Supervisor assaulted by employee who was later removed on previous charges on absence without leave and not paying debts.

## 1967

New York City: Employee airing grievance waved pointed finger under supervisor's nose. Supervisor requested him not to do this, after which employee made a fist and hit the supervisor. Possible witness denied seeing the incident, not wanting to get involved. No record of disposition.

New York City: Female substitute mail handler complained to supervisor that another substitute mail handler had grabbed her around the neck and was strangling her threatening her with bodily harm. Supervisor was questioning the female employee involved when the mail handler came over and in loud, threatening tones began to harangue the female employee. He was ordered to terminate his tour of duty by supervisor. He then said to the supervisor "if you clock me out, you had better clock her out also." He was again informed that his tour of duty was terminated and he was to leave. He further threatened the supervisor, took an empty Coke bottle which was nearby, broke off the neck and holding it in his hand continued to threaten the supervisor. He refused to leave the work floor and continued creating a disturbance. He was escorted from the building by the building guards. No record of disposition.

New York City: Substitute mail handler was told to clock out because he was not performing his duties. He was arguing with his immediate supervisor when another supervisor came over and the mail handler struck at both of them. He also called them both obscene names and resisted ejection from the building by two guards. He finally left the building an hour later. Police were called but they refused to take action without a federal officer present.

New York City: A substitute mail handler who was not working but walking around the floor was instructed to terminate his tour of duty. He thereupon assaulted two different supervisors and used obscene language on both of them. He was ejected from the building by guards.

New York City: Supervisor was stopped by clerk who was evidently drunk or drugged and was threatened over and over again with vile language. The clerk nudged the Foreman down the subway steps where he had accosted the supervisor and after more threats tried to strike him in the Adam's apple. He then hit the Foreman and disappeared into the crowd. Due to this and other infractions, the clerk was removed from the service.

New York City: A clerk who was told to follow procedure while taking a scheme examination used obscene language and then swung at the scheme examiner. He also swung at another scheme examiner. No record of disposition.

New York City: We have many cases of threatened assaults on supervisors by various employees in the New York City post office during this period.

## 1968

Harrisburg, Pennsylvania: Clerk, whose estranged wife is also a clerk in the office, phoned the supervisor several times asking that his wife be called to the telephone. She refused to talk to her husband. The supervisor delivered the message and told the clerk not to phone any more. When the clerk reported to work the next day, he assaulted the supervisor.

Dayton, Ohio: Clerk pulled tie of Foreman and threatened him with bodily harm. Immediate supervisors recommended that employee be dismissed. The higher up the recommendation got the less severe it became. The employee was finally suspended for 5 days. The postal inspectors insisted that they were not involved because the supervisor had not actually been assaulted.

Seituate, Massachusetts: Supervisor was attacked and struck by a carrier as he alighted from a government vehicle at the vehicle loading platform of the post office. He was treated by a nurse and doctor. The employee had never given any previous trouble and the attack was completely unexpected. The carrier was allegedly drinking. Although a more severe penalty was proposed, the employee was suspended for 3 days.

New York City: Supervisor was punched in the upper chest and face. No record of disposition.

New York City: Employee who was drunk and disorderly refused to leave the post office building and threatened to kill anyone who would try to remove him. No record of disposition.

We do not have a complete record of the actual assaults nor do we have a complete record of the threats of assaults. The threats are becoming more numerous all the time.

Attached to this statement is a notice that was put up by an employee in the New York City post office. It reads:

"OPEN SEASON

"August 15-30

"Foremen (All Sizes & Shapes)

"Limit:  $\left( \begin{array}{l} \text{None} \\ \text{Unlimited} \\ \text{Quantity} \end{array} \right)$  Size (No Limit)"

This sign is indicative of the breakdown of discipline and morale in certain post offices.

Since it is our opinion that the situation will not be corrected under disciplinary procedures whether they are postal regulations or written into law, we respectfully urge that Section 1 of the proposed bill be eliminated and Section 2 enacted into law. It is only by making assaults a federal offense that we feel a sufficient deterrent against such assaults will be made.

Mr. Nix. The subcommittee will stand adjourned.

(Whereupon, at 11:15 a.m., the subcommittee adjourned.)

(The following statements were received by the subcommittee for inclusion in the record:)

STATEMENT OF HON. FRANK J. BRASCO, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF NEW YORK

Mr. Chairman, my bill, H.R. 15499, will afford needed protection to America's letter carriers and postal employees generally at a time when assaults against postal personnel are a growing and tragic category of crime.

Letter carriers must work alone. They must deliver the mail to every American wherever Americans live. It would be indeed tragic to curtail mail service to our poorer citizens. The residents of ghetto areas are the constant victims of crime. Those who serve them are likewise frequent victims of crime, and this of course includes the letter carrier who must carry the relief checks, the social security checks and the few personal letters that the residents of these neighborhoods receive.

Local law enforcement needs all the help it can get, and must treat assaults against letter carriers the same way that other assaults are treated in high crime neighborhoods. But today the Federal government has a special interest in this situation. An attack on a Federal employee during the course of his duties is an attack on the Federal government itself. It is obvious to me that an injury to a letter carrier interferes with the delivery of the mail, and I don't see how anyone could argue otherwise.

What is more, I think a failure on the part of the Congress and the Federal government to protect letter carriers in this situation would be a form of discrimination, because we will be saying to the residents of the ghetto neighborhoods that they are responsible for the actions of a few thugs and must suffer the diminishment of a public service by the Federal government. This service must be protected by the Congress, and I am sure that it will be.

Let me give you some examples of what has happened in Brooklyn, New York during the past year: There were 23 assaults on letter carriers last year. One letter carrier, Jack Pasternack, died as the result of the beating he received on November 1. He was found in the street in a pool of blood, in a coma. He never came out of the coma and died on Christmas Eve. On the same day that Jack Pasternack was assaulted, a letter carrier by the name of Stanley Jefferson was attacked on a nearby route. He suffered a nervous breakdown as a result of the attack. The assaults on mail carriers usually take place on the 1st and the 16th of each month when welfare checks are delivered.

It doesn't seem reasonable to me that the Federal government will use its full force and power by statute if a letter is stolen but will under present law do little or nothing if a letter carrier is assaulted.

This bill will punish by the application of Federal criminal law where postal employees are assaulted by postal patrons or other postal employees.

I believe that we should do all that we can to protect our postal service. The Federal government itself is not immune from problems in an era where crime is on the increase throughout society. I hope that the Subcommittee will support H. R. 15499. It will add the deterrent force of the Federal Government to that of the local governments against a type of crime that is a threat to the lives of postal employees and a danger to services rendered by the Federal government to the people of every neighborhood in the country.

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF FLORIDA

During 1966 each person in the country received an average of 387 pieces of mail. The Post Office Department says this means that a family of four would have received five or six pieces of mail every day the carrier made his rounds.

Naturally, if the carrier had not made his rounds, he would have been sorely missed by nearly everyone along his route. The various mishaps that he manages to avoid along the way usually escape notice.

Yet the misfortunes that the postal employee has not been able to sidestep are creeping into our news accounts with increasing frequency. This expanding file of stories relating to muggings, beatings, and stabbings of our public servants alarms me, and this alarm has prompted me to introduce legislation designed to offer more protection to all our Postal Field Service employees. The legislation being considered today permits them to be included among the Nation's employees warranting special Federal protection.

Present laws fix stern criminal penalties for assaulting, intimidating, interfering with, or killing certain Federal workers who are performing their official duties, but only one category of employees with the Postal Field Service is presently eligible for this increased protection. This is clearly not enough.

Section 1114 of Title 18, United States Code, presently includes the position of "post office inspector" among the positions covered by legislative protection for certain rather dangerous posts. Section 11 of my suggested legislation expands that to include "any postmaster, officer, or employee in the field service of the Post Office Department."

It is true that our post office inspectors who rush to the scene of an accident to recover the mail or relentlessly search for lost and stolen letters or packages need and deserve extra protection from the thief or would-be culprit. But the dangers also lurk along the streets and roads within our cities and our towns.

The letter carriers, I understand, have been frequent victims of misfortune during these past few years. Their work demands that they deliver the mail regardless of how unsavory that neighborhood might appear, or how restless its residents. The holdup artists or other professional wrongdoers must surely recognize the schedule usually kept by the local letter carrier and the lucrative load that he frequently carries with him. The knowledge of the special penalties imposed upon the individual harming such persons as FBI agents or policemen might not always deter the criminal, but this does not alter the value of the law. The letter carrier and other employees of the Postal Field Service also deserve these special protections.

Another important feature of the bill is this. The present Postal Code does not specifically state that the Postmaster General may take disciplinary action against any official or employee who assaults another postal worker. Enactment of the suggested remedial legislation would clearly spell out that any employee assaulting another postal worker could be not only demoted or suspended but even separated from the service if the circumstances appeared to warrant such action.

But the dangers encountered by the postal workers as they perform their various jobs come from still another source that bears no relationship to employee conduct or to the geographical area or neighborhood of the postal work. This source of danger is one to which all of us are exposed at one time or another. It is from the momentarily emotionally disturbed or the deranged citizen. The man who beat up his letter carrier when the employee accidentally killed his patron's dog by running over it with his postal vehicle clearly was not acting rationally.

This incident could, of course, happen to anyone, but the letter carrier is significantly more susceptible.

For the past two years for which statistics have been published—1965 and 1966—there has been a larger mail-per-capita increase than there has been a general population growth. Clearly the future forecasts greater responsibilities for the letter carriers. We must aid out postal employees—both men and women—by extending to them whatever additional protection we can.

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STATEMENT OF DAVID SILVERGLEID, ACTING PRESIDENT, NATIONAL POSTAL UNION

My name is David Silvergleid, and I am privileged to serve as Acting President of National Postal Union, located at 425 13th Street, N.W., Washington, D.C. We represent over 65,000 postal employees, organized in excess of 500 local affiliates in 50 states, including Puerto Rico, and the District of Columbia.

We sincerely appreciate this opportunity to present our views. We want to thank you, Mr. Chairman, the Members of your Subcommittee, and the sponsors of companion bills to H.R. 15387 for their obvious interest.

We believe that recent developments in many areas of the country, indicating growing irresponsibility and a gravitation towards violence, render it necessary that H.R. 15387 be given prompt consideration and approval. In recent years, cases of aggravated assaults against postal employees while engaged in the performance of their duties have become increasingly numerous. In many large cities, postal employees who are compelled by the nature of their duties to perform services outside of post offices, have been subjected to threats, intimidation, and outright physical assaults including a number of deaths. Therefore, we endorse and support unequivocally Section 2 of H.R. 15387 which would impose similar criminal penalties for assaults against all postal employees as is now provided for assaults against post office inspectors. If proper and sufficient publicity is given such action, it must inevitably act as a definite deterrent.

On the other hand, we have serious reservations about Section 1 of H.R. 15387, as it is currently written. In the first place, postal regulations now in effect provide adequate administrative remedies and penalties in cases involving alleged assaults by one postal employee against another. In the second place, Section 1 makes no provision for the promulgation of procedures which would secure the rights of employees to proper hearings and appeals when charged with forcible assault.

We do not condone under any circumstances assaults by one postal employee against another, whether either of the participants is of supervisory rank or not. We believe that an employee who assaults a fellow employee without provocation should be punished as prescribed by regulation and law. However, it has been our experience over many years that very frequently there are amelioratory circumstances which should be given consideration before penalties are imposed. In some situations involving assaults by postal workers on supervisory employees there may have been extreme provocation. Consideration of such circumstances should receive priority in arriving at a decision affecting the livelihood of employees who are so charged.

Therefore, we suggest that Section 1 be either deleted or rewritten so as to provide postal workers who are charged with forcible assault with basic hearing and appeal rights.

We sincerely hope, Mr. Chairman, the Subcommittee will arrive at a speedy and satisfactory report.

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STATEMENT OF THE GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, on behalf of the 35 AFL-CIO unions associated with the Council, we desire to express support for H.R. 15387, and to offer comments on some of its specific provisions. These organizations represent a cross section of Federal employment in the postal, wage board, and classified categories.

The GEC extends appreciation to Representative Thaddeus J. Dulski, Chairman of the full Committee, for his introduction of H.R. 15387. Our thanks go also to other members of the Committee and the House who are sponsoring similar measures.

To you and your associates on the Subcommittee, the Council is grateful for arranging this hearing.

In recent years, there has been a growing disregard for law and order. Causes of this phenomenon in our history is the subject of such concern, study, and numerous recommendations.

Some of these incidents are affecting the postal service. Last year, in the 100 largest post offices alone, employees were assaulted on 14 occasions by patrons.

Recognition by Congress of the seriousness of these incidents is contained in H.R. 15387. Enactment of such legislation is necessary because the Federal Government has a responsibility to protect those executing official government functions. Moreover, failure to deal with such cases in a firm manner can result in erosion of confidence by the public in the inviolability of the mail—a characteristic of our postal system since its inception.

The increasing use of mail as a vehicle for transmitting negotiable papers emphasizes the importance of this service to all our citizens, wealthy and poor alike. Criminal elements must be made to understand that they cannot interrupt the flow of mail as an article of personal exchange and commerce.

While our principal concern is the welfare of the individual and maintenance of law, we cannot overlook the fact that personal injuries to employes while performing official duties can be costly to the Federal Government. In 1966, the average cost of fatal work-related injuries to employes exceeded \$71,000 per case.

To make the intent of the pending bills fully effective, the Council proposes several amendments.

First, the penalties enumerated on page 2, lines 2 and 3 should be accompanied by language making it clear that the legal and administrative appeal rights available to employes will be retained. Individuals should be able to exercise these rights of review before disciplinary decisions are invoked.

On page 2, lines 4 and 5, we recommend deletion of "resists, opposes, impedes, intimidates, or interferes with." Some of these terms are quite general. They might even necessitate judicial interpretation. And they expand the purpose of the bill far beyond its initial intent.

The Council proposes insertion of a period following "duties" on line 7, and deletion of the remainder of the sentence. Again, our suggestion is aimed at eliminating language which might becloud the fundamental intent of the measure.

Finally, Mr. Chairman, the GEC recommends that Section 2 be expanded to make the prohibition against attacks by non-Government personnel applicable to all Federal employes engaged in executing their official duties.

Initially, the statute applied to law enforcement and investigatory employes in Federal agencies. From time to time, as the need arose, it has been revised to include additional groups of Federal workers. We believe incorporation of such an amendment will stimulate confidence by citizens in the effectiveness of government operations, and will serve notice that government as representative of all the people will not tolerate interference with its public mission.

With these changes, the pending bill would provide protection in the orderly flow of government business and those employes responsible for efficient performance of that business.

The Council appreciates the opportunity to comment on the important legislation now under consideration.



*[Faint, mirrored text from the reverse side of the page is visible through the paper, including phrases like 'The Council appreciates the opportunity...' and 'The bill contains...']*