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# ASSAULTS ON POSTAL EMPLOYEES

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HEARING  
BEFORE THE  
COMMITTEE ON POSTAL AFFAIRS  
OF THE  
COMMITTEE ON  
OFFICE AND CIVIL SERVICE  
UNITED STATES SENATE  
NINETIETH CONGRESS

SECOND SESSION

ON

## H.R. 15387

AN ACT 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

JUNE 26, 1968

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ASSAULTS ON POSTAL EMPLOYEES

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## ASSAULTS ON POSTAL EMPLOYEES

WEDNESDAY, JUNE 26, 1968

U.S. SENATE,  
SUBCOMMITTEE ON POSTAL AFFAIRS OF THE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to call, in room 6202, New Senate Office Building, Senator Ernest F. Hollings presiding.

Present: Senators Hollings and Yarborough.

Also present: David Minton, general counsel; Frank Paschal, minority clerk; and Charles S. Caldwell, professional staff member.

Senator HOLLINGS. Gentlemen, the subcommittee will come to order.

At this point I will insert into the record a statement from Senator Hartke, a member of this committee. Senator Hartke introduced S. 3494, which contains the same provisions as H.R. 15387.

PREPARED STATEMENT OF HON. VANCE HARTKE, A U.S. SENATOR FROM THE STATE OF INDIANA

I commend this subcommittee on scheduling hearings on H.R. 15387, which was passed by the House of Representatives. This bill, which provides for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and which extends to all postal employees the same protection now provided to post office inspectors, is very important to all postal employees and should be enacted into law as quickly as possible.

My interest in this legislation can best be demonstrated by the fact that I have introduced S. 3494, which contain the same provisions as the House passed measure. I have been greatly concerned with the extension of lawlessness throughout the United States. It is inconceivable that such disregard for the rights and safety of postal employees can be condoned in any manner.

My bill, S. 3494, gives the Postmaster General authority to take disciplinary action, including 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.

Although the Post Office Department is now granted much of this authority, the Postmaster General's authority will be greatly strengthened if these provisions are made part of the United States Code.

Section 2 of S. 3494 would make assaults a federal offense if any employee in the postal field service is assaulted during the performance of his official duties, whether by another employee or by the general public.

At present, section 1114 of title 18, U.S. Code, which my bill would amend, provides penalties for the murder or manslaughter of officers or employees in many agencies, including the Department of Agriculture, the Department of Interior, the National Park Service, the Bureau of Land Management, and many others, but does not include this protection for postmasters, supervisors, and all other postal employees.

The National Association of Postal Supervisors has called to my attention the increasing number of assaults against postal employees in recent years. Threats of violence of employees are becoming commonplace. In New York City, for exam-

ple, the postal officers are afraid to leave the Central 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. This is because of the many assaults, and threats of assaults, occurring in that building.

Assaults on supervisors by other employees have occurred in all parts of the United States, such as New York, Chicago, Kansas City, Missouri, San Francisco, Dayton, Ohio, Harrisburg, Pennsylvania, and other parts of the country.

The employee assaulted has little recourse except to sue in the local or state courts, and, in addition to the fact that he may not be successful in his suit, he leaves himself wide open to a counter-suit.

It is not only postal officials who are in supervisory positions who are being assaulted, but other employees such as letter carriers and clerks as well, who have been robbed and beaten while in the performance of their duties.

I realize that laws alone will not put a complete end to this unhealthy condition. However, legislation with certain punishment is bound to have a deterrent effect on assaults so that all postal employees will be able to perform their duties to the best of their ability, without fear that their lives are in danger.

As a member of the Senate Post Office and Civil Service Committee, I urge that all members of this committee act quickly and favorably on this legislation.

Senator HOLLINGS. This hearing is convened to take testimony on H.R. 15387, a bill referred from the House of Representatives, to provide for disciplinary action against postal employees guilty of assault against other postal employees, and for criminal sanctions against any person who assaults a postal employee engaged in his official duties of office.

At this point I will have inserted in the record a copy of the bill as referred from the House, along with a report from the Department of Justice.

(The text of H.R. 15387 and a report from the Department of Justice follow:)

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

AN ACT, 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 officials 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,"

Passed the House of Representatives May 20, 1968.

Attest:

W. PAT JENNINGS,  
Clerk.

Hon. A. S. MIKE MONRONEY,  
*Chairman, Committee on Post Office and Civil Service,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: 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 two 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 two 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. In this connection, we note from an extrapolation of the statistics furnished by the Post Office Department to the House Committee on Post Office and Civil Service which has considered this bill, that there were about 700 assaults on postal employees during calendar year 1967; there have been more than 2,200 assaults on postal employees since 1963. 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.

Moreover, H.R. 15387 as drafted covers assaults by members of the public upon Post Office employees as well as altercations between officers or employees. Even if we assume that there is a legitimate reason to make the former a federal criminal offense, we vigorously object to the expansion of federal jurisdiction to a

purely internal disciplinary matter. The problem which is of concern to the Department has been well stated by Assistant Postmaster General Richard J. Murphy, in his recent testimony on an identical bill before the House Subcommittee on Postal Operations:

"... 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."

Supporting Assistant Postmaster General Murphy's statement is the fact that of the approximately 700 assaults in 1967 on postal employees, over 650 involved altercations between employees.

Finally, we believe that existing law adequately protects employees of the Post Office from assaults by members of the public. Four statutes are relevant to this problem. Section 113 of Title 18, United States Code, punishes assaults committed within the special maritime and territorial jurisdiction of the United States. Section 1709 provides criminal sanctions for the obstruction or retardation of the mails. This section has been interpreted to apply to assaults upon a postal employee which produces the prohibited effect. Under Title 18, United States Code 2114, whoever assaults anyone who has custody of mail matter with intent to steal or purloin such mail is subject to a penalty of up to ten years of imprisonment; and up to 25 years' imprisonment if he wounds or puts the life of the postal employee in jeopardy by the use of a dangerous weapon. In addition, under Title 18, United States Code 2116, it is a criminal offense to assault or interfere with any postal clerk who has duties in connection with a post office car.

In view of the above, the Department of Justice is unable to support section two 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."

Alternatively, if the Committee believes that the protection of all postal employees is warranted, then we strongly urge that the bill be amended so as to exclude internal disputes from its coverage.

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.*

Senator HOLLINGS. Our first witness this morning is the distinguished vice president of the National Association of Letter Carriers, Jimmy Rademacher, whose interest in this legislation has been a primary factor in its rapid progress through congressional channels.

Mr. Rademacher, we are very delighted to have you and you may proceed as you wish.

Mr. RADEMACHER. Thank you, Chairman Hollings.

**STATEMENT OF JAMES H. RADEMACHER, VICE PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS; ACCOMPANIED BY J. STANLEY LEWIS, SECRETARY-TREASURER; AND CHARLES N. COYLE, ASSISTANT 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, with headquarters at 100 Indiana Avenue, NW., Washington, D.C. We have approximately 210,000 members in almost 6,500 local branches distributed throughout every city

and town in all the States of the Union, and all the possessions of the United States.

I am grateful for the opportunity of being able to appear before you today to discuss a matter of great seriousness and of concern to everyone who carries the U.S. mail.

I appear in support of H.R. 15387, the bill which would make it a Federal offense for a citizen to attack a letter carrier in the performance of his duty. The bill has already been passed by the other body by a vote of 333 to 5 and we hope it will have the same kind of success in this body.

Mr. Chairman, traditionally it has been the pride and glory of the letter carriers that we represent every segment of the religious, ethnic, and economic spectrum of America and we do business with every segment of that spectrum.

Our members give service to the ghetto and the castle, to the poorest of our citizens and the richest, to the old and infirm, and to the infants who cannot yet read or understand the messages and gifts we bring to them.

Since free city delivery service was established in 1863, our members have walked alone and without fear through every neighborhood in America, distributing the mail, and being accepted as friends, as public servants, as occasional advisers and comforters, as helpful human beings.

I am afraid that in many parts of the United States, this has changed. In many areas of our country our letter carriers walk in deadly fear—afraid of the cowardly blow on the back of the head, the sudden knife at the throat, the flash of a contraband pistol, the savage attack by a mob of brutal youngsters out for “kicks,” the organized ferocity of the hardened criminals intent on stealing the mail and silencing the only witness who could identify them and testify against them.

A great sickness has swept over the Nation. Its manifestations are a complete disrespect for law and order, a contempt for human life, a total disregard for the rights of other human beings, and a fatal tendency to resort to violence as a means of settling even the most petty differences, or of solving even the most petty problems.

Everyone is more aware of the sickness today because of the mindless outrage that was perpetrated upon Senator Robert Kennedy early on the morning of June 5, an outrage which, as you so well know, we—like all other Americans—deplore and mourn with all our hearts.

But the manifestations of this sickness have been growing steadily over the years. They have become increasingly apparent—not only through the sickening national tragedies which all too often force the entire Nation to its knees in a frenzy of compassion and soul-searching, but also in everyday outbursts of brutality against obscure people in obscure corners of our cities, which rate only a few lines in the morning paper, because they are so common and are therefore hardly news.

Ten years ago, it was unheard of for a letter carrier to be attacked in the performance of his duties. Today, this is a commonplace occurrence. In my office, I get as many as three horror stories a week—stories of how our members have been brutalized while trying to serve the American people.

During the past year, we have had official notice of over 100 cases in which letter carriers have been either killed or injured by assailants in the performance of their duties. This figure does not include the unreported cases, or many of the cases in which a man has had a narrow escape from catastrophe.

Some of the cases have been inspired by sadistic impulses on the part of the assailants. Some of them have been inspired by personal grudges. And many have been inspired by greed.

As you so well know, Mr. Chairman, the job of the letter carrier has changed considerably in recent years as business houses, insurance companies, and the agencies of the Federal and State Governments have used the mails more and more for the transmission of money. On any given day, a letter carrier is likely to have thousands of dollars, in reasonably negotiable form, in his satchel.

And sometimes the satchel is fullest in neighborhoods where the poverty is greatest because of the distribution of welfare checks, pension checks, unemployment checks, and so forth.

The thugs know this. They also know that the letter carrier is a sitting duck for them. He is unarmed and alone, and he isn't even supported or protected by Federal laws.

Oh, yes; the mail is protected by the law, but the mailman is not. And it is high time that the mailman is given the protection of the full majesty of the Federal law, instead of the uncertain and often eccentric interpretations of State law which prevail in many communities in America.

For years and years, Mr. Chairman, letter carriers walked proud through the streets of our land. Today, in many communities, they walk scared.

After finishing my formal testimony today, I would like, if I may, to discuss some of the more horrifying things that have happened to letter carriers in the past year. But, at this point, I would like to cite some instances of the most recent assaults—cases which have come to my attention this month.

May 26—Spokane, Wash.: Carrier Wesley E. Wallace was attacked by an armed assailant as he entered the lobby of an office building. After a struggle, the carrier saved himself, and the mail, by flight.

June 6—Louisville, Ky.: Carrier James A. Watson, 38 years old, was stabbed to death by a patron as he was making his delivery.

June 1—Brooklyn, N.Y.: Carrier Joseph Marshall was delivering welfare checks. He was set upon by two armed assailants who beat him and stole two bundles of mail.

April 4—Chicago, Ill.: Carrier Thomas Overhage was attacked by three gunmen who entered his truck. Overhage was severely beaten and the truck was robbed.

April 22—Brooklyn, N.Y.: Carrier Murray Carver was held up at knife point in broad daylight, robbed of his c.o.d. funds and his own personal money.

I might add that our female letter carriers are also being mistreated, often in cases where the robbery of the mails is not the motive—so the cases do not in any way come under the Federal law.

We have had at least two female letter carriers raped while trying to deliver the mail in apartment houses.

On May 5, in Dayton, Ohio—an unbelievable case—letter carrier Betty Walker was almost stoned to death by a group of “playful”

schoolchildren. She was unconscious when help arrived and was subsequently hospitalized.

We have had other cases of women carriers being roughed up by gangs of hoodlums.

I mention these cases because they are recent. Undoubtedly, there were more during the month in question.

Sometimes the reporting back to us is a little slow; our members are either reluctant to make a fuss or they are afraid of retaliation from the goons who attacked them in the first place. They feel, in some instances, that it is useless to complain, when they know the Federal Government does not stand behind them and since they also know that there is no way the Federal Government can protect them from future acts of vengeance. They feel like soldiers in no man's land, without an army behind them.

The question may be asked: Why a Federal law? Aren't the various State laws sufficient for the purpose?

There are two answers to this question.

First of all, the imposition of Federal law enforcement agencies to such crimes. Criminals fear the Federal law enforcement agencies with their tradition of relentless and successful pursuit of wrongdoers. They fear the Federal courts, which often dispense justice more swiftly and more sternly than do State jurisdictions. They fear the Federal prisons, too.

I might add that if assaulting a letter carrier were made a Federal offense, this fact would be widely publicized by posters in post offices and other Federal buildings. The potential assailant would be notified in advance that if he lays an aggressive hand upon a letter carrier he will be in for serious trouble with the Federal Government.

And, secondly, Mr. Chairman, the present procedures in many State jurisdictions are burdensome to the complainant, and the penalties are often insultingly light.

Under present conditions, a letter carrier who is assaulted must go down to the police station himself to file a complaint.

We had a carrier who did this recently. He had been attacked by a savage dog and he used the aerosol spray which the post office issues for such emergencies. The owner of the dog became infuriated because the carrier would not permit himself to be torn apart by the dog—so he attacked the carrier, too, breaking the carrier's jaw and his nose. The carrier preferred charges. The case was brought up and the householder who so brutally beat the letter carrier was fined \$25.

In cases in some jurisdictions, as you so well know, Mr. Chairman, local prejudice against the Federal Government, local political conditions, local prejudices involving the race of the involved parties can have an effect on criminal proceedings which is less likely to exist in Federal courts, where political and local conditions are less important, and do not interfere with judicial objectivity.

As I have said, Mr. Chairman, we—the National Association of Letter Carriers—wholeheartedly favor H.R. 15387.

The addition of section 3108 to the United States Code and to provide disciplinary action against employees who assault other employees is certainly conducive to good operation. We certainly are not in sympathy with any employee who demands that the only response in an argument or under pressure is the use of physical violence.

We realize full well that there are many underlying causes for assault upon individuals in a postal establishment, especially where there are economic pressures and demands for higher productivity. However, there are appropriate grievance procedures in existence today to correct any injustice without going to the extent of assault.

Despite the contention of many that it is the employee who generally is the assailant, our records indicate that representatives of management have also been responsible and have committed the assault upon employees.

For example, the most recent case called to my attention at Palatine, Ill., on April 11, 1968. The president of our branch 4268, Mr. Chris T. Parrillo, was assaulted by his postmaster, Mrs. Martha K. Webster. Mr. Parrillo had been discussing a grievance with his postmaster when she determined to respond by seizing his left arm, causing a bruise and swelling. This grievance has not yet been resolved and, in the meantime, Mr. Parrillo was attacked by another employee of the Palatine office on June 15, 1968. This office has been a center of controversy for many years with at least four postmasters having been appointed over the past decade.

We enthusiastically support the bill as it stands. However, we would be grateful if you would consider a couple of minor amendments which, we feel, would improve the bill.

For example, 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. \* \* \*

The language does not provide for the right of appeal, which we feel should be granted to every postal employee, no matter how grievous his act may appear to be.

We think it is unwise to place in the hands of management the power to impose arbitrary punishments without the usual processes of law.

We have had a number of unprovoked assaults upon our members perpetrated by postmasters and supervisors and, too often, the attitude of management and the inspection service has been that of "boys will be boys; let's forget all about it."

When a postmaster is the assailant, it is highly unlikely that he will take punitive action against himself. And there are postmasters who will side with their supervisors against the rank-and-file employee. An employee should have the right of appeal in such cases.

In section 2 of the bill, I feel 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 mail. We have had several cases in which a letter carrier has been threatened, but not assaulted and in which the mail has not been stolen, but the carrier has been robbed of his personal effects. We feel this should come under Federal law, also.

Right at Hyattsville, Md., last week, a letter carrier was robbed at knife point of c.o.d. funds. That case is still pending and the thieves have not yet been apprehended.

Mr. Chairman, in the early days of the Republic, it was a hanging offense to threaten or to assault a postal employee in the performance

of his duty. We are not so bloodthirsty as that, but we do feel that when a man (or woman), in the uniform of the U.S. postal service, starts making his way down the streets and alleys of his community, alone and unarmed, and carrying potentially precious cargo, he should be supported by the certain knowledge that the full panoply of the Federal law is behind him, to protect him and to punish anyone who does him harm.

It seems to us very little to ask.

What President Woodrow Wilson and President Charles W. Eliot of Harvard College wrote about the postal service, itself, is especially applicable to the American letter carrier. He is indeed:

The Messenger of Sympathy and Love—The Servant of Parted Friends—the Consoler of the Lonely—the Bond of the Scattered Family—the Enlarger of the Common Life—the Carrier of News and Knowledge—the Instrument of Trade and Industry—the Promoter of Mutual Acquaintance—Of Peace and Good Will among Men and Nations.

Should we add that he is also the sitting duck for hoodlums and goons—the unprotected source of finances for impoverished dope addicts—the easy mark for the irresponsible aggressor—the soft touch for the sex maniac—and the reliable target for the professional criminal? I hope not.

And this legislation, we believe, can go a long way toward preventing the application of this additional description.

Mr. Chairman, I ask respectfully that the following pages which are a summary of the attacks which have occurred over the last few months be included in the record without having to read same.

Senator HOLLINGS. They will be included.

(The document referred to, follows:)

#### RECENT ASSAULTS ON LETTER CARRIERS

Following are the statistics which have been reported to the Headquarters of the National Association of Letter Carriers over the past year and which relate to assaults upon letter carriers who are attacked while performing their duties.

#### DEATHS

The following letter carriers were killed while performing their duties:

Jack Pasternack, age 59, of Brooklyn, N.Y., was viciously attacked, never regained consciousness, and died following extensive brain surgery on December 23, 1967.

Henry J. Clancy, of New York City, suffered a heart seizure while chasing thieves who had stolen packages from his mail delivery vehicle in November, 1957.

Jams A. Watson, age 38, of Louisville, Ky., was stabbed to death while making his deliveries on June 6, 1968.

#### ASSAULTS

ARLINGTON, VA. On March 3, 1968 Letter Carrier Paul Markle, while delivering parcel post was punched in the face. The assailant was arrested but the carrier subsequently dropped charges.

HYATTSVILLE, MD. Marshall Crapper was robbed of C.O.D. funds by a thief who threatened the carrier at knife-point before taking the government money on June 18, 1968.

SPOKANE, WASH. Carrier Wesley E. Wallace was attacked while delivering mail to a building. The assailant beat the carrier as he ran to safety within his truck.

CLEARWATER, FLA. Carrier Ralph Howell in defending himself against a vicious dog sprayed the dog with the special "Halt" repellent. The owner of the dog, a karate expert, severely beat the letter carrier.

KANSAS CITY, Mo. Carrier A. R. Bernal, on May 2, 1968, was making his deliveries when he was summoned by a young man who declared his father

wanted him to pick up a package at the door. As the carrier approached the open doorway, without warning he was struck repeatedly on the head and in the stomach. He suffered a fractured jaw, broken teeth, and battered ears. In addition, for one hour this carrier was forced to remain prone with a shotgun at his head while the assailant learned of mistaken identity. This case was dismissed from the Federal court for insufficient evidence.

ALTOONA, PA. Carrier Gerald Appleby was stabbed by a patron wielding a three inch blade.

CHICAGO, ILL. On April 4, 1968 Thomas Overhage was beaten and robbed by three gunmen who leaped into his truck.

MINNEAPOLIS, MINN. Jack L. Zimney on October 9, 1967, was collecting mail at a street letter box when two assailants approached on each side of the vehicle. He was slashed by knife blade with the assailants escaping.

MINNEAPOLIS, MINN. On December 15, 1967 Ronald Neuman while collecting mail was assaulted and his assailant attempted to drag him from his vehicle. The carrier was kicked and beaten, with severe lacerations to the cheek bone, narrowly missing his eye.

DONALSONVILLE, GA. August, 1967. Three assailants attacked Rural Letter Carrier James L. Moore who was shot in the back of the head and neck after he was flagged down on his route by one of the trio who wanted "to buy stamps".

DEARBORN, MICH. Carl Grey, in April, 1967, attempted to park his vehicle and was viciously assaulted by a patron who was placed on one year's probation, and who paid a \$25 fine.

DUBLIN, GA. While on lunch hour and seated in his vehicle, Letter Carrier Dewey D. Sapp was set upon by several hoodlums, one of whom attempted a knifing upon the carrier but was withheld by his companions.

BROOKLYN, N.Y. Below is a report on assaults at Brooklyn, N.Y. supplied by the president of our Branch 41, Mr. Jack Leventhal. Because of the seriousness of the situation, it is now necessary that two supervisors patrol routes of carriers in certain sections of Brooklyn on the first and 16th of each month:

Jack Malin—Accosted by and successfully fought off three hoodlums.

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

Max Bosworth—Assaulted and robbed; received head injuries.

Max Dennis—Assaulted and unsuccessfully robbed; received neck injuries.

Supt. 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 two 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 Street, Brooklyn, N.Y.

Kenneth Bowers—Night collector—Stabbed while collecting mail on St. John's Place. 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 three 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 two 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 two days later suffering from a nervous breakdown.

#### ASSAULTS ON FEMALES

CHICAGO, ILL. A 16-year-old youth has confessed to the rape of a female letter carrier from whom he also stole checks.

KANSAS CITY, Mo. Two female letter carriers were threatened and shaken up by youths as they made their deliveries on April 10.

DAYTON, OHIO. Mrs. Betty Walker was hospitalized after being hit by several bricks as she passed by a school house on May 5, 1968.

#### THEFTS OF MAIL

More than 40 mail carriers at Brooklyn, N.Y. have had mail stolen from their satchels during the past nine months. Some letter carriers have been suspended from duty and suffered loss of wages because of the thefts taking place.

Murray Carver—Robbed at knife point while making deliveries; C.O.D. and personal funds stolen.

Joseph Marshall—While making a building delivery, was attacked by two assailants who stole two bundles of mail.

Mr. RADEMACHER. Thank you, Mr. Chairman, for this opportunity that we have had today to tell the committee some of the problems our letter carriers are suffering throughout the country today.

Senator YARBOROUGH. Mr. Chairman, may I be heard?

Senator HOLLINGS. Yes.

Senator YARBOROUGH. Mr. Chairman, I am very grateful to the very distinguished Senator from South Carolina for coming here to open the hearings.

The Senate Education Committee is marking up both the higher education bill and the secondary education bill. I had to go over there first. I was temporarily excused, subject to being recalled at any time.

It is very difficult to find someone to hold a hearing, as you know. Each chairman has to go to this or that subcommittee, which spreads us thin. We are trying to get the needed legislation passed in Congress before adjournment.

I think the greatest friend of the postal workers in the Senate was the late Senator Olin Johnston. I am on this committee because of another South Carolinian, Olin Johnston, and I am glad that his successor here, Senator Hollings, is showing the same interest in this committee, and I know that we are all most fortunate for his being on this committee.

It wouldn't be fair to this record if I didn't tell how you volunteered to help me out of an impossible situation.

Senator HOLLINGS. Mr. Chairman, would you like to take over?

Senator YARBOROUGH. No. I am liable to be called back at any minute.

Senator HOLLINGS. I am very appreciative of your remarks.

Have you any questions, sir?

Senator YARBOROUGH. I have no questions.

I just want to compliment Mr. Rademacher on a very, very fine statement. I agree with you 100 percent.

I do have a question after all about your suggestion for amendments. Since the House passed this overwhelmingly, and time is short, I was wondering whether even though amendments were desirable we ought to risk them or try to get this bill through committee. You can

tell more about that as July wears on. I would be glad to have your recommendations to clarify it. I would like to see it passed as soon as possible.

People who serve other people and serve them unarmed out there, being set upon, beaten, killed, stabbed, or rendered unconscious by hoodlums, I think the carriers, clerks, all in postal service, are entitled to the protection of Federal law.

Mr. RADEMACHER. Mr. Chairman, just in response to Senator Yarborough—

Senator YARBOROUGH. The word has just come that I am called back.

Mr. RADEMACHER. Before you leave, I want to say we do not have any objection to your views, because we feel the committee can put into their report the fact that employees have always had appeal rights and this policy should not be changed, and if we can look forward to such wording in your report, I think that would take care of it.

Senator YARBOROUGH. After I finish at the other committee, I will come back here.

Senator HOLLINGS. Thank you very much.

Referring to the language, Mr. Rademacher, on page 2, lines 4 through 7, where we have, "forcibly resists, opposes, or interferes with any other employee while such employee is engaged in the performance of his official duties," that is broad language, "interferes with."

Do you think that could give ground to mischief on the part of affected employees where the language is so broad? Do you approve of that?

Mr. RADEMACHER. Much of this language is superfluous, and we had a discussion with Subcommittee Chairman Nix, on the House side about this. It was his feeling that Congress ought to eliminate most of that language because it is superfluous, but, again, because of the need of expediency in having a bill passed because it is so urgent, they agreed to leave it in there, and then in their report I think they responded to the intent of the language.

Senator HOLLINGS. I see.

You said five Members on the House side did vote against it. Did they have any substantial objection or apprehension?

Mr. RADEMACHER. Mr. Chairman, the apprehension of all five appeared to be, from my knowledge, the fact that the Congressmen who opposed the legislation felt that this ought to be a matter for the States to decide and not the Federal Government.

I don't want to debate that issue because we are supporting the bill; we need the bill. The reason that we are not depending upon the States is because of the \$25 fine, or lack of evidence, or insufficient evidence and the case thrown out, whereas a Federal statute would make it necessary that a man be punished to a greater extent than \$25, perhaps even a sentence for the very fact that he has attacked a representative of the U.S. Government, and I think that the State courts aren't inclined to take that kind of action.

Mr. PASCHAL. Mr. Rademacher, you have made a very fine statement but, for the record—we may want to study later—I believe, your statement deals quite extensively with attacks from outside people; that is, people outside of the Government; is that correct?

Mr. RADEMACHER. That is correct.

Mr. PASCHAL. And in order to get that at all in this bill, it would have to be amended.

Mr. RADEMACHER. Yes.

Mr. PASCHAL. In other words, this bill as it passed the House wouldn't carry out the thought expressed in your statement this morning?

Mr. RADEMACHER. That is correct.

Now, it is my understanding that if most of the language of section 1 is deleted, or if some of the language is disturbed, that it would be ruled not germane to this committee and for that reason we have not raised too strenuous objections because we would rather have the lives of our members saved than to be concerned with wordage, which is or is not too meaningful.

Mr. PASCHAL. And the second one. As I read this bill, there is no provision in the bill whatever for a hearing of a postal employee whom the Postmaster General might possibly—not saying he would—accuse of violating the law. Would this be possible if this bill became the law?

Mr. RADEMACHER. It is not contained in the bill, but it was mentioned several times on the other side that it was the intent to follow the procedures which do exist.

Now, I know we might run into a snag at this point, unless something is spelled out and clarified in the law. We can't depend upon anybody's understanding or misunderstanding of intent.

Mr. PASCHAL. Now, I am assuming this will come up later, but I wanted your feeling on it for study by committee members when they go to mark up the bill.

Have you any comparison of the number of attacks on postal employees as compared to the attacks on employees in other agencies?

Mr. RADEMACHER. The number of attacks on employees in other agencies must have been so insignificant that the other organizations have not sought such legislation. We have no objection to the inclusion of the protection for every person that works for the Government.

However, it must be understood that most Government employees—other than postal—work in Federal buildings and anybody assaulted or attacked in a Federal building is covered by existing law. So, for that reason, we urge that amendment B be considered at another date and to get this bill passed now so that we can immediately notify everyone—hoodlums, dope addicts, and all—that they cannot do this and get away with it. We are in sympathy with other Federal employees, but I believe you will find in most of the cases they are protected because they work in a Federal building.

Mr. PASCHAL. Thank you.

Senator HOLLINGS. That is a very excellent statement. I agree wholeheartedly with this measure.

I can't think of any questions, frankly, to ask.

The objection might be States and their own police power, but it seems to me the strongest thing should be to protect the mail carrier.

Mr. RADEMACHER. Senator, if I may conclude, please, I would not want our part of this hearing to adjourn since reference has been made to the greatest friend that all Government employees ever had. I want the record to indicate, if I may, and have it be so that this organization shares the views of Senator Yarborough and yourself concerning our great and beloved friend, Senator Olin Johnston.

The second good thing that has ever happened to us was the fact that he encouraged successfully Senator Yarborough to be a member of this committee; and, then, third in line with the good things that have happened to us is that you, yourself, Mr. Chairman, chose this committee, and we are very pleased to know that South Carolina continues to be represented on this fine committee.

Senator HOLLINGS. Thank you very much.

Our next witness is Richard J. Murphy.

**STATEMENT OF HON. RICHARD J. MURPHY, ASSISTANT POSTMASTER GENERAL, POST OFFICE DEPARTMENT; ACCOMPANIED BY ADAM G. WENCHEL, ASSISTANT GENERAL COUNSEL; AND MARLIN W. BROWN, INSPECTOR**

Mr. MURPHY. Thank you very much.

First of all, I want to extend the appreciation of Postmaster General Watson to you for coming here and holding the hearing.

Mr. Chairman, members of the committee, 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 want to assure you that we are deeply concerned 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 Watson 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 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 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 worker, postal and nonpostal 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 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 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 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.

On March 18 of this year, I testified on H.R. 15387 before the House Subcommittee on Postal Operations. Since that time there have been numerous assaults on postal personnel throughout the country. I have selected a handful of recent reports at random to demonstrate the extent and severity of the problem that besets us.

On April 26, in Dayton, Ohio, a female substitute letter carrier, a Negro, was stoned by a group of about 12 white teenagers.

On June 1, in Venice, Calif., a substitute carrier was physically assaulted by a patron when the carrier tried to verify the accuracy of an address.

On June 4, in New York City, a regular carrier on his route, was unable to complete his collections because of a barrage of bottles and rocks thrown at him from roof tops. There had been a similar incident in the same area, in the morning.

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

Only a few weeks ago, 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, usually, of course, goes alone in the performance of his or her duty.

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 than attacks by patrons on postal workers.

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, Senator, 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, by the facts of the case.

In the 100 largest post offices in the last 5 years, we had 413 cases in which employees assaulted each other physically or by 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, employees were dismissed in 185 instances; 317 employees were suspended; seven were demoted; 86 were reprimanded; and the remainder were resolved by some other means.

These figures indicate clearly that the Postmaster General not only has the authority proposed in section 1 of Mr. 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, United States 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 employee cases already 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, however, 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 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 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 this opportunity to present the Post Office Department's views on this bill. I will be pleased to answer any questions.

On March 18 of this year, I testified on H.R. 15387 before the House Subcommittee on Postal Operations. Since that time, there have been numerous assaults on postal personnel throughout the country. I have selected a handful of recent reports at random to demonstrate the extent and severity of the problem that besets us:

On April 26, in Dayton, Ohio, a female substitute letter carrier, a Negro, was stoned by a group of about 12 white teenagers.

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On June 4, in New York City, a regular carrier on his route, was unable to complete his collections because of a barrage of bottles and rocks thrown at him from rooftops. There had been a similar incident in the same area, in the morning.

Senator HOLLINGS. We appreciate your very fine statement, Mr. Murphy.

With respect to extension to all Federal employees, I notice the next witness will be from the Justice Department.

Is the Postmaster General and the Justice Department opposed to this recommendation that it be extended to all postal employees?

Mr. MURPHY. Yes. We had a conference, the Post Office Department, the Department of Justice, the Civil Service Commission, before hearings were held in the House by Congressman Nix. As I indicated in my testimony, there was a divergence in point of view between the agencies involved.

The Justice Department feels that it is not wise to add additional categories of employees or just even postal employees to the long list of employees that have already been included in section 1114 of the United States Code and I think at some point it might be wise to read into the record the large number of Federal employees who are already included under this section, who do not work on their own and who do not carry the valuables that postal workers carry and yet have been given the protection of this section of the Code for years.

The Commission and ourselves, I think, are in complete agreement as to what should be done here.

Senator HOLLINGS. What is the anxiety of the Post Office Department to extend it? From your comments, you seem to think it is extended too far to some who don't need that.

Mr. MURPHY. No, sir. I just think it is inequitable to include Park Service, Indian Service, Agriculture Service employees under it and employees of the Bureau of Husbandry under it, employees of the Department of Health, Education, and Welfare, and not include postal workers who have to work on their own, many of them in high-crime areas very often at night a lot of them being women.

Senator HOLLINGS. Right, but why all Federal employees? In other words, don't you have the same concern for all Federal citizens? Why not everyone?

Mr. MURPHY. Yes, sir. The thrust of my comment is I think if we are going to extend this to postal workers that we in the Post Office Department feel that we ought to stop this piecemeal amending of this section, and say that the Federal Government ought to extend its protection to any of its employees, and for that reason we advocate that it be extended to other Federal employees.

So, for that reason, we advocate that we include all Federal employees under this, and not this piecemeal approach which has been taken in the past which results in many inequities.

Senator HOLLINGS. Well, I am not getting my point over to you.

I am concerned about my employees, but I don't recommend that it be extended to them. I think you have got to look at the threat, you have got to look at the actual experience, and I propose to agree with you in the major portion of your statement. Experience shows that added protection is necessary, but then you represent the Post Office Department, and to presume to speak for all Federal employees, I just don't see that the Postmaster General has either that function or concern.

Mr. MURPHY. I think the thrust of his comment was that he felt it would be equitable to do this. Mr. Macy has extended this—

Senator HOLLINGS. Yes, but you don't represent Mr. Macy.

Mr. MURPHY. No, sir. I am just saying that we are in agreement with their comments on this matter.

Senator HOLLINGS. Going back to the disciplinary action that you can take for these internal affairs, you say that it shouldn't be diluted.

Do you think that the proposed bill would dilute the authority of the Postmaster General?

Mr. MURPHY. No, sir; I do not think so. I merely wanted to make it clear that our thought was that it does not do so, and I think it is clear from the report that was written on the House side that it does not do so.

I certainly think that was the intent of Mr. Dulski in drawing up the bill.

We were concerned that sometimes, when we take issues to a U.S. attorney or local district attorney, very often they will ask us to withhold disciplinary action until court action has been taken for fear that some kind of disciplinary action administratively might in some way affect the case before the courts.

Our feeling here, though, is that nothing in this bill would in any way diminish the Postmaster General's authority.

Senator HOLLINGS. Do you have any questions, Mr. Paschal?

Mr. PASCHAL. No, sir.

Senator HOLLINGS. Thank you very, very much.

Mr. MURPHY. Thank you, Senator, for holding this hearing. We are most grateful to you, indeed.

Senator HOLLINGS. Mr. Kossack.

**STATEMENT OF NATHANIEL E. KOSSACK, FIRST ASSISTANT TO THE ASSISTANT ATTORNEY GENERAL OF THE UNITED STATES, CRIMINAL DIVISION**

Mr. KOSSACK. Mr. Chairman, first may I extend Mr. Vinson's apology for not being here. He is now in London in connection with the extradition matter with which you are very familiar.

May I add, also, Mr. Vinson's views, the Department's views, are solely in the interest of good law enforcement and the observations that we make are in the interest of good law enforcement.

Now, before I read this statement, may I just say several things which are contained in the statement, but I would like to emphasize them.

This committee is aware, I am sure, that the total resources of the Federal Government's enforcement agencies of all sorts are somewhere around 23,000. The city of New York alone has 28,000 policemen.

Good law enforcement requires the proper allocation of law enforcement agencies throughout the country so that there is effective use of manpower. This means a total cooperative effort between Federal, State, and local people. The same applies to the courts, and for this reason when we propose and state that the additional burdens which will be placed upon the Federal Bureau of Investigation, which is only a part of the 26,000 resources, is not meant to imply that they are not capable of handling this. It is meant only to point out to this committee that the utilization, complete utilization, of all enforcement manpower is an important part of law enforcement.

Now, I intended to lighten your burden, sir, by putting the statement in, but I think I ought to read it, because it answers some of the questions raised by the previous witnesses.

Mr. Chairman, and members of the committee, I am here this morning to discuss the views of the Department of Justice on H.R. 15387.

As to section 1 of H.R. 15387, which would amend title 39, U.S. 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 U.S. Civil Service Commission for the reason it does not affect any matter within our responsibility.

Our comments, therefore, are confined to section 2 of H.R. 15387, which would amend section 1114 of title 18, U.S. 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.

And may I at this point add that the particular need is in almost every instance related to investigative, inspection, and protective services.

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.

And, may I again add a comment: We use the word "ordinary." We use it only in that sense of keeping public peace. Ordinary is not meant to deprecate any grade or seriousness of an assault, or implication of crime.

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.

I apologize at this point for again interpolating and adding. I need only to remind this committee that the Federal Bureau of Investigation has a very high standard of investigations which are not controlled by the amount of many involved or the extent of injury. Each case is an important case. Each case receives a great deal of time and effort.

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. In this connection, we note from a projection of the statistics furnished by the Post Office Department to

the House Committee on Post Office and Civil Service which has considered this bill, that there were about 700 assaults on postal employees during calendar year 1967; there have been more than 2,200 assaults on postal employees since 1963.

Finally, we have seen no evidence that the State and local statutes applicable to assaults upon postal employees are inadequate or that these laws have not been properly enforced by the State and local authorities.

Moreover, H.R. 15387 as drafted covers assaults by members of the public upon Post Office employees as well as altercations between officers or employees. Even if we assume that there is a legitimate reason to make the former a Federal criminal offense, we vigorously object to the expansion of Federal jurisdiction to a purely internal disciplinary matter.

The problem which is of concern to the Department has been well stated by Assistant Postmaster General Richard J. Murphy, in his recent testimony on this bill before the House Subcommittee on Postal Operations, and, incidentally, repeated again before you today:

\* \* \* 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 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.

Supporting Assistant Postmaster General Murphy's statement is the fact that of the approximately 700 assaults in 1967 on postal employees, over 650 involved altercations between employees.

Finally, we believe that existing law adequately protects employees of the Post Office from assaults by members of the public. Four statutes are relevant to this problem. Section 113 of title 18, United States Code, punishes assaults committed within the special maritime and territorial jurisdiction of the United States.

Section 1701 provides criminal sanctions for the obstruction or retardation of the mails. This section has been interpreted to apply to assaults upon a postal employee which produces the prohibited effect.

Under title 18, United States Code section 2114, however, whoever assaults anyone who has custody of mail matter with intent to steal or purloin such mail is subject to a penalty of up to 10 years of imprisonment; and up to 25 years' imprisonment if he wounds or puts the life of the postal employee in jeopardy by the use of a dangerous weapon.

In addition, under title 18, United States Code section 2116, it is a criminal offense to assault or interfere with any postal clerk who has duties in connection with a post office car.

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."

Alternatively, if the committee believes that the protection of all postal employees is warranted, then we strongly urge that the bill be amended so as to exclude internal disputes from its coverage.

Now, may I say something from my own experience, Mr. Chairman? I was a special agent of the Federal Bureau of Investigation. I worked in the field. I worked with postal inspectors then, and as a so-called expert in mail fraud in the Department of Justice, I worked with postmasters in the various cities and towns: Williamson, W. Va.; Logan, W. Va.; Louisa, Ky.; all over the areas where problems exist.

I am aware, of my own personal experience, of the tremendous concern for the safety of people in post offices and post office buildings who handle money, who are exposed to the public.

I am also aware, sir, that local law-enforcement people are equally concerned and consider it a primary problem.

Thank you very much, sir, for permitting me to make the statement on behalf of the Department of Justice and Mr. Vinson who would very much like to have been here, but, as you understand, his obligations are very, very important.

Senator HOLLINGS. Well, now, the present law, Mr. Kossack, relative to law enforcement investigative or inspection personnel of the Post Office Department, how many cases have you had under that in the last year?

Mr. KOSSACK. Not very many, sir. We could furnish the figure.

Senator HOLLINGS. The law must be working then. In other words, since they do have the Federal protection, if the fellow in the postal system who does the investigating, or the Justice Department, if he is investigating a case of mail fraud, somehow the word has gotten around. They are getting the letter carriers and everyone else, but when you folks who actually in a sense could be snooping around and investigating, they don't assault you because you are covered by Federal law, do you think?

Mr. KOSSACK. No, sir. Then, let me draw on my personal experience.

Postal inspectors are highly competent law-enforcement people. They engender the same respect from people who would do harm as do any other law-enforcement people in the Federal Government. Now, we have a saying which I think is—

Senator HOLLINGS. How do you identify them? How do I know when you walk around you are a postal inspector? What we have down in South Carolina don't have any uniforms.

Mr. KOSSACK. If you live in South Carolina and live in an area of South Carolina, everybody knows the postal inspector.

Senator HOLLINGS. No; they don't. I happen to know him but he is not known around at all. He is a very demure, quiet little fellow—very, very effective, but they don't know him, wandering around in a ghetto, congested area, that he is a postal inspector and therefore don't assault him.

Mr. KOSSACK. A postal inspector when he is on duty in the normal course of events will identify himself with a badge or a card quite similar to this packet. There is no question in anybody's mind that he is a postal inspector. I happen to have tremendous respect for these people and I know, sir, that they do engender respect and, to a large extent, fear from those who would do them harm.

You know, sir; we have a saying—I am quite sure that you are aware of this—in law enforcement, and that is if you have a gun, you don't pull the gun out unless you intend to shoot. Similarly, if you have a law to protect, you don't just have the law as an umbrella. The law must be enforced firmly and not just as a threat.

Senator HOLLINGS. But, of course, it seems to me that the postal inspector doesn't have normally anything that the assaulter would desire, checks through the mail or anything else like that, any more than any other citizen walking around inspecting a particular case. Whereas those carrying the mail are open prey, because they know they have things of value and they assault them and they are defenseless.

The postal inspector going around about his normal duties wouldn't have any reason to be assaulted any more than an ordinary citizen. Yet you give him Federal protection.

Mr. KOSSACK. We give an FBI agent Federal protection and yet he doesn't wear a uniform.

Senator HOLLINGS. Well, he is really dealing in the criminal element.

Mr. KOSSACK. So does the postal inspector.

Senator HOLLINGS. Well, let's get to the four statutes that you referred to on page 6 of your statement.

How many cases and prosecutions have you pursued under any of these four sections?

Mr. KOSSACK. I don't have those statistics. I would be very happy to furnish it to you, sir.

Senator HOLLINGS. Do you think there would be many of them?

Mr. KOSSACK. I don't like to guess about what I don't know. I don't know the number and I would rather be accurate, sir.

I deal, as the first assistant in the Criminal Division, with over 35,000 filed criminal cases a year, and I would hesitate to make judgment on small portions of those 35,000 criminal cases.

(The following information was subsequently submitted by Mr. Kossack:)

In 1967, there were approximately forty-five assaults on postal employees by members of the public. During the same time, there was one assault on a postal inspector, and this assault was committed by an employee of the Post Office Department. The Post Office Department handled this case administratively by removing the offending employee. With respect to the forty-five assaults by the public on all other postal employees, the vast majority were handled by the state and local authorities. There were, however, six Federal prosecutions of these assaults all under Section 2114, Title 18, United States Code.

As was pointed out to the subcommittee, there were approximately 650 cases of altercations among Post Office Department employees in 1967. Except for a few cases that were handled by the State and local authorities, the vast majority of these matters were handled administratively by the Postmaster General.

Mr. MINTON. What comes to mind is that you have a provision here of section 1701, title 18, that says you can't impede the mail, but if you stop a letter carrier long enough to beat him up, you are obviously impeding the mail, and why are the letter carriers here asking for this legislation if this law is working?

Have there been any prosecutions this year on these cases that Mr. Rademacker has cited?

I never saw section 1701 until this morning. If it is going to be used as a criminal law to protect postal employees, how come the postal employees don't seem to know anything about it? The representatives of their unions here this morning, I think, are unaware of this provision of law. If they are aware of it, then they think it obviously isn't enough and they want more.

Mr. KOSSACK. It is my understanding that in most of these instances, as I said before, there is a great deal of respect for local law enforcement, and when there is any obstruction of or impeding of mail, local

law enforcement steps in. There is concurrent jurisdiction, Federal and State, in this connection.

The sheriff, constable, a policeman, in Louisa, Ky., is far more available than an FBI agent who is stationed in Huntington, W. Va.

Senator HOLLINGS. And, of course, the policy of the FBI of taking jurisdiction, if they want it, they take it. What is your policy?

Mr. KOSSACK. These particular 1701 cases?

Senator HOLLINGS. Yes.

Mr. KOSSACK. Where the local law enforcement is adequately taking care of the situation, we do not proceed as a matter of course. We have to spread our resources, and we work closely with local law enforcement in spreading our resources.

Senator HOLLINGS. Going then to the point of the present proposed bill, if that would be enacted into law, of course, there would still be concurrent jurisdiction.

Mr. KOSSACK. That is right, sir.

Senator HOLLINGS. Talking about the limitations of manpower where you have only 23,000 compared to the city of New York with 28,000—would it be the Justice Department's policy to take on the jurisdiction and give the Federal protection or not?

Mr. KOSSACK. It would depend. If this were enacted into law, it would depend upon the individual situation.

May I give you as an illustration: There is a Dyer Act, Interstate Transportation of Stolen Automobiles. It is concurrent jurisdiction between Federal and State in those situations. The Federal Government is called in when there is a ring or large commercial operation. The local people feel that they are more capable—and we agree—in handling the individual stolen car cases. It depends upon the gravity of the different situations.

Again, I must urge an understanding that where there is concurrent jurisdiction, there is a complete understanding between local and Federal law-enforcement agencies as to the utilization of their respective manpower and to draw a hard and fast line and say, "When there is concurrent jurisdiction, you will take these cases and we will take these cases," is a difficult matter. We do it in certain areas. We do it, for example, in unemployment compensation cases where the amount involved is over \$300. In cases under \$300, the State takes it over.

Where there is a possibility of concurrent jurisdiction of dividing, really dividing, we do so. For example—in connection even with our own establishment and the military, we have agreements with our military people and with the local people in juvenile cases and military people in connection with crimes. We try to divide the responsibility in areas of concurrent jurisdiction.

Just because the Federal Bureau of Investigation has developed a tremendous high standard of effectiveness and efficiency does not mean that everything in this area of concurrent jurisdiction should be undertaken by them. That would seriously militate against the application of their high standard and efficiency.

Senator HOLLINGS. Now, with respect to that line of testimony as to extending this to all Federal employees, what is the position of the Justice Department?

Mr. KOSSACK. Well, sir, you know probably better than I do how many Federal employees there are. They run into the millions.

Senator HOLLINGS. My lawyer here says approximately 3 million.

Mr. KOSSACK. That is right, sir. I am a Federal employee.

Yesterday, I was out on the streets of Washington, cooperating with the police in connection with the march of the Poor People's mules, on the way through Washington, cooperating with the Capitol Police. I am not protected under this statute. There are lots of people like I who get out and get away from an office. All Federal employees do not sit at desks in an office. They are in cars; they move from one place to another. The burden of including all Federal employees at all their activity would be such a tremendous burden that Mr. Hoover would have to ask for many, many more agents to cover it.

Senator HOLLINGS. Mr. Kossack, why would that be? I mean, why does the Justice Department always talk about the burden? It seems to me that in the spirit of justice the Department's approach would be whether or not there was a need and whether or not it was being adequately handled. Why does it take the greater burden all the time to the Justice Department?

Mr. KOSSACK. I agree with you, Senator. The burden has to be read in connection with its Federal need. When I speak about burden, I speak about it against the background of the need. I don't mean to imply that we talk about burden merely as just extra work. I talk about the relative importance, federally speaking in the law enforcement area.

Senator HOLLINGS. Well, now, to answer that question again, the Department does not recommend that it be extended to all Federal employees.

Mr. KOSSACK. That is right, sir.

Senator HOLLINGS. Mr. Paschal, do you have a question?

Mr. PASCHAL. For the record, I would like to ask the question, is the Department of Justice for this bill or is it opposed?

Mr. KOSSACK. In its present form, we are opposed to it.

Mr. PASCHAL. Thank you.

Senator HOLLINGS. And the main objection, of course is the extension of the Federal law to make it a crime for internal disciplinary problems.

Mr. KOSSACK. Yes; recognizing, sir, that 90 percent of the reported cases are these internal altercations.

Senator HOLLINGS. Thank you very much, Mr. Kossack.

Mr. KOSSACK. Thank you for the privilege of being here, sir.

Senator HOLLINGS. Mr. Jaspán, we are very delighted to have you here this morning.

**STATEMENT OF DAN JASPAN, LEGAL REPRESENTATIVE, NATIONAL ASSOCIATION OF POSTAL SUPERVISORS; ACCOMPANIED BY DONALD M. LEDBETTER**

Mr. JASPAN. Thank you, Mr. Chairman.

Mr. Chairman and members of the Post Office Committee, 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, airmail facilities, and mobile units.

We are deeply grateful to Senator Hartke for introducing S. 3494. This bill and the House-passed H.R. 15387 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 S. 3494 and section 2 of H.R. 15387, extending protection to "any postal inspector, 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, et cetera.

This section also provides penalties for the murder or manslaughter of officers or employees of the Department of Agriculture, 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.

The previous witness, Mr. Chairman, objected to the extension of this to postal employees by stating that such a position is not likely to be dangerous, and I don't know what could be more dangerous than a position where you are subjected to being murdered.

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, et cetera, 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.

Now, we have been trying to get legislation of this type enacted over the years, Mr. Chairman, and we understand that most of the opposition has come from the Department of Justice. Bills have been introduced for at least 10 or 12 years in many Congresses. Most of the bills introduced just contain what is now section 2 of this bill, and we feel that was very unfair opposition, and the times have shown that we are correct since these assaults are increasing.

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 mailtruck 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.

And this isn't dangerous, Mr. Chairman, supervising people like that?

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 S. 3494 and H.R. 15387 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 in the postal field service, but have not mentioned the other employees since the representatives of their organizations will speak for them.

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.

We are certain that assaults will continue to increase unless S. 3494 and H.R. 15387 are 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 have 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 batter, 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?

I might add, Mr. Chairman, that this case is being prosecuted in the local courts. Hearings were held before a local magistrate and there were about eight postponements before a hearing could even be held. It was finally held before a grand jury and indicted by a grand jury and we know it will be at least 8 months or a year until the case comes up in the civil courts in Philadelphia.

We also are fearful that this extension of time will mean that there will be a lessening of the prosecution. We feel if it were a Federal offense, it would not happen.

Senator HOLLINGS. You wouldn't have the same delays?

Mr. JASPAN. No, because this has been delayed now for, oh, it is about almost a year and a half, I guess, since it happened. It is more than a year and it will be another 8 months to a year before anything is done, so that is quite a delay.

Senator HOLLINGS. That is not from your experience practicing in the State and Federal courts. That is just your judgment of the situation at the present time.

Do you practice before the Federal court?

Mr. JASPAN. No, sir.

What I am trying to bring out, it seems that in the local courts it seems to be easy to have delays granted. The attorney for the person charged with the murder has been having one delay granted after another, and we feel that justice would be a little more—well, more quickly initiated and also finished, completed.

Senator HOLLINGS. Well, of course, when you use a murder case in Philadelphia, it doesn't necessarily help the presentation too much because what you need is a better supervisor.

How did he get into the postal service, you say, with a long criminal record? He has already violated the Federal law and the Uniform Firearms Act.

Mr. JASPAN. That is the employee. The supervisor was assaulted by this employee. Well, there is a new hiring practice in the postal service now whereby the employee's past record is not, apparently is not taken too much into consideration. They can be employed now even with criminal records and that is what happened in this case. His record was known when he was hired.

There was no doubt about his criminal record. It was in the papers in Philadelphia that he had a long record as mentioned in the statement.

Senator HOLLINGS. Well, you can only tell what a man is likely to do by what he has done, and he did what he was likely to do.

Mr. JASPAN. That is right, and he isn't the only one, of course. There is that possibility of the same thing happening in other offices where there have been criminals employed.

Senator HOLLINGS. I am agreeing with the bill, but in that particular case I don't think that law will help in that type of case.

Mr. JASPAN. No; but the punishment would be more certain and also more severe if this could be brought before a Federal court. This won't be prosecuted in a Federal court. There is a question of jurisdiction in this case and the local courts are taking over the prosecution.

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.

When he testified before the House Subcommittee on Postal Operations, Assistant Postmaster General Murphy repeatedly stated that, in his opinion, it was not necessary to have assaults by employees 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 when any number of cases have 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.

That is why we would like to have this type of legislation enacted.

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 cases, nor will the

Department provide legal counsel or assume the costs for the fees of an 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 for him. 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.

When Mr. Murphy testified, he also mentioned that the courts are encumbered now with all the cases, and still he would like to have this provision extended to other agencies.

We feel that this is kind of inconsistent, Mr. Chairman, to say they have too much work to do now and then give them more work. We are also concerned if the bill is amended in such a way there may be more delay. We feel that the bill should be considered in its present form and that this will help to solve our problem, rather than extending it and possibly have the bill killed by that extension.

We are especially grateful to Senator Yarborough for scheduling these hearings. This is the first time that this type of proposed legislation has reached the hearing stage on the Senate side. 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 S. 3494 and H.R. 15387 will reduce assaults and will probably save lives.

Thank you for the opportunity of presenting our views.

Senator HOLLINGS. Thank you, Mr. Jaspán, very much.

I may just comment for the record. I wonder about the idea that somehow the Federal court is more swift justice and more effective and better sentencing. In my 20 years in the law, that isn't the case of the law. Go right to the matter of capital punishment, if you set the penalty for capital punishment it is only sentencing to the electric chair. No one has been executed in America in 1968 under the State law on account of a Federal approach.

I am not so sure about the swift justice that everyone is talking about. I find that I can get a better sentence for my client, as a criminal lawyer, over on the Federal side. The violations are not the same, of course, but I get more lenient treatment there than many, many State judges that come through.

And this thing about the prosecutors. You have to prosecute your own case. These are cases that should be prosecuted by the solicitor,

and I can't go along with the idea that the Federal Government comes in, but if it is State offense the State solicitor is derelict but that is something I would be glad to hear from you.

Mr. JASPAN. Mr. Chairman, our experience with the Federal courts have been much better.

Mr. LEDBETTER. Mr. Chairman, one of the main reasons we included the incident in Philadelphia is to show that this is a severe thing. It is not just a simple altercation on the workroom floor, but supervisors are being assaulted to the extent of their lives.

Senator HOLLINGS. But it wouldn't have any effect on this law. You have got a known convict with a long criminal record, and the fault lies in the employment in the first instance of a guy like that in the postal service.

Mr. LEDBETTER. We certainly agree with your viewpoint on that. Thank you.

**STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AS PRESENTED BY THOMAS G. WALTERS, LEGISLATIVE REPRESENTATIVE; ACCOMPANIED BY STEPHEN A. KOCZAK, ASSISTANT DIRECTOR OF RESEARCH**

Mr. WALTERS. Mr. Chairman, President Griner is out of the city today and I would like to have the privilege of pinch-hitting for him.

I have with me Mr. Stephen A. Koczak, assistant director of research.

My name is Thomas G. Walters, legislative representative of the AFGE for 3 more days.

Mr. Chairman, since I am not under the Hatch Act, I would like to publicly state how happy we are that you were renominated in South Carolina and came through with flying colors, and maybe that we will have the privilege and honor of having you with us for 6 more years, at least.

Senator HOLLINGS. I appreciate it very much.

Does your organization have a Mr. Paul Black?

Mr. WALTERS. Yes; and he is being chastised, I might say.

Senator HOLLINGS. Since you brought up the subject—which I don't think was particularly appropriate—but I don't want the record to be inaccurate—he was the one that on the evening before election day said that your organization supports my opponent, I was a terrible fellow, and I ought not to hold any office at all.

Mr. WALTERS. He is not even a member of our organization, let alone our spokesman. He was properly chastised.

Senator HOLLINGS. And you handled that without a Federal law.

Mr. WALTERS. Maybe we had better not get into how we handled it, but it was handled all right, sir; and it was handled promptly, and he did that without our knowledge or consent.

Senator HOLLINGS. Thank you, sir. I am glad to understand it because I have heard different reports about it.

Mr. WALTERS. Well, it didn't come out of Washington, I will assure you.

With your permission, I would like to read this statement and to ask permission to file some cases that we are having assembled that

have happened in the other agencies, other than the field services of the Post Office Department.

Senator HOLLINGS. You may proceed.

Mr. WALTERS. The American Federation of Government Employees supports the bill, H.R. 15387, and wishes to comment on its provisions and offer a suggested amendment which would broaden its scope.

The growing disregard for law and order is a genuine cause for alarm. It has been manifested in so many varied ways that it appears necessary to supply needed protection to the fullest extent possible.

We are certain that the members of this committee are well aware that there have been many instances of injury and even death of Federal employees, and particularly of postal employees. To prevent this trend from rising to even greater proportions, it appears not only desirable but necessary to provide whatever protection may be possible by additional legislative enactment and regulations. The bill under consideration would provide added protection.

The original intent of this bill was to protect only postal employees from assault, resistance, intimidation, or other interference by another postal employee. However, there appears to be as great a need for affording protection for all Federal employees by prohibiting violence by any non-Government person. At present, the protection of Federal employees by law is restricted to law-enforcement and investigatory employees. Its scope has been broadened from time to time to cover additional employee groups as the need seemed to arise. This is not completely satisfactory, and therefore it seems more equitable to bring all Federal workers within the range of coverage of the protective statute.

In our opinion, it would tend to inspire confidence on the part of employees of the Federal Government. It would also serve to make clear to all who would attempt to obstruct civil service employees in the performance of their duties that the Federal Government is prepared to punish violators of the law.

The American Federation of Government Employees appreciates this opportunity, Mr. Chairman, to comment on this bill.

Now, we don't want to be a jealous group of employees, but we don't see any reason why that this law, if enacted, should apply only to the postal field service. They don't have a monopoly on all the bad eggs or apples in the barrel by any means or stretch of the imagination.

I think that this is a long-overdue piece of legislation to cover all Federal employees, and I trust in your deliberation that this committee will see fit to broaden it; and I think very definitely that if we had a law it would be a deterrent in all activities of the Federal service, not only in the postal field service, but throughout the Federal Government.

I certainly—and this is the main point of our statement—feel that we would like to have this bill amended to include the Federal employees. We support the intent of this legislation and we would like very much to see it enacted into law and, as I stated earlier, I think it would be a great deterrent to the criminal element that might drift into our Federal service if we had such a law on the books.

With that, I thank you very kindly.

Senator HOLLINGS. Thank you very much, Mr. Walters, for your statement.

The apprehension, obviously, of all of us in the Government is that we maintain the greatest power and authority within our States rather than the Federal law taking over all enforcement of law, and having a large Federal police system. I think there is a tremendous gap between law and enforcement of law. I think in America we have a great many laws, but in the last few years those in public office and legislative branch have been leading demonstrations to find out grievances of society and getting up in front of the parade so they can show their identity and be seen.

Salus populi suprema lex, that is, the safety of the commonwealth is the highest law, and they don't do their duties; and, as a result, there has been a general breakdown of law and order.

Although we have a right to petition the Government, I don't think we ought to have to go down and meet at the Lincoln Memorial to talk this thing over. The right to petition under the Constitution didn't encompass the idea of petitioning in the street, and you have everybody running out for more laws on more laws and less responsibility. I think really that there is in that five votes on that House side a new concern that we just go completely—why not all Federal employees and why not the same protection, if you take it in that vein, Mr. Walters, for all Federal citizens?

Mr. WALTERS. Well, I don't subscribe to the theory that it ought all to be in the Federal court. I agree with your approach. I think the local courts and local community can do a much better job than is being done today with the hit-and-miss proposition that we have, if we had the responsibility placed on our local authorities. It would suit our group wonderfully well.

But I do hope—I think that largely, sure enough, that the fact that we have such a law would reduce the number of these incidents by the mere fact that they would expect to be punished or might be punished.

Senator HOLLINGS. Well, of course, it is a Federal law that the violators—now, they are trying to seek the protection of the Federal law and not get in conflict with the State law. The mean demonstrators and the mean violators, they don't look with any, well, with any comfort at all on the State laws. They would rather be handled by the Federal courts. Of course, that has been the whole cry: Local police brutality.

Any questions?

Thank you very much.

Mr. WALTERS. Thank you, Mr. Chairman.

#### STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. WOLKOMIR. My name is Nathan T. Wolkomir. I am president of the National Federation of Federal Employees, which is the pioneer of all general unions of Federal employees. Our organization has a long record of support of constructive legislation for Federal employees.

The subcommittee is addressing itself at this time to 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 while engaged in the performance of official duties, and for other purposes.

We understand that the Chairman of the U.S. Civil Service Commission recommended that the protection of H.R. 15387 be extended to all Federal employees.

While we feel that the departments and agencies have sufficient authority under present regulations to cover situations where an employee is assaulted by another employee and disciplinary action is called for, we also agree that spelling out the provisions in substantive law would be useful. The NFFE feels that the protection of H.R. 15387 should be extended to all Federal employees as a matter of equal justice.

We do believe that employees of the Federal Government should be given the fullest protection in the exercise of their duties whatever and wherever they may be.

We, therefore, feel that section 1114 of title 18 of the United States Code should be amended to also provide that whoever kills any Government employee while engaged in the performance of his official duties or on account of his official duties should be punished as provided under sections 1111 and 1112 of title 18. Section 1114 does not presently cover all Government employees.

The National Federation of Federal Employees is of the belief that section 1114 should be amended to include any Federal employee. Knowledge that an assault on any Federal employee in the performance of his duties is a Federal criminal offense should have a significant deterrent effect. Section 111 of title 18 should also be amended.

The language in H.R. 15387 relative to disciplinary action against employees in the field service of the Post Office Department who assault other employees in such service reads that:

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.

We do wish to guard carefully against the possible misuse of such authority administratively to the detriment of employees. The key word in the above quoted passage is the word "forcibly" and the meaning of the language is that any employee who forcibly assaults, forcibly resists, forcibly opposes, forcibly impedes, forcibly intimidates, or forcibly interferes with any other employee, et cetera, is subject to appropriate disciplinary action.

In other words, the overt action must be with force. It is, therefore, suggested that the word "forcibly" be repeated each time that it is used with the other verbs.

The NFFE feels that this legislation, if enacted into law, should in full equity afford protection to all Federal employees. The matter of the number of assaults, while material, should not necessarily be the sole criterion since Federal employees are entitled to full protection as indicated whether the incidents are few or many.

Mr. Chairman and members of the subcommittee, on behalf of the National Federation of Federal Employees, I express our thanks for the privilege of appearing here today and urge favorable action on this measure by the subcommittee.

I, too, would like to welcome you, Senator Hollings, for following in the occasions of the great Olin Johnston. We have neither a Mr.

Black nor a Mr. White to confront, but I did follow the primary paths very carefully and diligently. I just returned yesterday from such an endeavor.

Welcome to this most esteemed committee, and I am proud also to address you as Mr. Chairman of this wonderful subcommittee and your consideration of our particular statement; we certainly would appreciate it.

Senator HOLLINGS. Well, we appreciate the fine job you are doing in the National Federation of Federal Employees, I can tell you that.

Mr. WOLKOMIR. Thank you, sir.

Senator HOLLINGS. Our next witness is Mr. Henry Wilson. Would you come forward, please?

**STATEMENT OF HENRY T. WILSON, DIRECTOR OF FEDERAL-PUBLIC SERVICE DIVISION, LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO**

Mr. WILSON. Mr. Chairman and members of the committee, my name is Henry T. Wilson. I am director of the Federal-Public Service Division of the Laborers' International Union of North America, AFL-CIO.

I want to thank the chairman and members of the subcommittee for the opportunity to express the views of our union on H.R. 15387, a bill to provide for disciplinary action in assault cases against postal employees while on official business.

The Laborers' International Union through its Federal-Public Service Division represent thousands of Federal employees in numerous agencies across the country. The Laborers' International Union has a special interest in the problems of postal employees as a result of a merger consummated with the National Association of Post Office Mail Handlers, Watchmen, Messengers, and Group Leaders, AFL-CIO.

The Mail Handlers Division of the Laborers' Union support the provisions of H.R. 15387.

The legislation grants specific statutory authority for the Postmaster General to take disciplinary action against any postal employee who forcibly assaults, resists, opposes, intimidates, or interferes with any other employee while such employee is engaged in the performance of his official duties.

It is clearly recognized that the Postmaster General has implied authority under the general provisions of law to take disciplinary actions against postal employees who are responsible for acts cited in the legislation while such postal employee is engaged in the performance of official duties.

Even if the provisions of the bill as written are adopted it must be recognized that procedures do exist as a result of postal regulations and negotiated agreements to provide a system of due process for the handling of complaints involving individual employees and employees and supervisors which may erupt into the type of action contemplated by the amendment to provide disciplinary action against employees who assault other employees.

Our union does support the proposed amendment with the understanding that it will not deprive an employee of any of his rights to appeal an adverse action which he now has under existing law, regulation, or negotiated agreement.

Section 2 of the bill amends the United States Code relating to the protection of certain officials and employees of the United States against homicide while engaged in the performance of official duties.

The proposed amendment would expand the protection now given to post office inspectors so that acts of homicide against any postmaster, officer, or employee in the field service of the Post Office Department would be violation of the Federal Criminal Code. It is the position of our union that there is justification for extending the protection of the U.S. Criminal Code to all postal employees.

Our union not only supports the amendment as proposed but would also support the changes recommended by the Postal Department, the Civil Service Commission, and the Government Employees' Council, AFL-CIO, so that all Federal employees would be covered.

It is conceded that the movement of mail is vital to the life of our Nation. At the same time, our union recognizes that employees in other governmental operations such as the building of Polaris submarines in the Government shipyards, the administration of Government hospitals, the operation of airport facilities are all significant governmental functions and should be protected by this legislation.

The extension of protection of section 1114 of title 18, United States Code, to postal employees alone implies that the governmental functions performed in postal service are different from those being performed in other Federal agencies. We support the provisions of the bill as drafted but from a practical point of view, suggest that the protection afforded postal employees be expanded to cover all Federal employees.

The Laborers' International Union appreciates the opportunity to comment on this significant legislation now before your subcommittee.

Senator HOLLINGS. Thank you.

Do you have any additional comments?

Mr. WILSON. Well, I think the only other comment I would make is that our union is somewhat distinct from those who have presented issues, in that we are basically a private employment union, but we do have in the membership postal employees in the mail handler division, which merged with us recently, and then large groups of other Federal employees in shipyards, Army installations, VA hospitals, and so on, so we have taken the position that we want broad coverage for the bill in terms of all Federal employees.

This is the basic proposal we have made in our statement.

Senator HOLLINGS. I see.

Thank you very much.

Our next witness is John McCart, Government Employees' Council.

**STATEMENT OF JOHN A. McCART, OPERATIONS DIRECTOR,  
GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO**

Mr. McCART. 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.

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 much 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 22 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 employees while performing official duties can be costly to the Federal Government. In 1966, the average cost of fatal work-related injuries to employees 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 clarified by the committee to indicate that the legal and administrative appeal rights available to employees 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 the 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, GEC recommends that section 2 be expanded to make the prohibition against attacks by non-Government personnel applicable to all Federal employees engaged in executing their official duties.

Initially, the statute applied to law enforcement and investigatory employees 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 employees responsible for efficient performance of that business.

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

In addition, I would like to make just two very brief observations.

That concludes my statement, Mr. Chairman.

Senator HOLLINGS. We thank you very much.

The record will be left open for 1 week for any additional statements or information.

(The following statement was submitted for the record:)

PREPARED STATEMENT OF DAVID SILVERGLEID, PRESIDENT,  
NATIONAL POSTAL UNION

Mr. Chairman and members of the Subcommittee:

My name is DAVID SILVERGLEID and I am privileged to serve as President of National Postal Union, located at 425-13th Street, Northwest, Washington, D.C. We represent approximately 70,000 postal employees and 10,000 career Federal employees. I am accompanied by our Secretary-Treasurer, ROBERT P. KEPHART, and our Executive Vice-President, JOHN A. MORGEN.

We sincerely appreciate this opportunity to present our views. We want to thank you, Mr. Chairman, for your prompt scheduling of hearings on a bill which we feel requires attention.

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 be 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.

First, we have recommended certain amendments, technical amendments, to the bill, which concur with the testimony offered by some of the other unions associated with the Council earlier.

We recommend also expansion of this legislation to include the non-postal workers. In that connection, Mr. Chairman, let me say this: What we are dealing with here actually is the question of balance between the control of crime and the pride and dignity of the Federal Government. Enactment of this legislation and inclusion of its coverage to nonpostal employees will serve notice on criminal

elements that the Federal Government intends to protect the public business and it will also serve notice on the public that they can have full confidence in the operations of the Federal service.

Just in the past couple of months, within two blocks of this Senate Building, there have been repeated attacks on Federal employees going to and from work. There have been attacks on employees at the Pentagon going to and from work, and we believe that it is essential for the Federal Government to indicate clearly to the public and certainly to those who would be likely to assault Federal workers, that this kind of action will not be tolerated, not only to protect the individual, though that is important, but also to protect the prestige of the Federal Government as the servant of all the people.

Senator HOLLINGS. This hearing is now closed.

(Whereupon, at 11:55 a.m., the hearing was concluded.)