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MAIL BETWEEN THE SOVIET UNION AND THE UNITED STATES

GOVERNMENT

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DOCUMENTS

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON
MAIL OPERATIONS AND SERVICES

OF THE

COMMITTEE ON
OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H. Con. Res. 579

A RESOLUTION EXPRESSING THE SENSE OF CONGRESS THAT
THE PRESIDENT SHOULD EXPRESS TO THE GOVERNMENT OF
THE SOVIET UNION THE DISAPPROVAL OF THE AMERICAN
PEOPLE CONCERNING THAT GOVERNMENT'S SYSTEMATIC
NONDELIVERY OF INTERNATIONAL MAIL ADDRESSED TO
CERTAIN PERSONS RESIDING WITHIN THE SOVIET UNION
AND THAT THE UNITED STATES SHOULD BRING TO THE AT-
TENTION OF THE NEXT CONGRESS OF THE UNIVERSAL POS-
TAL UNION THE FAILURE OF THE SOVIET UNION TO COMPLY
WITH CERTAIN ARTICLES OF THE UNIVERSAL POSTAL
UNION

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MAIL BETWEEN THE SOVIET UNION AND THE UNITED STATES

MONDAY, MAY 8, 1978

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON POSTAL OPERATIONS AND SERVICES,
New York, N.Y.

The committee met at 9:04 a.m. in room 305-A, 26 Federal Plaza, New York, N.Y., Hon. James M. Hanley (chairman of the subcommittee) presiding.

Present: Representatives James M. Hanley and Benjamin A. Gilman.

Mr. HANLEY. We commence this hearing this morning to hear testimony related to the problem which is apparent in the Soviet Union from the standpoint of the delivery of mails from the United States of America.

I am pleased to join in this hearing with my friend and colleague Congressman Benjamin Gilman.

I am confident that the testimony provided us this morning will provide us with a better background on the problem which in turn may allow us the ability to hopefully resolve what appears to be a very unfair situation.

This hearing this morning could be the catalyst for several other hearings in other areas of the country.

Having said that, I will defer to Congressman Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Chairman, I will keep my remarks brief, knowing that we are going to have to fly back to Washington this morning to face a heavy calendar of bills that are on the floor.

I wish to thank Chairman Hanley, who has long had an active interest in the problem of the Soviet Union's interruption of the U.S. mail, for consenting to hold a day of hearings in New York City, thus permitting representatives of the Greater New York Conference on Soviet Jewry and other witnesses suggested to this committee by the conference, to appear locally to testify on this problem.

Congressman Hanley recognizes, as I do, that if this practice of interrupting U.S. mail is permitted to continue, it will constitute a serious threat to the integrity of the International Postal System.

It was the Greater New York Conference on Soviet Jewry which originally brought this issue to my attention, and to the attention of Congressman Scheuer and other of our colleagues in the House.

Because of the conference's deep concern about the actions of Soviet postal officials, I undertook to resolve the problem with the help of my colleagues.

To this end, along with Congressman Scheuer, we traveled to Berne, Switzerland, to meet with officials of the Universal Postal Union and discuss the problem. Later in Geneva, Switzerland, we met with Elfin Morin, Chief of the Department of Foreign Relations of the Ministry of Postal and Electronic Communications of the Soviet Socialist Republic, seeking his personal intervention in the matter.

Having concluded that the UPU was relatively powerless to change the internal postal operations of the U.S.S.R., and that Mr. Motin was unsympathetic to our pleas for help, we then encouraged the public to bring pressure on the Soviet Union.

In addition to submitting a report on this problem to the Committee on Post Office and Civil Service, I have introduced House Concurrent Resolution 579, calling upon the President to file a formal complaint with the Soviet Union concerning its failure to comply with international postal covenants and to call upon member countries of the UPU for support in encouraging the Soviet Union to respect its international obligations embodied in the principles of free contact and freedom of transit.

It is hoped, Mr. Chairman, following the conclusion of these hearings that our committee will move to mark up my resolution.

Thank you, Mr. Chairman.

Mr. HANLEY. Thank you very much, Congressman Gilman.

Our first witness this morning is Aksanna Chertin. Mrs. Chertin, if you will proceed with your testimony, please.

STATEMENT OF AKSANNA CHERTIN, ACCOMPANIED BY MARGY-RUTH DAVIS, EXECUTIVE DIRECTOR, GREATER NEW YORK CONFERENCE ON SOVIET JEWRY

Mrs. CHERTIN. Mr. Chairman and members of the committee, my name is Aksanna Chertin. Until December 1977, I resided together with my family in Leningrad in the U.S.S.R. We waited for 6 years until we received permission to emigrate to Israel.

It was a difficult time. My husband was fired from his job when we applied to emigrate, and we faced harassment and even imprisonment for our desire to leave the U.S.S.R.

I came to New York last Wednesday for a 2-week stay under the auspices of the Greater New York Conference on Soviet Jewry. My purpose here is to explain to the American people the precarious conditions of Soviet Jewry.

During our 6 years as "refuseniks," my husband and I experienced at firsthand the harsh consequences of Soviet nondelivery of mail.

The harassment begins at the very start of the emigration process. In order to apply for an exit visa, a Soviet Jew must have a vyzov. That is an invitation from a relative abroad. The OVIR officials will only accept vyzovs that are sent by registered mail. Vyzovs which are received by hand are not acceptable.

No one receives the first vyzov that is sent. It is only after repeated tries, sometimes as many as five attempts, that we received the vyzovs which we had requested. We would know about the vyzovs because cables would arrive from Israel and United States with the vyzov registration numbers.

Our vyzov arrived after a 2-month wait, and we were luckier than many. Some people, including Karl Ginzberg, Gregory Khisin, Yefim

Shklar, and Yevgeny Shakhnovich, all of Leningrad, waited as long as a year each for their vyzovs.

We even knew of cases where vyzovs from the West were intercepted by the KGB officials. Potential applicants were called in by the KGB and ordered to read off the name, address, and registration number of the sender as that information appeared on the vyzov before they could receive it. Those who made an error in a date of birth or on the exact status of the relation as it was listed were told that they could not receive their invitations.

It was equally difficult to receive letters from Israel and the United States even from close relatives and even if sent by registered mail. We almost never received the first letter sent by a correspondent in the West. It was only after repeated attempts that the authorities had to give in. That is why we asked people to continue to write, even if they did not hear from us at the first.

Sometimes, as a punishment for our activities, we received no mail at all for periods lasting several months. For example, in 1975, we received not a single letter in 4 months. This happened to us repeatedly.

This tactic was not confined only to us. I was just told by Grigory Shostakovsky who has just arrived in Israel that his brother has not received any mail in all of April 1978.

The local post office officials tore up our letters and stuffed them back into the envelopes. They scrawled anti-Semitic remarks such as "Kike, go to Israel" on our envelopes. This was done at the will of the local postmaster who was never reprimanded by his superiors for these actions.

And, of course, all our letters were censored. Those that were objectionable to the authorities were never delivered to us.

I also know of five or six packages which were never delivered to us. We would receive letters from friends in the United States telling us that the packages had been sent, but they would never arrive. We desperately needed those packages because we had no income after my husband was fired from his job.

The nondelivery of packages did not happen only to us. Ilya Shostakovsky, Boris Gzanovsky, Lev Bronstein, Edna Lubenskay, have not received my packages in 1½ years.

The authorities also sought to cut off our contact with our American friends by cutting off our telephones. Even one or two calls from abroad could cost a refusenik his telephone.

Again, these disconnections took place without warning and were a punishment for our contacts with Westerners.

From May 1976 to December 1976, we were not able to receive a single call, either domestic or international. This punished us, but it also punished our 18 neighbors with whom we shared that phone. The phone was cut off to all of us. Of course, this encouraged our neighbors to harass us for their misfortune.

In December 1976, domestic, but not international, connections were restored.

Messenger calls—that is, phone calls which are made to the general post office and preceded by cable to our homes—were unreliable. The calls came through only after many attempts. Some of our friends from Chicago, Montreal, and Philadelphia, have told us since our emigration that they tried hundreds of times to reach us, but without success.

Even when calls did come through, we were often disconnected mid-sentence without warning.

Yet, throughout it all, the Soviets did not succeed. They tried to discourage and persecute us, but we persevered and with your help, we received our permissions.

I urge you to keep your efforts and to make it easier for those who are still to come. My own case proves that the authorities respond to your pressure. Please do everything you can to give us free communication with our supporters in the United States and the West.

Mr. HANLEY. Thank you very much, Mrs. Chertin. I can only assure you that this effort will continue. I am hopeful that the problem will, as soon as possible, be alleviated.

May I ask when a complaint is made in the Soviet Union to postal personnel or other people, what is their response? What do they say?

Mrs. CHERTIN. Usually, they answer that when we ask about letters we know we were sent, but we did not receive, usually, they told us that it happened outside Soviet Union. And for them, it is impossible to find it.

Usually, they gave the same answer when the phone call was disconnected. And they told us that it happened outside Soviet Union.

Mr. HANLEY. I see. What about receipts in association with registered mail? Do you get them?

Mrs. CHERTIN. My experience with these things begins in 1972, and I remember that then the authorities, the Soviet authority, didn't know how important it was for the sender and for the post officials to have these signatures. They didn't pay attention.

Now, they pay attention. But, you know, it is difficult to know who signs these pink cards.

And we use a system to sign in Hebrew because usually people in the Soviet post office could not do this for us.

Mr. HANLEY. In the event of a parcel sent from the United States that would be insured, that parcel isn't delivered, have you had any problem collecting the insurance on the parcel?

Mrs. CHERTIN. Yes.

Mr. HANLEY. From the U.S. Postal Service?

Mrs. CHERTIN. Yes. We know cases when we were sent packages and people insured them, but we never saw them. We never received them.

Mr. HANLEY. You never received the insurance?

Mrs. CHERTIN. No.

Mrs. DAVIS. The insurance is for the American sender. She was in the Soviet Union.

Mr. HANLEY. Would she be familiar with the other situation where the sender would be an American?

Mrs. CHERTIN. No; I don't know.

Mr. HANLEY. Mr. Gilman?

Mr. GILMAN. Thank you, Mr. Chairman.

Mrs. Chertin, did you have any trouble sending mail out of the Soviet Union to the United States?

Mrs. CHERTIN. Yes.

Mr. GILMAN. What sort of problem did you encounter?

Mrs. CHERTIN. I also know that though many were sent from the Soviet Union, my correspondents in Israel and the United States never received.

Mr. GILMAN. Was that on more than one occasion?

Mrs. CHERTIN. Of course.

Mr. GILMAN. Had you received any of the letters? Did they come back to you when you tried to mail them out?

Mrs. CHERTIN. Yes.

Mr. GILMAN. Why were they returned? Was there any indication on the letter?

Mrs. CHERTIN. Sometimes, it was on the envelope which I received back was written that the address was wrong, but it was not true. The address was right.

Mr. GILMAN. Was the address wrong as placed on the envelope in the Soviet Union?

Mrs. CHERTIN. No; in the United States.

Mr. GILMAN. Regarding the letters that were sent to you that were returned, did you have any copies of those that were returned, letters that were mailed to you from the United States?

Mrs. CHERTIN. Unfortunately, I have no copies because when we left the Soviet Union, we were not permitted to take with us any written papers.

Mr. GILMAN. Did any of your friends who wrote to you from the United States and received a letter back for failure of delivery keep any of those letters? Did they have any of those that showed that they were unable to get those through the mail to you?

Mrs. CHERTIN. I don't know.

Mr. GILMAN. If you should obtain any of those letters through your friends, who may have tried to write to you and kept the envelope, the committee would welcome having that for the record.

You can submit it through the conference to us, and we would appreciate having it.

Mrs. CHERTIN. Yes.

Mr. GILMAN. Did the delay in delivery or the failure to deliver letters to you delay your emigration?

You mentioned that sometimes the visas didn't come through. Did delay in receiving mail delay your visas?

Mrs. CHERTIN. Of course.

Mr. GILMAN. How long did it delay it?

Mrs. CHERTIN. You know, in our personal case, it didn't delay because we were refused on other reasons. But people who want to apply for visa, first of all, they need an invitation for visa. And sometimes, they are waiting about for very long time, about a year, maybe more.

And I have my friends, I know names who are waiting for some long time. And, of course, it delayed the visa, getting the visa.

Mr. GILMAN. And the visa has to come through the mails, you said?

Mrs. CHERTIN. No.

Mr. GILMAN. The visa is sent through the mail to you?

Mrs. CHERTIN. No.

Mr. GILMAN. The invitation is sent?

Mrs. CHERTIN. Invitation, yes.

Mr. GILMAN. Was your invitation delayed in the mail?

Mrs. CHERTIN. Yes.

Mr. GILMAN. Do you know how long it was delayed?

Mrs. CHERTIN. It took 2 months.

Mr. GILMAN. Did that slow down your getting the visa?

Mrs. CHERTIN. No. You know, VYZOV in Soviet Union—invitation and VYZOV.

Mr. GILMAN. Are you referring to two different documents?

Mrs. CHERTIN. No. It is the same thing. Vyzov, it means invitation from the relatives.

Mr. GILMAN. When that was delayed in getting to you, did that slow down the rest of the process so that you were delayed in getting out of the Soviet Union?

Mrs. CHERTIN. Yes.

Mr. GILMAN. When you were not able to get any packages and you didn't have any job, how did you manage?

Mrs. CHERTIN. We used to sell our belongings.

Mr. GILMAN. You sold your belongings?

Isn't it true that the packages that often came through contained foodstuffs and clothing?

Mrs. CHERTIN. Yes.

Mr. GILMAN. I want to thank you for taking the time to present your evidence to us, Mrs. Chertin. I am sure it is going to be helpful to us in our hearings.

Mr. HANLEY. Thank you, Mr. Gilman.

Do you have relatives in the Soviet Union now? Do you have brothers or sisters?

Mrs. CHERTIN. I have all my family in Israel. In Soviet Union, I have only my parents-in-law.

Mr. HANLEY. Thank you very much, Mrs. Chertin. We are most appreciative for your appearance this morning and for your testimony. Thank you.

Our next witness this morning is a panel of representatives of the Greater New York Conference on Soviet Jewry, Robert Abrams and Margy-Ruth Davis.

**STATEMENT OF ROBERT ABRAMS, IMMEDIATE PAST CHAIRMAN,
GREATER NEW YORK CONFERENCE ON SOVIET JEWRY, AND
MARGY-RUTH DAVIS, EXECUTIVE DIRECTOR, GREATER NEW
YORK CONFERENCE ON SOVIET JEWRY**

Mr. ABRAMS. Thank you very much, Congressman Hanley and Congressman Gilman.

Mr. HANLEY. You are more than welcome. We are delighted to have you with us this morning.

Mr. ABRAMS. We of the Greater New York Conference deeply appreciate this opportunity to be here on what is a very, very important issue. The issue we have come together to discuss, Soviet nondelivery of mail, is of major consequence to the fate of those Soviet Jews who wish to leave the U.S.S.R. and, indeed, to all Soviet citizens who wish to exercise their rights under the United Nations Declaration of Human Rights and the Helsinki accords.

We are particularly honored, Margy-Ruth Davis, the executive director of the Greater New York Conference, who is seated to my right, and I, to be seated across from such an illustrious group of Representatives. Each and every one of you has acted consistently and with devotion on behalf of Soviet Jewry.

As participants in the congressional prisoner adoption program of the GNYCSJ, you, too, have experienced the frustration of sending

countless letters to the U.S.S.R. and receiving only silence for an answer.

As you know, the Greater New York Conference on Soviet Jewry was formed in 1971 and is the coordinating body of 85 metropolitan area organizations on behalf of Soviet Jews. With a combined membership of some 2 million, the GNYCSJ is the largest local coordinating body of its kind in the United States.

The goals of the GNYCSJ is to assist Soviet Jews who wish to leave the U.S.S.R. for Israel and elsewhere and to help those Soviet Jews who wish to live fully as Jews within the U.S.S.R.

The problem with which we are dealing is immense in its nature. Since 1971, some 160,000 Soviet Jews have been able to emigrate from Russia, an unprecedented gesture by the Soviet Union. This success leads us to believe that our efforts have been worthwhile and that Soviet officials take note of public protests from the West, even if they fail to acknowledge them publicly.

Yet, this measure of success pales when contrasted with the task that lies ahead. Some 190,000 Soviet Jews have begun the emigration process and unofficial estimates of the numbers of others who would leave, given the opportunity, range as high as another half million.

"I look for you in all the letters of the alphabet."

So we would paraphrase the opening line of a poem by Yiddish poet Chaim Grade, a memorial to the martyred poets and playwrights executed by Josef Stalin, August 12, 1952.

The line is prophetic, however, as Soviet Jews look to us and the future just as Chaim Grade spoke to the past. The word, both written and spoken, is our only connection to the Jews of the Soviet Union and the only key which can unlock the iron door.

In the 1960's, and for decades previous, they were the Jews of silence. They could speak no word and no word could reach them. Frightened and beaten into the mute world of oppression, they seemed to be a lost remnant of a people that had already lost 6 million during the holocaust.

With the 6-day war in Israel and the Leningrad trials, Soviet Jews began to speak out and plead for our help. Over and again, they told us that letters and telephone calls are their lifeline, indeed, an insurance policy against sudden disappearance or harassment.

In response to this request, the member agencies of the Greater New York Conference on Soviet Jewry undertook four types of mail and telephone outreach to Soviet Jews. They include the following: Letter writing, telephone calls, packages of assistance, and mailing of matzah before the Passover Holiday.

As the record will attest, each one of these outlets has been closed by the Soviet authorities in a new and official effort to isolate Soviet Jews yet again.

Let's look at the first, letter writing. Each year, thousands of postal items, including personal letters, packages, vyzovs—invitations to join members abroad—and cultural materials are sent to citizens of the Soviet Union from the United States. Early in 1972, the Greater New York Conference on Soviet Jewry advised the U.S. Postal Service of an increase in complaints about Soviet nondelivery of mail to Soviet Jews.

As a result of inquiries based on these complaints, the United States informed the Soviet Union that it was withdrawing from the bulk-

billing system in which registered mail was exchanged without a description given of each piece of mail.

Instead, the United States required that each piece of registered mail be signed for separately. These actions and others dealing with the Universal Postal Union were guided by Ernest Goldblum who now serves as an honorary chairman of the Greater New York Conference on Soviet Jewry.

It was at that time that the conference organized a formal campaign, entitled "Project Yachad," which means "unity." Families in the New York area were assigned the name of a family in the Soviet Union with whom to correspond. The match was made by area, by profession, by age, and by special interests.

Some of the member organizations of the conference took on several hundred cases each. Letters were sent airmail, return receipt requested, so that the delivery of each could be monitored.

Between 1972 and 1977, the number of complaints continued to rise. On several occasions, the U.S. Postal Service wrote to Soviet postal officials expressing disagreement with the U.S.S.R.'s interpretation of international postal regulations which were being cited by the Soviet Union to justify the interruption of mail service.

In addition, the Postal Service monitored inquiries directed to the Soviet Union when the return receipts accompanying registered mail were not forwarded to the sender. This latter effort produced the following statistical information about registered mail sent from the United States to the Soviet Union which is taken, in large part, from Representative Benjamin Gilman's excellent report entitled, "The U.S.S.R.'s Interruption of United States Mail," which was submitted December 1977.

In 1976, during a period of 7 months, a total of 1,716 return receipts were not received by senders who mailed registers from the United States to the U.S.S.R. During the first 9 months of 1977, 1,848 similar complaints were made where the sender did not receive his return receipt from the addressee acknowledging receipt of the letter.

In the category of nonreceipt, in which the addressee in the Soviet Union has written the U.S. letterwriter that his letter has not been received, there were 139 complaints registered within a 7-month period of 1976 and 95 complaints made within the first 9 months of 1977.

The statistics, however, do not reflect the capricious and insulting manner in which Soviet officials have acted. At times, letters have been marked "parti inconnu," when the recipient is very well known to us. This means "party unknown," in Russian.

In the case of Aleksandr Gindina, of Chernovtsy, a letter to him was returned to the American sender on July 20, 1977, marked "return inconnu."

On September 6, 1977, however, Gindina must have been discovered since a signed, return receipt, to a second letter was received by the sender.

Three letters posted February 23, July 20, and July 27, 1977, were sent to Ida Gershman of Riga. Each was returned to the sender, again stamped, "return inconnu," even though Ms. Gershman still resides within the Soviet Union.

On August 26, 1977, a letter sent to Yakov Gordon also of Riga was returned stamped again, "return inconnu." He, too, must have

been found because Gordon received permission to emigrate and left on November 21, 1977.

Mr. Gordon told an American visitor to the U.S.S.R. in May 1977, that he had sent dozens of letters to Western well-wishers and asked the Americans to check if his letters to the United States had been received.

This particular American did check and found that none of Gordon's American correspondents had ever found a letter from Gordon in his or her mailbox. The U.S.S.R. had been stopping outbound as well as inbound mail.

Sometimes, the receipt of mail can be as cruel as the nonreceipt of correspondence. Lazar Liberman and his wife, both 71, lived in a sixth-floor walkup in Leningrad. Their only son, Dr. Aryeh Lev-Kov, had defected to Israel in 1967, and they lived solely in the expectation of seeing him and his family before they died.

For some years, they received mail from him on a regular basis. Then, in 1973, they were called into the KGB offices and falsely informed that their son had died during the Yom Kippur War. For 2 years, they received nothing. In 1975, a letter from Dr. Lev-Kov finally arrived.

It was heavily censored, torn into shreds and stuffed back into the envelope. With the letter came a photo of Dr. Lev-Kov's four children. Their eyes had been gouged out by Soviet censors.

The Liberman story has a happy ending, however. After a wait of 8 years, they were finally allowed to emigrate to Israel in 1977.

It does not matter whether the sender is an ordinary American citizen or a U.S. Congressman. For example, Representative Norman Lent from Nassau County here in New York has been writing to prisoner of conscience Hillel Butman once a week, each week, for several years. He has never received an answer.

Representative Elizabeth Holtzman cannot even be assured that her letters to Soviet officials are received, because even those letters, sent registered, return receipt requested, have never been acknowledged or answered.

Many other Members of Congress, including some of you, have also written regularly to their adopted prisoners. They, too, have received nothing.

Sometimes, however, congressional intervention does do some good. The mother of prisoner of conscience Boris Penson had appealed to Congressman Benjamin Rosenthal of Queens here in the city of New York because she had received no mail from her son in 2 years. Three weeks after his intervention, Mrs. Penson received her first letter from Potma labor camp.

When letters do get through to Soviet Jews, they are of inestimable value. Allow me to excerpt from a letter by Ilya Glezer, a Soviet Jew who served a 3-year labor camp sentence and 2 years in exile for slandering the Soviet regime. His correspondent was Ms. Ronya Schwalb of Boston:

Dear Ronya: It was for me a great pleasure to receive your warm epistle with coupon. I felt once more the Arm of God, that helps me to pass my way to Israel.

Thank you. You know that the worst punishment is loneliness and now and here in exile your letters and interest in my fate, give me the feeling of unity with all my people.

I'm much thankful for your desire to send me clothes, but I'm afraid that it will cost too much money for you. Please don't make for me expensive presents. Your words in letters are the best help and will warm me during cold Siberian winters. Always waiting for your letters, Ilya Glezer.

Now, let's talk about the second category, telephone calls. From 1971-77, telephone calls were placed on a regular basis to the refuseniks, those Soviet Jews who has applied to emigrate and had been denied permission. These calls took place monthly, and in some cases weekly, as information was exchanged on behalf of these cases. The telephone calls were made in full compliance with International Tele-communications Treaties.

Beginning in early 1975, telephone contact with the West was systematically cut off to Soviet Jews. Many activities were called in to the KGB and told that they could no longer receive calls because they had allegedly acted in an anti-Soviet manner.

In 1977 and 1978, only a handful of calls were successfully completed to the Soviet Union. In a Catch-22 gesture, some Soviet Jews were given access to telephones, but warned that if the phones were used, they would be cut off. This is a clear violation of the specific convention, as well as the spirit and the letter of the Helsinki accords, which guarantee a freer exchange among people.

The third category of packages: since the 1960's, many of the Jewish organizations have attempted to mail packages to Soviet Jewish families who were nearing destitution because of their visa applications. These were families whose breadwinners had been fired from their jobs for their desire to emigrate and dependent on the packages for their survival.

The U.S.S.R. has not outlawed the mailing of packages. Instead, on July 15, 1976, it enacted an import tax so steep that it almost doubled the cost of the package itself.

According to information received at the time by the National Conference on Soviet Jewry, the new regulations raised the assessed value of some items sent into the Soviet Union by 8 or 10 times their normal value. This had the effect of raising the import duty, already at 70 percent of assessed value, in proportion to the newly assessed amount.

In addition, limits were placed on the quantity and types of goods which may be sent; previously, there had been no restriction at all on how many items a package could contain.

For example, under the old regulations, there was no limit at all to the number of women's skirts or blue jeans which could be included in a parcel. Under the new restrictions, a parcel could include only 2 skirts or 2 pairs of jeans.

The inclusion of either skirts or jeans would make it impossible to send any jackets, knitted blouses, sweater or vests in the same parcel. The duty on jeans was increased almost 1,000 percent—from 1.18 rubles a pair to 10.00 rubles a pair.

The results of these regulations was to raise the cost of sending one \$250 package to \$600, which had to be sent in three installments.

The fourth category, matzah packages—matzah, as you know, is the unleavened bread which is used during the Passover which is the redemption from slavery of Jews several thousands of years ago: since the 1960's, the American Jewish community has attempted to provide matzah to Soviet Jews for the Passover holiday. Hundreds of

packages of the unleavened bread were sent each year to those who wished to receive them.

From 1962-65, the Soviet Union banned the baking of matzah, but the ban was removed after a massive outcry from the West. Since then, baking has been permitted in the larger cities, and until 1977, the importation of matzah was allowed, albeit with unpredictable restrictions which changed from year to year.

In January 1977, the U.S.S.R. banned the importation of matzah. The Soviet action was announced in a note to the Universal Postal Union for circulation to national post offices. Circular No. 8, dated January 17, 1977, issued by the International Bureau of the Universal Postal Union did not specifically ban the importation of matzah, but stipulated that, "The import into the U.S.S.R. of alimentary dough and products of flour converted into bread in any postal item whatsoever is prohibited. Consignment of such product will not be sent back to the place of sending and will be treated in conformity with the instruction of the health inspector."

It was clearly aimed, however, solely against the importation of the Passover food.

In a reversal of the 1960's action, the U.S.S.R. increased its allocation of food to several major cities so that matzah could be baked and sold locally. This did not provide for the Jews in smaller cities who could not travel to buy the matzah and for whom no baking facilities were available. Thousands who would have been able to celebrate Passover through the aid of American Jewry have thus been denied the opportunity.

In conclusion, in this testimony, we have demonstrated that the U.S.S.R. has sought to systematically cut off Soviet Jews from all forms of communication with their supporters in the west. It is for this reason that the Greater New York Conference on Soviet Jewry supports Representative Benjamin Gilman's proposed legislative House Congressional Resolution No. 579 which express the sense of Congress that the President should inform the Government of the U.S.S.R. of the disapproval of the American people concerning that Government's systematic nondelivery of mail.

In addition, the resolution would direct the U.S. Postal Service to raise the issue at the next Congress of the Universal Postal Union.

Again, gentlemen, on behalf of Margy-Ruth Davis who is the director of the conference and myself and constituent members, we deeply appreciate your commitment overall to the issue of redemption of Soviet Jewry and, of course, to the specific question that is before us today, the interruption of the free flow of mail.

Mr. HANLEY. And we are most appreciative to you for the very fine testimony.

Obviously, you have put a great deal of effort into it. It spells out the problem quite well.

I pose a question with respect to insurance that may have been paid to Americans who have sent parcels or packages that were not actively delivered. Has the Postal Service responded—that is, the U.S. Postal Service—on paying the claims?

Mr. ABRAMS. We have had excellent cooperation from the U.S. Postal Service. And to our knowledge, I believe those claims have been honored.

Margy-Ruth Davis perhaps can give us a few more details.

Mrs. DAVIS. Under the bulk-billing system, the United States paid for all mail sent to the Soviet Union which was not delivered. And the Soviet Union paid, allegedly, for all mail sent to the United States which was not delivered regardless of whose fault it was.

After the bulk-billing system was dismantled and each piece of mail had to be signed for, the United States informed the Soviet Union they would have to pay for each piece of mail lost by the Soviet Union. And that has been the system.

But in essence, this has been a kind of paper arrangement because it is just chalked up to the Soviet Union's account without the Soviet Union actually ever paying the United States.

Mr. HANLEY. Does that apply also to parcels?

Mrs. DAVIS. Yes; sent through the Post Office; yes.

Mr. HANLEY. But actually, the Postal Service has reimbursed the sender in every instance?

Mrs. DAVIS. That is correct; after the required wait of 5 months during which time an investigation is supposed to be made into why the letter has not been delivered.

Mr. HANLEY. By chance, do you have any statistics related to the number of insured claims that have been paid by the Postal Service?

Mrs. DAVIS. We don't have any overall statistics, but I think that question pertains most directly to Mr. Gurvich's testimony, and he will be speaking about that directly.

Mr. HANLEY. I see.

On page 3 of your testimony, you discuss the U.S.S.R.'s interpretation of international postal regulations. Has the Soviet Union ever defined their interpretation of the regulations to your knowledge?

Mrs. DAVIS. Never comprehensively to our knowledge. It has always been in response to a specific issue. Therefore, it has been very difficult to pin them down because there has never been one general set of guidelines. It has always been example after example.

Mr. HANLEY. So the tendency, I assume, is that they deal in generalities and general interpretation without necessarily defining what their actual problem is?

Mrs. DAVIS. That is correct.

Mr. HANLEY. In the process of interpretation—

Mrs. DAVIS. If I could point out some of the inconsistencies and just point to the exhibits that are behind you, I think you will find of most interest—this was put together by Miss Carolyn Green of our staff who has been in charge with the Project Yachad program.

Of most interest is, I think, the exhibit on your extreme left as you face the exhibit area, nondelivery of material to Leonid Volvovsky of Moscow.

The following information is on display: A Xerox of a letter from Mrs. Regina Spirn of New York to Leonid Volvovsky which was written in Hebrew; a series of two registered receipts and Xerox of an insurance claim for the package.

Volvovsky indicates that he has not received mail from Regina Spirn for several months. But shown on that display are Xeroxes of registration receipts for letters that Mrs. Spirn actually sent to Mr. Volvovsky during the time that he claims he has not received mail from her.

So that is the actual confirmation apart from the return receipts.

In addition, Mrs. Spirn sent to Mr. Volvovsky a package containing two pairs of pants and a skullcap. The package was returned to Mrs. Spirn marked "articles prohibited for importation," which is of great interest.

Also on the board are a number of instances of false returning of mail. We cite in our testimony, for example, letters returned to an American sender which were addressed to Ida Gershman of Riga, and Yakov Gordon of Riga, and these are instances we know the address was correct. And those two individuals were residing in the Soviet Union at that time.

Two of those displays, the one to Zalmanas Goldbergas and Grigory Khusid, were chosen because they illustrate a continued pattern of returns, "addressee unknown, left country," even though it is confirmed and has been verified for us that these two individuals were residing at those addresses and lived in the Soviet Union at that time.

On the far right is information on nondelivery of packages. That is a listing of packages sent by a group called The Washington Heights-Inwood Council for Soviet Jewry, Inc., of which Rabbi Shlomo Kahn is the chairman. He furnished documentation regarding the non-delivery of a number of such parcels.

And included on that list are the names, addresses, and senders, and the dates of mailing.

Mr. HANLEY. With respect to the number of complaints that you state here against the Soviet Union, by chance, have you had the opportunity or the occasion to compare that with complaints of undelivered mail in other countries?

Mrs. DAVIS. Yes. I would stress that many Americans don't have the wherewithal to sit through a complaint and sit on it until they have actually gone through the 6 months, 5 or 6 months process to receive the insurance claim. At the end, many people just give up when they don't receive a receipt.

But the ratio of complaints is something like 2.6 percent of complaints regarding Soviet mail whereas a Western country, it might be as low as 0.2 percent of complaints.

Mr. HANLEY. I thought of something amusing here as I noted the phrase "Parti Inconnu." I am reminded of the piece of mail that crossed my desk a week or 2 ago that had been addressed to a postmaster in the United States. And it came back "addressee unknown."

Back in 1977 when the Soviet Union banned the importation of matzah, did they at that time spell out the reason why? Was there any formal statement with respect to why that ban was being imposed?

Mr. ABRAMS. No. We had discovered it on our own, and they, indeed, try to desecry and camouflage that specific ban by not directing it specifically at the Passover period and matzah itself.

But obviously, as you read through the prohibition, it becomes clear as to what they were directing themselves to.

Mr. HANLEY. But there wasn't any official pronouncement which cited a rationale?

Mr. ABRAMS. None at all. In fact, there is always consistently a denial on the part of the Soviet authorities that there are any problems in this area at all.

Mr. GILMAN. Would the gentleman yield?

Mr. HANLEY. I would be delighted to yield.

Mr. GILMAN. When Congressman Scheuer and I visited with Mr. Motin in Geneva and raised the question concerning the reasons forbidding the matzah shipments, Mr. Motin told us at that time that the Soviet Union lacked adequate warehouse space and Soviet officials were concerned about the hygienic problem in leaving baked goods sit in the post office for a long period of time without being delivered.

He cited these as reasons for his ban. At that time, we appealed to him to lift the ban. Did you have some comment to add to that, Mrs. Davis?

Mrs. DAVIS. Yes; I would add that the ban was executed in a particularly pernicious manner. It came in January 1977, and Pass-over that year was in April. As late as December 1976, American groups had been told that matzah would be allowed to be delivered into the Soviet Union, however, in packages not larger than 4 pounds each. And all the packages had to be redone and sent, and were sent in December 1976 and in January 1977.

Just then, the ban came through after everything had been sent out, and the American groups had been led to believe everything would be in order, and much too late for anything to be done in the United States to change that ban or protest that ban in any kind of a meaningful way.

The packages of matzah were warehoused in the Soviet Union and eventually destroyed. They were never sent back to the senders at that time.

Mr. HANDLEY. Mr. Gilman?

Mr. GILMAN. Thank you, Mr. Chairman.

Mrs. Davis and Mr. Abrams, I want to thank you both for your very detailed and extensive compilation of facts which should be of great help to us in this hearing and which will assist us in getting this legislation out onto the floor of the House.

Can you tell us, if the Greater New York Conference on Soviet Jewry received any response at all from the Soviet Union regarding your complaints about interruption of mail?

Mr. ABRAMS. They do not give us the courtesy of a response of any kind in this connection. We operate through the Postal Service.

And I must say that in particular, Mr. Sammy Bendak has been extraordinary cooperative at all times when we have made inquiries.

But they do not contact us directly, do not give us any opportunity for response.

Mr. GILMAN. As far as you know, there has been no filed response with our Government regarding your complaints?

Mr. ABRAMS. None that we know of.

Mr. GILMAN. Regarding the number of telephone calls that were placed and not allowed to go through, do you have any specific names and dates that you could submit for the record?

Mr. ABRAMS. I myself personally was involved on a number of occasions. I would call Professor Levich in Moscow. I would call Isai Goldstein Tbilisi in Georgia, and very often told they were unavailable even though at that point, their phones had been disconnected, and prior to the phone call, we would send a telegram to them indicat-

ing the exact time of the call made to the telegraph office in the locality where they lived.

So not only did we discover that their phones were disconnected at different times during this period, but even when we went to use the general facilities, there was a denial of an opportunity for this kind of communication.

Mr. GILMAN. If the conference has any specific examples of dates and names it could submit at a later date, Mr. Chairman, I would welcome this information.

Regarding the penalties, are the penalties being paid at the present time by the United States or by the Soviet Union?

Mrs. DAVIS. In theory, the penalties are being paid by the Soviet Union. This is as a result of withdrawal from the bulk-billing system.

However, in practice, the United States pays the sender the insurance money and then chalks it up on a record against the Soviet Union's account which the Soviet Union has not so far repaid the United States.

Mr. GILMAN. How much of a penalty is imposed upon each sender?

Mrs. DAVIS. On the Soviet Union, imposed on the Soviet Union, for each letter nondelivered \$15.76.

Mr. GILMAN. Are these penalties being paid promptly when there is proof of nondelivery?

Mrs. DAVIS. Well, the procedure itself is quite lengthy. As you know, it takes 5 to 6 months, sometimes as long as a year, for all the paperwork to be completed. But once that paperwork and the examination is completed, the United States does pay the sender the insurance money.

Mr. GILMAN. What was the number of nondeliveries that have been recorded for which complaints have been filed in the past year?

Mrs. DAVIS. I don't have the exact figures, but I believe it is way over 2,000.

Mr. GILMAN. There are over 2,000 nondeliveries of mail into the Soviet Union?

Mrs. DAVIS. That is correct.

Mr. GILMAN. You have recorded information on and for which complaints have been filed?

Mrs. DAVIS. Correct.

Mr. GILMAN. Are all of those registered?

Mrs. DAVIS. We are only dealing here with registered letters.

Mr. GILMAN. Have they been confined, do you know, to just mail to Soviet Jews, or does this also relate to mail to other minorities within the Soviet Union?

Mrs. DAVIS. I believe it relates to other minorities as well as those to Soviet Jews.

Mr. GILMAN. Regarding the packages that you said could not be delivered, the clothing packages, had there been a prohibition filed on delivery of clothing into the Soviet Union?

I notice here on the chart an indication that the package mailed by Lenoid Volvovsky was returned containing two pairs of pants and skullcap. Was there any violation delivery, and has there been any prohibition published by the Soviet Union for these types of articles?

Mrs. DAVIS. Well, the Soviet Union has often said, but never specifically written down that it prohibits the importation of materials which are against Soviet policy. And what they are saying by rejecting a package that has in it two pairs of pants and one skullcap is that the ability to pray or the ability to wear a skullcap which is part of the Jewish religion.

Other words, to cover your head in respect to God is something that the Soviet Union finds anti-Soviet or against official Soviet policy and something which it finds impossible for a Soviet citizen to do and still be a good Soviet citizen.

By rejecting this package, the Soviets are going against the Universal Declaration of Human Rights and the Helsinki Accords which guarantees freedom of religion to all people.

But the Soviet Union is saying by rejecting this package that they reject freedom of religion for their citizens.

Mr. GILMAN. I would assume the same thing applied to the non-delivery of matzahs that were sent at Passover time.

Mrs. DAVIS. Absolutely.

Mr. GILMAN. Mrs. Davis, at one time, we had looked into the general problem of the nondelivery of some bulk packages. Has that been straightened out at all? There had been a problem about the delivery of bulk mail to the Soviet Union and Soviet cooperation with the Postal Service in getting that mail through.

Mrs. DAVIS. In 1972, what we had done was we had shipped packages of mail to the Soviet Union by big postal bags. And the United States gave the Soviet Union five bags which were signed for. The Soviet Union gave the United States four bags which were signed for. The individual letters were not registered.

Therefore, the Soviet could easily claim and would never have to explain when an individual letter was lost because there would always be the instance of, "well, it wasn't in your bag. And that's why we don't have to pay for it. You never gave it to us in the first place."

That is where the United States requested there be no longer a bulk-billing system and that each letter, especially each registered letter, be signed for separately so that the Soviet Union could not claim that the United States had not given the Soviet Union that piece of mail.

Mr. GILMAN. Have you found the imposition of penalties in the past few years helping the situation in any manner?

Mrs. DAVIS. No.

Mr. GILMAN. Has the mail improved at all between the United States and the Soviet Union?

Mrs. DAVIS. No, because the Soviet Union has not paid that money, and, therefore, the Soviet Union has no need to worry about the imposition of penalties.

Mr. GILMAN. Do you know what the total indebtedness is that the Soviet Union owes the United States as a result of the penalties imposed upon the Soviet Union for nondelivery?

Mrs. DAVIS. We will get that information for you through the Postal Service.

Mr. GILMAN. Have you any idea of approximately what this amount is? I would appreciate it if you could forward that to us.

I want to thank both of you again for your extensive testimony.

Mr. HANLEY. Thank you, Mr. Gilman.

May I ask has the conference transmitted its indignation to the executive branch with respect to the human rights aspect of this?

Mr. ABRAMS. We have been in touch with the President and other members of the administration on the variety of issues that are of concern to us, on the immigration question, on the postal issue, on the telephone communication issue. And, of course, we welcome this opportunity as well on the legislative level to place in the record the information that unfortunately we have been able to put together in the last few years in the hope that this kind of pressure and exposure will create an alteration in the Soviet Union's policy.

Mr. HANLEY. Again, Robert and Margy-Ruth, our deep appreciation for your time and effort here this morning. And certainly your testimony will be very helpful to Mr. Gilman and other members of this committee in our efforts to assess the problem.

Thank you very much.

Mr. ABRAMS. Thank you.

Mr. HANLEY. Our next witness this morning is Mr. Mark Mellman. Mr. Mellman, we appreciate your appearance this morning and look forward to your testimony.

**STATEMENT OF MARK S. MELLMAN, EXECUTIVE DIRECTOR,
COMMITTEE OF CONCERNED SCIENTISTS, INC.**

Mr. MELLMAN. Thank you very much, Mr. Chairman. I appreciate the opportunity to be here this morning. I want to express my appreciation to the committee for looking into what we, and I am sure the committee as well, regard as a quite serious matter.

My name is Mark Mellman. I am executive director of the Committee of Concerned Scientists, an organization of 4,000 American scientists concerned with the protection and advancement of scientific and human rights for scientists throughout the world.

As a scientific group, we have a particular interest in the problem of nondelivery of mail, particularly as it concerns scientific mail.

When I speak of "scientific mail," I am really talking about five categories of items.

On the one hand, are personal discussions that go on through the mail. A scientist in America, for instance, may wish to get the comments of a Soviet scientist on particular work he is doing, the particular science that he is doing. And the natural course of events would include his sending examples of his work to his Soviet colleague for comment.

And a second category of Soviet mail is invitations to attend scientific conferences. As I am sure you know, much of American science takes place in the context of scientific conferences and meetings on a variety of subjects. Scholars from across the country and across the world are invited to participate in these conferences and share their research and their knowledge with their colleagues.

Invitations to these conferences, of course, by and large, go through the mail.

A third category is reprints and preprints of articles written by individual scholars again sent to colleagues in the Soviet Union and in other countries for comment and criticism.

Fourth, journals—that is to say, scientific periodicals—are also sent to correspondants, to individual scientists, in the Soviet Union and abroad.

Finally, Soviet scientists sometimes wish to have their articles, their research, published in Western journals. And, of course, in order to do that, they have to send their material, their article, to the West, to the editors of the journals. And that mail is also something that we are concerned about.

This scientific mail has a significance beyond the human rights aspect. Of course, we are very much cognizant of and very much supportive of the kind of human rights emphasis that the New York Conference on Soviet Jewry has placed on this problem, but we approach it not only from that perspective, but from the perspective of international science as well.

Science is really dependent, scientific advancement is dependent, on the full interaction of scientists throughout the world. Science is a cumulative effort. Every researcher builds on the foundations that are provided by colleagues in other countries and in his own country by other individuals. He takes what someone else has done, deals with that material in a critical way, in a positive way, and somehow comes up with something new. But each step is dependent upon what someone else has done and unless the communication is free between scientists, scientific advancement—scientific progress—as a whole suffers. And that's why we have a particular interest in this problem.

Now, what happens to this mail that is sent? Well, in regard to the Soviet Union, when it is sent to scientists who have either applied for permission to emigrate or been outspoken in defense of human rights, any one of three things happen. Each of these three ends are legally acceptable ends that a registered letter can meet are entirely proper, if, in fact the information that is conveyed is correct.

On the one hand, a registered letter, can be received by the addressee. The advice of delivery card can be signed and returned to the sender, and everything is fine.

The second alternative is that, the letter itself can be returned to the sender with a stamp indicating the reason for nondelivery. For example, as was alluded to before, the addressee can, have left the country. The addressee can be unknown, et cetera.

Finally, the letter can have been seized under Article 29 of the Universal Postal Convention. I would like to examine very briefly that article 29 in some detail. Seizure under the Universal Postal Convention is permissible. Articles can be seized which "the importation and circulation of which is prohibited in the country of destination." Each country, including the Soviet Union, which is a member of the UPU is required to circulate a list of articles that the circulation of which is prohibited in that country. Among the items on the Soviet Union's list are printed matter which is contrary to the interests of the Soviet Union. We will get back to that in just a minute.

The crux of the matter is that mail to Soviet scientists who have applied for permission to emigrate or somehow otherwise dissent, is interdicted, intercepted, and is not delivered.

We can examine some statistics in this regard. The best statistics that we have available are those problems that have been encountered by the journal *Physical Review Letters* which is published in Brook-

haven, N.Y. It is a weekly journal of scientific articles in the field of Physics.

The Physical Review of Letters began sending their journal to the Moscow Sunday Seminar in November 1974. It was sent weekly by registered mail. However, during periods when few of the copies of the journal were actually getting through, the publishers temporarily suspended sending the publication. Thus, the statistics that are going to be provided are somewhat skewed in favor of the Soviet Union's record in properly handling the mail.

However, even by making the Soviet Union's record look better in this regard, we find that the Soviet Union itself claims that less than 30 percent of the 175 issues mailed between November 1974, and February 1978, actually arrived at their destination. Only in these 59 cases were advice of delivery, the pink cards, returned to the sender.

Beyond establishing the fact that the majority of mail to refuseniks is not delivered, the data provided by this project, through the efforts of the editors of Physical Review Letters, gives us a basis to examine what happens to undelivered mail.

Now, as you recall, the 30 percent of the journals for which the pink cards were returned are considered properly disposed of under the Universal Postal Convention. In fact, however, our contacts with the addressees indicate that many of the journals which were signed for were not in fact received. Thus, less than 130 percent were in fact received.

According to the Universal Postal Convention, this return of the advice of delivery card is supposed to constitute positive proof that the article was delivered. And through my correspondence with the U.S. Postal Service, we have learned that a failure or I should say sending back this card when, in fact, the article has not been delivered is a violation of the Universal Postal Convention and should be treated as such.

About 25 percent of the journal's mail were returned to the sender marked "Inconnu," unknown. That indicates that the addressee, for whatever reason, is simply not known at the address. It should be noted, however, that it is the "refuseniks" sometimes themselves that have been providing us with their addresses. Moreover, it is quite strange to me, and I am sure to the committee as well, that one week the addressee is known at the address, the next week, he is unknown, and the following week, he is known once again. People simply don't move that often.

According to the U.S. Postal Service, this Soviet practice, too, constitutes a violation of the Postal Convention.

The third and final legally acceptable end a registered item can meet is confiscation. Between November 1974 and November 1976 the Soviets reported seizing 19 issues or slightly less than 25 percent of the issues of Physical Review Letters mailed.

As you will recall, to be seized, this material must be "contrary to the interests of the Soviet Union." I would like you to just examine briefly with me what this material that is somehow contrary to the interests of the Soviet Union is. I will just give you an idea of what is contained in these journals. We have an article in the section on general physics, "Exact Solution of Boltzman on Equations for Multi-component Systems." We have another article on "Further Evidence

on New Resonances in the KN System." And one on "Crossed-Beam Determination of Na-Rare-Gas Fine-Structure-State-Changing Cross Section."

For some reason, the Soviet Union, at least in some cases, considers this material somehow subversive and insidious. It is difficult for me to understand and other scientists to understand how in any way a scientist reading these articles in Physics could be in any way engaged in activity contrary to the interests of the Soviet Union.

The remaining 30 percent of the journals mailed were, according to the Soviet Union, simply lost. I find it difficult to believe that the U.S.S.R.'s postal administration is so poor that it randomly loses one-third of the mail it handles.

Here again, the obvious conclusion is that this losing of mail is not at all random. And, therefore, the mail is not really lost. Rather, this is another pretext used by the Soviet authorities to prevent "refusenik" scientists from receiving mail that is sent to them.

There is another question that, I think, we have to deal with in this regard. That is, is the Soviet Union under any obligation to deliver the mail?

Now, in January 1975, the Department of State said the answer to that question was "no." In a letter to Senator Jacob Javits, then Assistant Secretary of State Linwood Holton wrote, "There is not however any undertaking between parties to the Convention"—that is the Universal Postal Convention—"to deliver mail to the addressee."

However, the U.S. Postal Service disagrees with that conclusion. On September 25, writing to me, Charles Braun, who was the Assistant General Counsel in the Postal Service, noted that "Notwithstanding the lack of an express undertaking in the UPU acts to deliver the mail, we believe that there is a basic obligation on the part of the UPU member country's postal authorities to deliver registered mail sent in accordance with the requirements of the UPU acts."

I was further informed that the U.S. Postal Service has statutory authority to interpret the provisions of the International Postal Convention. I trust that the current administration will hold to the latter interpretation of the treaty and be willing to take effective steps to solve this problem.

Before closing, I would like to make a few general suggestions, as to what can be done within the context of the Universal Postal Convention to alleviate, at least to some degree, this situation. I would suggest that the possible solutions are in three categories.

The first, simplify the process. As you know, for American mailers to follow up on registered letters, it takes at least two visits to the post office, the filing of two or three forms, and a period that can stretch out over 1 year.

Now, most—many; I shouldn't say "most"—many Americans, mailers, don't have the perseverance to sit through all of this documentation, the filing of forms, et cetera. And many people simply lose interest if they don't receive their return receipt. They never follow it up.

If they don't receive their return receipt and then file a tracer and don't get an answer from the Postal Service, here is another place where they don't necessarily follow it up.

So if the process could somehow be simplified—the time required shortened, and the number of forms required made fewer—I think that would go a long way to help us at least further document the problem and get a better idea of exactly what is going on.

I don't know what the facilities are for this, but perhaps the Postal Service itself could take over the filing of the forms. They obviously have a record, or should have a record of what material, what registered letters are being returned and are not being delivered. If they could somehow take over the investigation process, I think that would also alleviate, to some extent, the burden on the customer who after all has already paid a registration fee which is supposed to entitle him to the services of followup and documentation.

The second area that I would suggest possible solutions is that of data collection. And here, I think one of the most important possibilities is to develop a form, some kind of document, with some standing within the Universal Postal Union—or at least standing within the U.S. Postal Service—that would be able to indicate whether or not the addressee has actually received the piece of mail.

As I indicated before, often times, what happens is that a piece of mail is sent, a return receipt is received by the sender when, in fact, the addressee has not received the piece of mail.

According to the Universal Postal Convention, that pink card is the only piece of documentary evidence that is available. If there were another form that could be gotten to the addressee, either through the mail or through some other means on which he could indicate whether or not he has received the mail and sign it with his own signature, the date and other relevant information. Such a form could also be filled out by the sender of the article with the proper information. I think that would also provide us with a way to document the cases where return receipts have been returned to the senders improperly.

The final area is that of enforcement. And I think that this is, of course, the most difficult issue in some ways. In many ways, it is the most important.

I think that there are a couple of things that can be done here.

First, if the Universal Postal Convention could be amended such that indemnity would be paid—that is, the \$15.76 charge would be paid—if the article is not delivered, even if the pink card is returned.

Under the present system, if the pink card is returned, you can't go any further with it. You can't certainly claim an indemnity.

If the kind of form I talked about before is instituted and if that form were to be provided to the authorities, payment could be made in those kinds of cases. If the article is improperly seized, payment should be made in those cases as well.

As I said, the legal statement is that articles that are contrary to interests of the Soviet state can be seized, but I think there is no way in which this Physical Review Letters Journal, which I discussed before, can be considered contrary to the interests of the Soviet state. If articles like this, pieces of mail like this, are indemnified against improper seizure, I think that would also be a help.

Finally, I would suggest that the United States, as I know it has to some extent, become involved with its allies in a multilateral way through the Universal Postal Union. I know that mailers not only in the United States have encountered these problems. Mailers in

Canada, Great Britain, West Germany, a number of other countries, have encountered these same problems. If the postal services in these countries could get together in the UPU and somehow bring pressure to bear on the Soviets in this regard, I think that would be helpful as well.

If these suggestions that are all within the framework of the Universal Postal Convention are not effective and fail to produce the required results, then perhaps we will have to go a little further and to some extent go beyond the bounds of the Universal Postal Convention. After all, we have a treaty.

The treaty is being violated by one party. I don't know what legal effect that has on the treaty itself, but it would seem to me that the United States loses certain obligations under the treaty if one of the parties to the treaty is not living up to its provisions.

Finally, let me say that I think it is clear that this is not an internal matter. The Soviets on human rights issues often tell us that, "You are interfering in our internal affairs." I don't believe that that is true in any case, but I think no one could even make that claim in this respect in regard to the problem of nondelivery of mail. On the one hand, we have a multilateral treaty which regulates the sending of mail. On the other hand, it is quite obvious that when you are talking about mail, you are talking about two parties with equal interest in the mail, one party being the sender, the other the addressee.

One of those parties in this case is in the Soviet Union; the other in the United States or some other country. And certainly, it is not interference in internal affairs to insure that both parties, including the one in the United States, has its rights under the Universal Postal Convention.

The failure to deliver mail, as I indicated before, has really profound consequences on the development of science itself.

On a more mundane level, it has consequences for people trying to plan scientific conferences, for people trying to edit scientific journals. It is a confounding problem. It is making their job infinitely more difficult.

And I hope and I trust that the committee and the U.S. Postal Service will continue its efforts to help alleviate this problem, not only for the Soviet addressees, but for the American senders as well.

Mr. HANLEY. Thank you very much.

I regret I was interrupted and had to miss the beginning of your testimony. I intend to start reading back now and will shortly defer to Mr. Gilman.

With respect to your statement on the return receipt, even though the package or whatever was really not delivered, the implication then is that the receipt has been forged; is that what you are saying?

Mr. MELLMAN. Not always. According to the Universal Postal Convention. The pink card can be signed either by the addressee himself or by an official of the Postal Service, the foreign postal administration.

Now, in either event, it is supposed to indicate positive proof that the article was delivered. But, indeed, many times, it is not. So it is not to say that it is forged; it is certainly to say the returning in many cases is fraudulent.

Mr. HANLEY. The intention of this committee, of course, is once documenting the allegations that have been floated about in the course

of the last 2 years which seem to be expanding, it is our intent, then, to put together a report which will go, of course, to the Universal Postal Union and others who would be interested.

And I think that this would probably be the first time that the problem has formally been called to the attention of the Universal Postal Union, although on an informal basis, Mr. Gilman and Mr. Scheuer have talked with people at the UPU.

So we are hopeful that we can transmit a very strong message which could have the effect of bringing about certain changes that would tend to take care of the problem we have.

Unfortunately, there is no international law dealing with the subject matter so we function pretty much at the whim of a country. We can only hope that a country will act in good faith and accommodate and treat international mail as sacred as it does in-country mail.

With respect to the recommendations that you conclude your testimony with, we will direct these recommendations to the U.S. Postal Service. And along with that direction, we will ask of it to respond to you.

Mr. MELLMAN. Thank you.

Mr. HANLEY. Mr. Gilman?

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Mellman, I want to thank you for having taken the time to present the views of your Committee of Concerned Scientists, which is certainly pertinent to the issue before us, and which will I hope result in improving the situation between the United States and the Soviet Union if we can only get the Soviets to pay attention to what we are saying.

Has the interruption of mail inhibited scientific development as concerns the exchange of scientific information between our two nations?

Mr. MELLMAN. Quite clearly, I think it has. As I indicated, on the one hand, we have Soviet scientists who want to publish information results in American journals. Many of these Soviet scientists are quite distinguished. And they simply can't.

They can't trust the mails to do it. They don't have access to Xerox machines. I just the other day was speaking to Dr. Evgeny Levich, the son of academician Benjamin Levich. Academician Levich who is still in Moscow has a two-volume text on physical chemistry and hydrodynamics, a field which he himself founded some 20 or 30 years ago. It must be full of important scientific information that can be used by American science, world science.

He only has one copy. He doesn't have access to any kind of copying facilities. He can't trust the mail to send it out because he knows so often, mail has been interrupted, has not been received. He simply can't trust the mails to get it to a Western publisher.

He can't get it published in the Soviet Union. And thus to world science, that volume is lost. It is sitting on academician Levich's shelf.

The same thing holds true over a broad range of mail, whether it is invitations to scientific conferences, where a person's participation is counted upon and welcomed. A person often doesn't even know he has been invited to the conference because the mail never arrives to him.

Mr. GILMAN. Has that sort of failure to respond interrupted or impeded any scientific conferences you have conducted?

Mr. MELLMAN. Oh, quite clearly. For instance, some time ago, Dr. Victor Brailovsky of Moscow was invited to chair a session at a conference in computer science at Rensselaer Polytechnic Institute. Dr. Brailovsky never received a copy of the invitation through the mail. And by the time he received it by hand, he made a special application, but he didn't find out whether or not he was going to be allowed to attend the conference until the day the meeting started so they had no chairman for the session that was supposed to take place at the conference.

It caused some difficulty. But I think more important than that, besides the more mundane confounding of people trying to do a job, we find that information, data, theory, whatever it may be, is just locked away in the Soviet Union. It can't get out, and people in the States who want to get criticisms of their work, who want to advance their work by hearing what other Soviet scientists have to say about it simply can't get that advice and direction either.

And I think that there is no doubt that that is inhibitive, at least to some extent, of the development of science in certain fields.

Mr. GILMAN. Mr. Mellman, are the problems that you are reciting regarding the Soviet scientists limited to "refusenik" scientists or dissident scientists, or does it apply to all of Soviet science?

Mr. MELLMAN. It applies mainly to the "refusenik" and dissident scientists. However, there are several cases that we have become aware of where, indeed, mail to and from what we would call established Soviet scientists is interfered with.

And another aspect of this problem is that it is even censored. Science magazine, for instance, is published by the American Association for the Advancement of Science. One can walk in, as I understand it—one who has clearance, that is—can walk into a scientific library in Moscow and find whole pages cut out of the magazine. Or it can arrive at your doorstep with pages cut out and with blank pages pasted in.

These are always either informational articles about perhaps Soviet scientists or sometimes they have been articles that have been published in those journals by Soviet scientists—that is, the dissident "refusenik" scientists or by American scientists even who have been active in defending the rights of Soviet scientists.

So it is a problem which is largely directed at the dissidents and "refuseniks," many of whom are very distinguished scientists, but also to some extent expressed beyond that into the general scientific establishment.

Mr. GILMAN. You referred today to the Physical Review of Letters publication. Was that the one you showed us, that you held up?

Mr. MELLMAN. Yes.

Mr. GILMAN. What is the date of that edition?

Mr. MELLMAN. This was May 2, 1977. That is the date of this particular one.

As I said, the "Physical Review Letters" has been sent on and off since, I think it is, 1974. I don't have the exact date. I think it is about 175 issues have been sent.

Mr. GILMAN. Are there other publications you could cite for us which have experienced similar interruptions?

Mr. MELLMAN. Yes. The "Physical Review Letters" maintains the best statistical information. That's why I use that, but the American

Institute of Physics publishes a whole series of journals, all of which it sends complimentary subscriptions to the Moscow Sunday Seminar and to the chairmen of that seminar. So there is a whole range of publications there that are sent on a regular basis as well as other publications from Europe.

Mr. GILMAN. Do those other publications meet with the same problem?

Mr. MELLMAN. Yes, very definitely.

Mr. GILMAN. I want to thank you for your testimony, Mr. Mellman.

Mr. Chairman, thank you.

Mr. HANLEY. Thank you, Mr. Gilman.

Mr. Mellman, to what degree has the Soviet scientific community registered its displeasure with that government or would you be aware of that?

Mr. MELLMAN. Yes. Well, the dissident "refusenik" scientific community which is a smaller community has registered it quite clearly either by applying to leave or by speaking out actively against certain policies of the government.

The establishment community, shall we call it, has done so, but to a lesser degree.

For instance, a couple of months ago, an establishment scientist, a director of a major institute, publicly protested the fact that he was not allowed to travel to do an experiment at a European research institute even though he was cleared for security purposes, et cetera.

If this kind of protest becomes public, we are certainly sure that below the surface, there is a great deal more animosity and at least concern about the restrictions that are placed on Soviet scientists.

And another evidence of this is the fact that Benjamin Levich and Alexander Sahkarov, both maintain their membership in the Soviet Academy of Science. The authorities had wanted to remove both those men from the academy, but the Soviet Academy of Science is the only place in the Soviet Union where there is a secret ballot, and expulsion requires a two-thirds majority. Both of those cases lost in the academy, and both of those men's membership were retained.

So, again, there is certainly a sympathy about restrictions placed on Soviet scientists.

Mr. HANLEY. Again, Mr. Mellman, our appreciation to you for your excellent testimony and through it to offer a real contribution to our efforts. Thank you very much.

Mr. MELLMAN. Thank you very much.

Mr. HANLEY. Our next witness is Joseph Gurvich.

STATEMENT OF JOSEPH GURVICH

Mr. GURVICH. My name is Joseph Gurvich. My wife and two children emigrated with me from Riga, Latvia, in 1974. Between December 1974, and January 1977, I sent over 400 registered letters to my son, relatives, and friends in the U.S.S.R. None were received.

And here is the whole documentation with return receipts and with documentation of postal authorities.

Mr. GILMAN. Mr. Chairman, if I may interrupt, how many letters are there in that package you just held up to us?

Mr. GURVICH. 400.

Mr. GILMAN. 400 were sent; none of which you received?

Mr. GURVICH. No.

Mr. GILMAN. Were they all returned to you?

Mr. GURVICH. No, all were lost. I sent registered letters, and addressee didn't receive these letters.

Mr. GILMAN. Mr. Chairman?

Mr. HANLEY. Mr. Gilman.

Mr. GILMAN. If the gentleman would yield.

Mr. HANLEY. Surely.

Mr. GILMAN. Thank you, Mr. Chairman.

Of the 400 that were sent, how many were returned to you?

Mr. GURVICH. To me, these letters would not be returned. I received back false signatures on the pink cards. I received replies to my inquiries that my letters were seized because of my evil intentions. But from these letters, none were delivered and none were returned.

Mr. GILMAN. How many letters are in this group you have here?

Mr. GURVICH. About 400.

Mr. GILMAN. There are 400 there on the table?

Mr. GURVICH. Yes. I can show you.

Mr. GILMAN. That won't be necessary as long as we know how many are there.

Are they all registered letters?

Mr. GURVICH. Yes, all registered.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. GURVICH. Officials of a special division of the KGB systematically and without hindrance read letters of and to Soviet citizens and withdraw these letters if the content or the person to whom they are addressed do not follow the point of view of the KGB officials.

My letters which were intercepted include: 84 to Alexandra Dmitrochenkova, my cousin, Gorkogo Street 159, Apartment 37, Riga; 62 to my son George Gurvich, Tirgonu Street 7, Apartment 3, Riga and Strazdu Street 8, Apartment 66, Liepaja; and 234 letters to other addressees in Riga.

The first time my letters were "lost." The Soviet postal administration did not reply to my numerous inquiries and the inquiries of the American postal administration.

I began to send registered letters with a return receipt requested, and then file an inquiry about the lost letters, and received the indemnity. After I had collected \$2,364 for 150 lost letters, the Soviet postal administration began to return to me receipts with falsified signatures.

For example, I received return receipts with four different false signatures on the letters to my son. In reality, none of the letters my son has received.

After my numerous inquiries through the American postal system about the false signatures, the Soviets began to reply that my letters were seized because of my "evil intentions having malicious characteristics," referring to the International Postal Convention.

But nowhere in these replies were explanations about the false signatures. The Convention does not provide for the seizure of letters because of the sender's intentions. So I asked for additional explanations through the American postal administration.

At this point, the Soviets answered that my letters were seized because of enclosures, but did not specify what prohibited enclosures were in my letters.

Before these replies, I received "signed" return receipts showing alleged delivery of many of these same letters. My lawyer asked how the Soviets could know about the enclosures if opening personal mail is prohibited in the U.S.S.R. At this point, the Soviets stopped answering, and I continued to receive indemnities for my lost registered letters.

After I had received over \$6,000 in indemnities, my relatives in Riga began to receive my letters. And all my letters to Riga and from Riga were received.

I can say more. My cousin was not able to receive any mail inside the Soviet Union. After I had received the indemnity, now she can receive her mail also from inside the Soviet Union.

My personal example is not unique. Tens of thousands of letters sent from different countries to addressees in the U.S.S.R. are "lost."

Many philatelists collect envelopes which were sent from different countries to addressees in the U.S.S.R. and were returned stamped "parti"—has left country—"inconnu"—unknown—or "refuse"—refused—even though there is proof this is false.

Among the envelopes in my collection—I collect this also—is a letter to Vladimir Bukovsky in the Vladimir Prison, returned with the remark that such an address in the Soviet Union does not exist.

Yet, the KGB cannot control all the letters sent to Soviet citizens because of the large number of letters. The KGB divides Soviet citizens into three groups.

To those in the first group, letters will never be delivered no matter what their content. Among those in this group are: Marina Tiemkin, Smolensky Boulevard 7, apartment 91, Moscow; Isaac Poltinnikov, Vosklo'd Street 1, apartment 12, Novosibirsk; Isai Goldstein, Oktia-brskaya Street, 2d Microregion, corpus 2, apartment 124, Tbilisi.

Here is the letter returned from Marina Tiemkin, my letters to Marina Tiemkin were lost, but all the other people's letters to Marina were returned stamped "refused." The letters were sent from the United States, from Israel, from Germany, and also from inside the Soviet Union.

Letters sent to those in the second group are removed only if their contents are not suitable to the point of view of the KGB officials.

Only the first, second, or third letters to members of the third group are subject to removal, but subsequent letters, no matter what their content, were delivered.

Each republic or area in the U.S.S.R. has its own KGB division for censoring and withdrawing personal correspondence of Soviet citizens. The order to remove letters to a certain person is usually given only to the KGB censorship division of the republic or area where the addressee lives.

This means that a member of the first group can receive mail if it is addressed to another republic. For instance, an addressee of the first group from Latvia can receive his mail if sent to Lithuania, but not to any other Latvian city, because all Latvia is under one KGB mail control division.

I would like to thank the committee for permitting me to testify today, and I would like to present the committee with a more detailed compilation of my documentation.

Mr. HANLEY. Thank you very much, Mr. Gurvich, for your testimony.

You relate to the period up to January of last year?

Mr. GURVICH. Yes.

Mr. HANLEY. Is it reasonable to assume that the same problem has continued through 1977 up to date?

Mr. GURVICH. You know, for me, this problem does not continue because after I received the indemnity for over 400 letters my letters began to be delivered.

Mr. HANLEY. To what would you attribute that? Wouldn't the people you are writing to remain in the same categories you have described?

Mr. GURVICH. No. These people which I am writing to before I have received this indemnity were on the first category, and they received no letter, no matter what was in the letter, but now I think, they are in the second category.

I have no proof, but I think that the letters addressed to them are opened, but addressees receive them.

Mr. HANLEY. So if I understood you correctly, since you received payment, your experience has been decent?

Mr. GURVICH. Yes.

Mr. HANLEY. Well, that's rather interesting.

Mr. Gilman?

Mr. GILMAN. Thank you, Mr. Chairman.

I want to thank you, Mr. Gurvich, for spelling out specifically some of the variation in delivery. That proof should be extremely valuable to you.

Did you write this pamphlet entitled, "Censorship and Nondelivery of Personal Letters in the U.S.S.R."?¹

Mr. GURVICH. Yes.

Mr. GILMAN. And you have listed in the pamphlet some of the examples you have provided us today; the four receipts of registered mail that were returned to you are printed in the center section?

Mr. GURVICH. Yes.

Mr. GILMAN. You also held up a letter to Marina Tiemkin. That is printed in the final page?

Mr. GURVICH. Yes.

Mr. GILMAN. Mr. Gurvich, at any time did any of your letters contain any enclosed material that to your knowledge would be prohibited by the Soviet Union?

Mr. GURVICH. No. Only personal letters. And the letters of which the Soviet postal authority gave the answers that they contend prohibited enclosures were airgrams. And the airgram could not contain enclosure because then I must pay more postage. And this is very easy to prove.

My letter could contain nothing.

Mr. GILMAN. Has the U.S. Postal Service cooperated with you in your efforts to try to find out why your letters were not being delivered?

Mr. GURVICH. Very hard. Very hard to make an inquiry. Then, they do not answer to the inquiries, I must, you know, inquire again, but the International Postal Convention provides in the time of 6 months to find the letter or to pay indemnity. But I had received payment after 2 years.

¹ Retained in subcommittee files.

Mr. GILMAN. It takes 2 years to get a response on your inquiry, your formal complaint?

Mr. GURVICH. Yes. And I had to write not only to the local postal administration, but also to the postal administration in Washington.

Mr. GILMAN. Are the people to whom you wrote these letters you have on the desk that were returned, were any of these individuals "refuseniks" or dissidents?

Mr. GURVICH. My cousin, Miss Tiemkin, is a "refusenik." My son wanted to apply for exit visa, but he was not able to apply. But many people are not "refuseniks."

Mr. GILMAN. Many of the people to whom you wrote letters which were returned were not "refuseniks" and were not involved in emigration?

Mr. GURVICH. Yes. Most are "refuseniks." Most of them but not all.

Mr. GILMAN. Did you make any telephone calls at all to the Soviet Union?

Mr. GURVICH. Yes.

Mr. GILMAN. And were you able to get those calls through?

Mr. GURVICH. Yes. I make telephone calls to my cousin Alexandra Dmitrochenkova. The first time, I called her but somebody was making noise, but now is OK.

Mr. GILMAN. You experienced problems there?

Mr. GURVICH. No problem there.

Mr. GILMAN. What happened to packages you have sent to the Soviet Union?

Mr. GURVICH. Packages, I am beginning to send only after my mail began to be received and to the same person to whom I write. And I send last year 70 packages to Soviet Union. From the 70 packages only 2 were returned to me without explanation and stamped "prohibited."

And one package was very damaged, but the other packages were received.

Mr. GILMAN. Was there acknowledgement in the Soviet Union that they received the packages?

Mr. GURVICH. Yes.

Mr. GILMAN. Do you have any trouble getting mail from the Soviet Union delivered to you?

Mr. GURVICH. No. At the beginning, yes. I could not receive mail from the Soviet Union. But the last year, I received from Soviet Union the mail regularly.

I think the complaints I made and the indemnity I received have helped.

Mr. GILMAN. Mr. Gurvich, you have been here in this country since 1974?

Mr. GURVICH. Yes.

Mr. GILMAN. It is only in the last year or so that you are able to get mail back and forth?

Mr. GURVICH. Yes.

Mr. GILMAN. I want to thank you, Mr. Gurvich. I have no further questions, Mr. Chairman.

Mr. HANLEY. Thank you very much. We appreciate your time and effort this morning.

Having concluded the witness agenda for this day, this hearing is adjourned.

[Whereupon, at 10:50 a.m., the hearing was adjourned.]

[The statement which follows was submitted for the record:]

STATEMENT BY EUGENE GOLD, CHAIRMAN, AND JERRY GOODMAN, EXECUTIVE DIRECTOR, NATIONAL CONFERENCE ON SOVIET JEWRY

Mr. Chairman and members of the committee, on behalf of the National Conference on Soviet Jewry, which represents thirty nine national Jewish organizations and hundreds of local affiliated community councils, we welcome this opportunity to present testimony concerning the Soviet non-delivery of mail.

The basic goals of the National Conference on Soviet Jewry are: (1) To help all Soviet Jews who wish to emigrate from the Soviet Union for Israel and elsewhere; and (2) to help Jews live in the Soviet Union with all the rights and privileges accorded other religious and ethnic cultural groups in the USSR.

Having as our pivotal interest, the interests and well being of Soviet Jews, we are deeply concerned with official Soviet efforts to isolate Soviet Jews from their relatives and friends abroad.

At this time of discrimination against Jews, Judaism and the Jewish people, Soviet Jews are lacking schools, places where they can learn their language, a Jewish press, or any basic cultural institutions, and subjected to an uninterrupted barrage of anti-Semitic and anti-Jewish propaganda and therefore are in a critical position.

The goals of Soviet policy remains, among other things, to assimilate the remnants of the Jewish people.

It is within that context that we perceive a process of deliberately isolating Soviet Jews from relatives, friends and other Jewish communities abroad in order to speed a process of assimilation of Soviet Jews. Mr. Chairman, at stake is the future of the proud segment of the Jewish people, and its spiritual as well as physical survival. It is highly regretful that the well publicized spirit of Helsinki Final Act left no positive mark on the well being of Soviet Jews. Moreover, the Soviet drive to isolate them has dramatically increased! This situation is well illustrated in a report prepared under the direction of Dr. Stephen Roth, Institute of Jewish Affairs (London) with the collaboration of the National Conference on Soviet Jewry (United States) entitled *Soviet Jewry and the Implementation of the Helsinki Final Act, 1977*. The statistical data on Soviet postal violations was presented to this Committee in the report of Representative Benjamin A. Gilman on December 21, 1977 and which proves the extent of those violations during a time period which should have seen international trust, collaboration and the broadening of relations between states and individuals.

It is in the light of the 1977 report prepared for the Committee on Postal Office and Civil Service and as a result of numerous complaints directed to the National Conference on Soviet Jewry concerning the non-delivery of mail to Soviet Jews, that we wholeheartedly support efforts, such as House Congressional Resolution 579, which would express to the U.S.S.R. the disapproval of the American people concerning the systematic non-delivery of mail.

Mr. Chairman, we would like to submit testimony which analyzes Soviet violations of the non-delivery of mail, within the framework of Soviet domestic and international obligations. This analysis was prepared by Ilya Levkov, Research Director of the National Conference on Soviet Jewry.

Mr. Chairman, the analysis and the evidence we are submitting demonstrate once again that the Soviet Union has not fulfilled its obligation as a signatory to the Universal Postal Convention, nor does it act in accordance with Principle X of the Helsinki Final Act (1975) whereby the signatories pledged to "fulfill" in good faith their obligations under international law. The Final Act, dealing with Human Contacts in general, states that "The participating states make it their aim to facilitate contacts, individually among persons of the participating states, and to contribute to the solution of the humanitarian problems that arise in this connection". Since the Soviet Union has chosen to ignore those obligations, and has willfully violated them, we therefore wholeheartedly support Rep. Benjamin Gilman's recommendations:

(1) That the Committee on Post Office and Civil Service initiate a formal inquiry into the Soviet Union's deliberate interference with the flow of international mail, especially in regard to the discriminatory practices against Jews and Jewish "refuseniks".

(2) That a resolution be introduced urging the Executive to lodge a formal protest with the U.S.S.R. over their failure to adhere to international postal covenants, to which the United States and the United Soviet Socialist Republics are both signatories.

(3) That U.S. postal representatives at the next UPU Congress and in other appropriate international bodies and forums be instructed to propose a resolution calling for a strengthened role for the International Bureau of the UPU to insure member states' compliance with regulations.

NATIONAL CONFERENCE ON SOVIET JEWRY—FREEDOM OF CORRESPONDENCE AND TELEGRAPHIC COMMUNICATIONS IN THE SOVIET UNION

Within the general context of human rights in the Soviet Union prominently figures the issue of freedom of correspondence and telephone communication. Those freedoms constitute the core of a wide range of human rights guaranteed by the numerous international conventions, by the Soviet Constitution and by Soviet legislation.

It has to be made clear that we are speaking here not about the secret monitoring to mail and telephones by the KGB, but about the mere existence of communication, i.e., the non-deliverance of letters and cutting-off telephone lines. These violations are hampering the extension of human contacts and the exchange of information, as is declared by the signatories of the Final Act. However, the severity of such violations becomes even more extreme when they prevent the communication between recently separated families. For such families, whose ties with the Soviet environment, have been severed the moment they applied for an exit visa, the communication with the separated part of the family, their friends and supporters becomes most crucial source of support and friendship.

The following is a condensed list of appropriate international conventions and Soviet domestic legislation:

I. PROVISIONS OF THE HELSINKI FINAL ACT (1975)

1. Pledges to facilitate freer movement and contact.
2. Specific provision on reunification of families.
3. Reaffirmation of other international covenants.

II. RIGHTS REAFFIRMED IN THE HELSINKI FINAL ACT (1975)

1. Universal Declaration of Human Rights, Article 13/2: "Everyone has the right to leave any country, including his own".

2. International Covenant on Civil and Political Rights, Article 27: "In those States, in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

3. International Covenant on Civil and Political Rights, Article 18/1: "Everyone shall have the right to freedom of thought, conscience and religion . . . and freedom to manifest his religion or belief in worship, observance, practice and teaching".

4. Convention Against Discrimination in Education: "... right of members of national minorities to carry on their own educational activities, including the maintenance of schools and depending on the educational policies of each State, the use or teaching of their own language".

III. THE NEW SOVIET CONSTITUTION GUARANTEES DIRECTLY THAT RIGHT

Article 56. The privacy of citizens, and of their correspondence telephone conversations, and telegraphic communications is protected by law.

Article 57. Respect for the individual and protection of the rights and freedoms of citizens are the duty of all state bodies, public organizations, and officials.

Citizens of the USSR have the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property.

Additional rights stem from Articles 54 and 57 which guarantee the inviolability of the person and of the home.

IV. SOVIET LEGISLATION

Article 174 of the Code of Criminal Procedure of the RSFSR clearly prescribes the circumstances and the conditions under which a seizure of postal correspondence is allowed.

"Article 174.—Seizure of Postal and Telegraphic Correspondence. The impounding of correspondence and its seizure at postal and telegraph offices may be carried out only with the sanction of a procurator or in accordance with a ruling or decree of a court.

"When it is necessary to impound correspondence and to conduct a view and seizure of it, an investigator shall render a reasoned decree to such effect. After approval of the said decree by a procurator, the investigator shall refer the decree to the proper postal and telegraph office, shall propose that it hold the correspondence, and shall notify it of the time of his arrival to view and seize the correspondence. The view and seizure shall be conducted in the presence of witnesses of investigative actions from among the employees of the postal and telegraph office. When necessary the investigator shall have the right to summon a specialist to participate in the conduct of a seizure of postal and telegraphic correspondence.

"An impounding of correspondence shall be canceled by decree of the investigator when there is no further necessity for the application of such measure."

It is in the light of those enumerated guarantees that the real situation is striking in its obvious disregard of those rights.

1. STATISTICS OF VIOLATIONS

Soviet authorities consider the delivery of personal mail as a privilege which is extended only to a "loyal" citizen i.e., one who supports any party's polity wholeheartedly. Consequently, anyone, who has applied for an exit visa and has been refused, or one who has relatives abroad and thus becomes a potential applier for exit visa, and of course, one who has been sentenced into prison or exile is being denied the privilege of correspondence. Thus, for example, 10,000 letters sent from FRG to Soviet Jews never reached their destination. (Additional statistics will be provided later.)

2. THE DAILY PROCEDURE OF DELIVERING REGISTERED RETURN RECEIPT MAIL

According to the Universal Postal Convention the "return receipt" for which the receiver pay additional \$.32 is there to insure that the letter was delivered to the addressee, and only his signature on the return receipt so testifies. According to recently obtained information from the former postal workers in Moscow, however, the procedure is different. The head of any borough postal office issues the letter carries a blank page on which he should ask the addressee to sign, and upon the deliverance of such signature, he—the office supervisor, signs the pink card—the return receipt. Thus, the addressee never sees the pink card, which should be signed only by him. Since another person signs the pink card, there is no way to know, if indeed the letter reached its destination. As a result of such chronic "negligence" thousands of registered letters with return-receipt mailed to Soviet Jews never reached their destination. Within the framework of the Universal Postal Convention, the bilateral agreement between the U.S. and the U.S.S.R. regulated that the compensation for the lost mail will be done by the state from which the letter was mailed. However, as a result of massive amount of letters, which never reached the "neverland" the U.S.S.R., the U.S. postal authorities reversed the previous principle for compensation by registering each registered letter passed to the Soviet Union, and consequently it is the Soviet Union who has the responsibility to compensate for the non-delivered mail.

3. TESTING SOVIET COMPLIANCE

Mr. Itzhak Katz of the Action Committee for Jews in the Soviet Union in the German Federal Republic, demanded compensation from the Soviet Post Office for nondelivery of over 10,000 registered, return receipt requested letters sent to Soviet Jews. These had contained a copy of various international conventions signed by the Soviet Union and a textbook for studying Hebrew. The County Court of Frankfurt awarded the compensation to the German Post Office and Mr. Katz, and the State High Court in Frankfurt (No. 1-U-12/76), confirmed the decision of the County Court. In effect the Court rejected the Soviet claim that the mailed material was "provocative"—a claim made to justify non-delivery or confiscation of the letters.

A unique light on Soviet non-compliance with the Universal Postal Convention was shed by Dr. Isai Goldshtein from Tbilisi in a suit against the General Post Office of Tbilisi, Georgian SSR. Despite the non-delivery of 40 registered letters sent to various foreign countries, return receipt requested, the Postal Service failed to give reasonable account of the letters, failed to produce the return receipts on the letters, and failed to make due an adequate compensation for the losses upon demand therefore.

Lengthy litigation brought no results because the Postal authorities claimed that their liability was not established by Dr. Goldshtein. (For details see attached material.¹ A detailed, critical essay on the court's decision is written by Alan J. Gould.) Thus, Dr. Isai Goldshtein refused the right to emigrate since December 1971, is also denied the prescribed right to communicate with his family and friends abroad.

4. *Telephone Communication*

The legal provisions of the Soviet Constitution and international conventions cited above, guarantee the inviolability of personal telephone communication as well. Although the use of telephones in the Soviet Union is not as widespread as in the U.S. (5.7 compared with 65.5 per hundred people in 1974.) Their importance is especially valuable since 86% of all the telephones are in the cities, with their high proportion of Jewish refuseniks. Consequently, telephone communication is highly important for those veteran "refuseniks" who depend on contact with their relatives abroad. In order to undermine this right, Soviet authorities issued a special decree, from the Minister of Communication #593, dated September 7, 1972 which became an appendix to Article 874 of the Code of Communication of the USSR and reads as follows: "It is prohibited to use the telephone communication (intercity, city and rural) for use which contradicts the state's interests and that of public order."

Armed with this decree, Soviet authorities disconnected scores of telephones. (Attached is a partial list of persons and their telephone numbers).¹ However, this decree lacks certain basic characteristics which would make of it an impartial judicial instrument:

1. No definition as to what is allowed, and what is not allowed, to talk over a phone in order not to violate the state's interests, and consequently become a subject of the LDT (Law of Disconnecting Telephones)?

2. The law does not prescribe a specific procedure for evidence that the telephone was disconnected as a result of such alleged violation.

3. The telephone owner is not given the right to know, for which alleged violations of the law he was denied the right to use telephone.

The principle that "state interests" are superior to the personal guaranteed rights is an underlying theme in the new Soviet Constitution. A leading Soviet scholar, Y. I. Stetzkovsky, writing about the guaranteed rights of an accused clearly states that: "The principle of the right to self-defense does not constitute citizen's right to defend its own interests, which contradict those of the state".

Lastly, it is not irrelevant that these practices also violate the Constitution and laws of the USSR. The special difficulties connected with letters containing vysovs and the fact revealed in the above quoted court case that the contents of the letters sent from Germany were obviously known to the Soviet postal authorities, indicate that Article 128 of the Constitution of the Soviet Union, guaranteeing protection of privacy of correspondence, is violated in the process. The criminal legislation of all the Republics of the Soviet Union establish criminal responsibility for such violations of privacy of correspondence (e.g. Article 135 of the Criminal Code of the RSFSR). Mr. Alexander Sukharev, USSR First Deputy Minister of Justice, explained in an interview published in *Literaturnaya gazeta* (27 October 1976) that interference with mail and with its privacy is permissible only as part of criminal proceedings.

This is what the Minister said in response to a question about the legal norms regulating the search and seizure of correspondence: "The search and seizure of postal and telegraphic correspondence are investigatory actions, which means that this can be done only after criminal proceedings have been instituted. A search is carried out only on the basis of a motivated decision by an investigator and only with the sanction of a procurator. Correspondence can be held up and seized in postal and telegraphic offices with the sanction of the procurator or by the judgment and also the decision of a court."

Quite clearly, these legal rules have remained paper guarantees which have not been complied with.

¹ Retained in subcommittee files.

Summarizing this issue of freedom of communication, it becomes clear that the written provisions which guarantee this right are considered by Soviet authorities not as a right, but as a privilege which can be denied to any who does not wholeheartedly support the Soviet regime.

[H. Con. Res. 579, 95th Cong., 2d sess.]

(By Mr. Gilman)

CONCURRENT RESOLUTION

Whereas the integrity of the mail service between the United States and the Soviet Union is being called into question by mailers in the United States who assert that postal items are systematically not being delivered to selected addresses in the Soviet Union;

Whereas the explanations required under international law and given by the Soviet postal administration in regard to the nondelivery of mail to certain addresses have consistently been untimely or insufficient;

Whereas the mail which is not being delivered typically is between family members or persons sharing a religious bond and typically consists of personal correspondence or gifts of articles for personal use;

Whereas the nondelivery of mail which is deliverable as addressed and which does not contain prohibited articles is an interference by the Soviet Union with internationally recognized human rights guaranteed to all persons by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas the systematic exclusion of certain persons from international mail services also violates the Convention of the Universal Postal Union and the Constitution of the Union of Soviet Socialist Republics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) that the President, through the Department of State, should express to the Government of the Soviet Union the disapproval of the American people—

(A) concerning those postal items which are mailed in the United States and are deliverable in the Soviet Union as addressed but which are systematically not delivered by the Soviet Union to the persons to whom they are addressed; and

(B) concerning violations by the Soviet Union of the articles of the Universal Postal Convention and violations of the Final Act of the Conference on Security and Cooperation in Europe; and

(2) that, at the next meeting of the Congress of the Universal Postal Union in Brazil in 1979, the representatives of the United States Postal Service should—

(A) bring to the attention of the representatives of the member countries of the Universal Postal Union the Soviet Union's disregard of regulations governing the exchange of mail under the Universal Postal Convention; and

(B) call upon the other member countries for support in encouraging the Soviet Union to respect its international obligations.

MAIL BETWEEN THE SOVIET UNION AND THE UNITED STATES

TUESDAY, JULY 25, 1978

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

The subcommittee met at 10 a.m. in room 311, Cannon House Office Building, Hon. James M. Hanley (chairman of the subcommittee) presiding.

Mr. HANLEY. Today we are holding the second in a series of hearings on the failure of the Soviet Union officials to insure uninterrupted delivery of U.S. mail to its citizens.

I want to make it clear that we are not only looking into this situation as it relates to prominent Soviet dissidents. Unfortunately, this problem is far more widespread. Each year thousands of letters and parcels of Soviet Jews are mysteriously lost or delayed. In some cases these postal items were sent to dissidents. In many cases they were sent to refuseniks.

However, it is safe to assume that a large number of Soviet Jews who have not been politically active have been deprived of the right to communicate with their families and friends in this country.

The word, both written and spoken, is their only connection with loved ones outside the Soviet Union. To some dissidents and refuseniks, parcels are their only means of sustenance, their only means of survival until they are allowed to emigrate.

In our first hearing, held in New York on May 8, we heard heart-breaking stories that resulted from the interruption of mail. I feel that it is the responsibility of this subcommittee to fully investigate the extent to which the Soviet Union is interfering with the free flow of mail.

I would like to be able to assure the American people that the U.S. Postal Service and the Department of State are making every effort to monitor this problem and are taking corrective action whenever possible.

Before proceeding with the witnesses, perhaps my friend and colleague, and one who has associated himself very closely with this problem, may have some comments. My friend, Congressman Ben Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Chairman, I want to thank you for arranging this hearing and for pursuing this problem as expeditiously as this subcommittee has. I will be as brief as possible because of the number of witnesses scheduled for this morning's hearing.

In recent months we have all witnessed the campaign by the Soviet Union to suppress all political dissent within her borders, evidenced by the increasing isolation imposed on leading activists, refuseniks, and prisoners of conscience through the means of imprisonment, exile, or lesser forms of harassment.

While imprisonment or exile may be the last and most visible form of suppression practiced by the Soviet Union, there are a number of other dehumanizing acts employed by the Kremlin to brutalize individuals and to stifle political dissent.

This is the second in a series of hearings on the problem of the Soviet Union's interruption of U.S. mail, held at the request of this committee. Hearings in New York City and today serve to confirm the glaring accusation that the Soviet Union is manipulating the international mail system for the purpose of exercising another, much more subtle means of harassing the ethnic communities in the Soviet Union, especially dissidents and refuseniks residing therein.

The United States as the recognized leader of the free world is particularly singled out by the Soviet Union for this purpose; consequently, an ever-increasing number of U.S. letters, packages, and other printed matter never reach their destination in the Soviet Union.

The issue we're taking testimony on today, the Soviet nondelivery of mail, is of major consequence to the fate not only of those Soviet Jews who wish to emigrate from the Soviet Union, but indeed to all Soviet citizens who wish to exercise their rights under the United Nations Declaration of Rights and the Helsinki Accords.

Following the conclusion of these hearings, I hope that the subcommittee will move rapidly to mark up House Concurrent Resolution 579, a resolution that I introduced on April 29, 1978, expressing the sense that Congress and the President should express to the Government in the Soviet Union the disapproval of the American people concerning that Government's systematic nondelivery of international mail addressed to individuals residing in the Soviet Union, and that the United States should bring to the attention to the next Congress of the Universal Postal Union the failure of the Soviet Union to comply with certain articles of the Convention and the Constitution of the Universal Postal Union.

In closing, Mr. Chairman, I wish to express again my deep appreciation for the splendid cooperation that you have given to publicizing this issue and your untiring efforts to better the cause of human rights for all of mankind.

I would also thank the witnesses appearing before the subcommittee this morning for their very able assistance in documenting this serious problem. I understand that there are other individuals and organizations who did express a desire to testify at this hearing and were disappointed that they cannot. I am sure that our chairman will assure them that their written statements can be submitted for the record, and I do ask unanimous consent, Mr. Chairman, that this be permitted.

Mr. HANLEY. Without objection, so ordered.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. HANLEY. Thank you, Mr. Gilman.

Our first witnesses this morning are Mr. H. Edgar Stock, Director of International Postal Affairs, and Mr. Charles R. Braun, Assistant General Counsel, of the U.S. Postal Service.

Gentlemen, on behalf of the committee we express our appreciation to each of you for your appearance here this morning, and certainly your testimony will be most helpful toward our effort to alleviate or, better yet, eliminate this problem.

STATEMENT OF H. EDGAR S. STOCK, DIRECTOR, OFFICE OF INTERNATIONAL POSTAL AFFAIRS, U.S. POSTAL SERVICE, ACCOMPANIED BY CHARLES R. BRAUN, ASSISTANT GENERAL COUNSEL, SPECIAL PROJECTS DIVISION, LAW DEPARTMENT, AND EDWARD S. WALKER, GENERAL MANAGER, INTERNATIONAL MAIL DIVISION, RATES AND CLASSIFICATION DEPARTMENT

Mr. STOCK. Thank you, Mr. Chairman.

Mr. Chairman and subcommittee members, I am Edgar S. Stock, Director of the Office of International Postal Affairs. Accompanying me is Mr. Charles R. Braun, Assistant General Counsel, Special Projects Division, Law Department; and Edward S. Walker, General Manager of the International Mail Division, Rates and Classification Department.

The Office of International Postal Affairs is responsible for representing the Postal Service in the Universal Postal Union.

The Special Projects Division of the Law Department is principally responsible for matters involving international law, including international legal questions about claims and inquiries concerning mail to the Soviet Union.

The International Mail Division of the Rates and Classification Department is responsible for drafting and carrying out postal regulations regarding the classification and admissibility of international mail, and for responding to inquiries from U.S. mailers about undelivered mail and about indemnity claims for lost mail.

As you know, we continue to receive numerous complaints about mail service to the Soviet Union. These complaints are more numerous and persistent than those concerning mail to any other country of the world. As to these complaints, the Postmaster General supplied statistics to the chairman of this committee in his letter of July 14, 1978. The complaints we receive may be grouped and summarized as follows.

First, the Soviet Union returns mail which the sender in the United States for one reason or another believes could and should have been delivered. For example, mail may be returned endorsed by Soviet authorities to the effect that the addressee is unknown or has gone away, that the address is inadequate, or that the contents are prohibited. However, the sender may claim that the addressee is known, that the address is correct, or that the contents are not prohibited.

A second group of complaints concerns mail which is seized by Soviet authorities. After being advised of the seizure, the sender may claim that the contents were not in violation of any known prohibition.

A third group of complaints concerns mail which the U.S.S.R. reports to be delivered, but which the sender states that he has reason to believe was not delivered.

A fourth group of complaints concerns mail which is sent "advice of delivery" requested. The complaint is that advice of delivery forms are returned without being properly completed; that is, they

are unsigned or bear the signature of someone other than the addressee in the block of the form reserved for the addressee's signature.

A fifth group of complaints deals with the length of time that it takes to get a response to an inquiry, or to receive an indemnity payment.

The Postal Service has taken the following actions regarding mail service to the Soviet Union. First, we have advised mailers what services provide maximum security and reliability. For correspondence this service is registered mail. For articles of merchandise, either registered letter post or insured parcel post provide the most security. Second, we have improved our own claims and inquiries procedures. Third, we have brought substantiated complaints to the attention of the Soviet postal authorities.

Our efforts to provide advice about mail service to the Soviet Union have included direct contacts with representatives of American Jewry organizations and organizations of American scientists. These organizations have asked the U.S. Postal Service to participate in meetings at which the problem of mail service with the Soviet Union was to be discussed. The Office of International Postal Affairs and the International Mail Division have sent representatives to meetings in Boston, New York, Philadelphia, Norfolk, Miami, Chicago, Phoenix, Denver, San Francisco and Los Angeles, as well as to several meetings here in the Washington area.

These meetings provided postal officials not only an opportunity to offer guidance on the details of the international registry service and international inquiries and indemnity claims but also an opportunity to hear directly from mailers of their difficulties with mail service to the Soviet Union. Also, in response to requests for a summary of postal regulations, we developed a set of written guidelines providing basic information about the registered mail service and the filing of inquiries and claims, which have been distributed to those who seek such information. I am submitting a copy of these guidelines for the record.

Our efforts to bring complaints to the attention of the Soviet Union and to persuade Soviet officials to take steps to insure the proper treatment of deliverable mail have included the exchange of correspondence with the Soviet Ministry of Posts and Telecommunications and direct contacts with Soviet postal officials both in Moscow and in Bern, Switzerland, during meetings of the UPU Executive Council and of the Consultative Council for Postal Studies. Soviet officials generally investigate and respond to specific complaints which we bring to their attention, but they have not acknowledged an official government policy of interference with mail service to specific individuals. In cases where the Soviet administration fails to prove, in a timely fashion, its nonliability for a registered mail loss, we have indemnified the claimant in the United States. We have then advised the Soviet administration that we propose to collect the amounts in question by deducting the amount of the indemnity from the amounts we otherwise would owe the Soviet Union under the terms of the Convention.

Moving to the case of the claims of Mr. Joseph Gurvich, about which Mr. Gurvich testified before your committee in New York, we found a large number of claims where the Soviet authorities had failed to

respond to inquiries within the 5-month time limit set forth in the Convention or had responded by asserting that Mr. Gurvich's correspondence had been seized under Soviet law. We have indemnified Mr. Gurvich for some of these undelivered letters on the basis that the Soviet Union had not responded to the inquiries within the period in which the UPU Convention requires claims to be settled. We have indemnified Mr. Gurvich for other undelivered registered letters on the basis that the assertions about the seizure are insufficient to prove the Soviet administration's nonliability for the loss. We considered that seizure under Soviet domestic law had not been proved, because there is no prohibition applicable to correspondence in the entry for the Soviet Union in the UPU list of prohibited items.

We have advised the Soviet Union regarding our action with respect to Mr. Gurvich that we do not question their right to determine and apply their own laws and regulations, and that we do respect the need for cooperation between our two administrations. We have emphasized, however, that a significant element of this cooperation is the furnishing of proper and timely information about the existence of any possible prohibitions applicable to mail that might be sent to the Soviet Union. We have stated that without such information we are unable to honor in this country the entry prohibitions the Soviet Government may wish to adopt, and we cannot provide mailers in the United States with the information about such prohibitions which they must have in order to conform their mailings to the requirements of the Soviet Union.

In sum, our cooperation under the Universal Postal Convention in the enforcement of Soviet prohibitions depends on Soviet cooperation under the Convention, including the provision to the International Bureau of full and timely information about Soviet entry prohibitions.

Let me emphasize, however, that our efforts are confined to the improved administration of postal services, and that the general questions of human rights in the Soviet Union and compliance with the goals of the Helsinki declaration are political or diplomatic matters on which the Postal Service defers to the President and the Department of State. In your hearings in New York, for example, you heard about the adoption of a prohibition by the Soviet Union against the entry of bread products, such as matzoh, which the Jewish people use for ceremonial religious purposes. This prohibition has been duly reported by the Soviet authorities to the Universal Postal Union, and by the Universal Postal Union to us. We are honoring this prohibition and have adopted the domestic postal regulations which prohibit the mailing of bread products to the Soviet Union. The United States has the same authority the Soviet Union has under the Universal Postal Convention to adopt entry or customs prohibitions.

In summary, the Postal Service is seeking to work with the Soviet postal authorities for such improvements in postal services as can reasonably be expected under the terms of the Universal Postal Convention.

And finally, let me assure you that as long as U.S. citizens are prepared to make the effort to correspond with friends and relatives in the Soviet Union, and these friends and relatives in the Soviet Union are prepared to bear the burdens of continuing such contacts,

the U.S. Postal Service will continue its efforts to persuade Soviet authorities to comply fully with their treaty obligations.

Thank you, Mr. Chairman.

Mr. HANLEY. Thank you very much, Mr. Stock.

Are there comments from other members of your panel?

Mr. BRAUN. Not at this time, Mr. Chairman. We will be pleased to answer questions.

Mr. HANLEY. Thank you.

It is agreed that the committee will embrace the 5-minute rule.

Mr. Stock, how long have you been in your position?

Mr. STOCK. Almost 6 years; 6 years in October.

Mr. HANLEY. During this period, have you observed an increase in the number of incidents reported?

Mr. STOCK. We have observed an increase. I could not say that this is a steady increase. It is rather, I would say, sporadic, Mr. Chairman. Interest waxes and wanes, and I believe we can understand why, because a great deal of patience is involved on the part of the mailers.

Mr. HANLEY. For instance, 7 years ago approximately how many instances of this nature would have been called to your attention?

I will follow up by asking how many incidents of this nature were called to your attention during the past year?

Mr. STOCK. Yes, sir. If I might, I will ask Mr. Walker of our International Classification Division to give you figures concerning the number of entries and claims.

Mr. WALKER. Mr. Chairman, about 1971 we realized there was a significant increase in the number of inquiries being filed on registered mail, pieces going to the Soviet Union. At that time there was an increase in the number of inquiries. From 1971 to the present date we were averaging probably about 2,000.

Well, I can be more specific and say that from June 1977 to June 1978 we have had 2,522 inquiries. I think that would probably be the average over the past 4 or 5 years.

Mr. HANLEY. So then the number of complaints has been reasonably stable for the last 5 or 6 years, somewhere in the neighborhood of 2,000. Is that right?

Mr. WALKER. That's correct.

Mr. HANLEY. When you talk about prohibited, that is, items that are prohibited into the Soviet Union, could you give us an example of what falls into that category?

Mr. STOCK. Again, Mr. Walker can best respond to that.

Mr. WALKER. Mr. Chairman, I have a list of prohibited articles that has been provided by the Union of Soviet Socialist Republics, and this is furnished to all member countries of the Universal Postal Union through the UPU headquarters.

Mr. HANLEY. As opposed to reading it; would you provide that list to the committee?

I'm assuming, then, that we have certain prohibitions in the United States.

Mr. WALKER. Yes; that's correct.

Mr. HANLEY. For the benefit of the committee, if you would provide us with a list of Soviet prohibitions and a list of U.S. prohibitions.

Mr. WALKER. I will.

[The information referred to was retained in the subcommittee files.]

Mr. HANLEY. And I assume that you document each complaint and it becomes a matter of record, is that right?

Mr. WALKER. Yes; we do. That's correct.

Mr. HANLEY. For each year?

Mr. WALKER. Yes.

Mr. HANLEY. So when you tell us that it has remained reasonably stable over a 5-year period with approximately 2,000, a little better than 2,000, complaints a year, these figures can be documented?

Mr. WALKER. Yes; we can document the number of inquiries that were filed for each year.

Mr. HANLEY. With respect to the Universal Postal Union, Mr. Stock, I assume that you appear there from time to time.

Mr. STOCK. Yes, sir, I do. Normally we have one meeting of the Executive Council and one meeting of the Consultative Council for Postal Studies each year. That would mean that normally I would be in Switzerland, where these meetings are held, twice a year. And I may add that normally the Soviet Union would also be in Switzerland at the same time.

Mr. HANLEY. At the table, has this complaint surfaced?

Mr. STOCK. This complaint has been—these discussions have been of a bilateral nature, sir. They have been direct discussions between the Soviet postal officials and myself and other members of the U.S. delegation.

These meetings have been without exception at our request, when we have asked the Soviet postal officials to meet with us in order to discuss both the general question and specific complaints that we have to make to them.

Mr. HANLEY. Have other countries lodged similar complaints against the Soviet Union?

Mr. STOCK. I cannot be certain of that. I do feel that other countries have discussed this with the Soviet Union, but I would not feel competent to speak as to the extent or the results of those discussions.

Mr. HANLEY. On the basis of what you have said, I conclude that there has been no collective colloquy at the table on the occasion of the Universal Postal Union meetings on the subject. There has been no collective colloquy at all.

Mr. STOCK. You're correct in respect to the formal meetings, sir. This has never appeared on the agenda of either of the two bodies, nor has it spontaneously been brought to the attention of the general meeting by any delegation.

Mr. HANLEY. Thank you, Mr. Stock.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

To followup on your last question, Mr. Chairman, has the U.S. delegation requested that this issue be brought before the Universal Postal Union?

Mr. STOCK. We have not made a formal request, sir, that this appear on the agenda of our meetings. And I would explain, if I might, that the one organ—that is to say the Consultative Council for Postal Studies—is rather a technical organ, and I would point out that in respect to the Executive Council, during this particular 5-year period

neither the United States nor the Soviet Union is a member of that council.

We are only permitted to attend those meetings as observers since both countries are vice chairmen of committees of the Consultative Council.

Therefore, we behave as observers, responding to specific questions if they are addressed to us, and not as full members of the committee.

Mr. GILMAN. I assume that there is a procedure for presenting an issue before the Universal Postal Union if the U.S. delegation wished to make a formal complaint; is there not?

Mr. STOCK. There are certainly established procedures for each of the councils.

Mr. GILMAN. Have you considered bringing a complaint before the with regard to interruption of mail?

Mr. STOCK. Yes, sir, we have discussed this.

Mr. GILMAN. Have you brought such a complaint?

Mr. STOCK. No; we have not.

Mr. GILMAN. Can you tell us why you have not?

Mr. STOCK. Yes, sir, because we believe that the efforts we have made so far have achieved some results; and we, as you know, are discussing now our approach to the Universal Postal Union Congress, which consists of the entire assembled member administrations, and which will be held in September 1979.

Mr. GILMAN. Do you intend to file a complaint with that Congress, Mr. Stock?

Mr. STOCK. Sir, we have not yet decided.

Mr. GILMAN. You state there has been some improvement. What is the statistical evidence to support that statement?

Mr. STOCK. I would again defer, if I might, to Mr. Walker.

Mr. GILMAN. Mr. Walker, can you provide that evidence for us?

Mr. WALKER. Mr. Gilman, I don't have the statistics for actual numbers. What I would just say is that over the past 4 of 5 years we have experienced an increase in the number of deliveries, or let's say a greater accountability of the Soviet Union on handling registered mail.

We still have mail, of course, that we cannot account for at times, but we have seen an improvement in the number of deliveries.

Mr. GILMAN. Mr. Walker, I request that you present to the committee the number of complaints from U.S. citizens that you've had since 1974 and the results of your inquiries, so that this committee will have the opportunity to analyze the result of your efforts and to see whether the problem is becoming more acute, as we have been hearing from various parts of the country.

Mr. Chairman, I'd like to make that report a part of the record at this portion.

Mr. HANLEY. Without objection, so ordered.

[The information was not received by the subcommittee at the time of printing.]

Mr. GILMAN. Have you gentlemen had an opportunity to review House Concurrent Resolution 579 that is presently before this committee?

Mr. STOCK. Yes, sir.

Mr. GILMAN. Could we have your opinion with regard to that resolution?

Mr. STOCK. I assume you would like our opinion regarding the last three recommendations made?

Mr. GILMAN. Yes.

Mr. STOCK. As we have discussed with members of your staff in the past, we feel that the original resolution, insofar as it would give additional enforcement authority to the International Bureau, should be modified; and we have suggested some modifications. Those I could submit for the record.

In terms of the resolution itself, I am not competent to pronounce myself on the recommendations you made, first to the Congress and second to the executive branch.

Certainly that's not within my prerogative, so I would confine my remarks to the third recommendation.

In that case, sir, I feel that this is something to be discussed more fully. I believe we should investigate this possibility and determine in what form and exactly how such action might be envisaged at the time of the 1979 Congress.

Mr. GILMAN. Mr. Stock, I might note that your department assisted us in the preparation of the resolution back in early April. It would seem to me you've had adequate time to be able to study the proposal.

I was hoping that the department had some views with regard to the proposal at this time.

Mr. BRAUN. I'm sure, Mr. Gilman, if we are requested to report on resolution that we will do so. There was no request for the views of the postal service prior to today's hearing.

Mr. GILMAN. I would assume that when an agency appears before a subcommittee to discuss pending legislation that that agency would be prepared to give their opinion concerning the pending legislation.

I would hope that you will now go back and prepare comments on House Concurrent Resolution 579 and that you will submit those to the subcommittee.

Mr. STOCK. We will comply with your request, and we can submit to you our views.

Mr. Gilman. Gentlemen, what was the outcome of your discussion with officials of the Soviet postal service last Spring in Bern, Switzerland, on the problem of the interruption of U.S. mail?

Mr. STOCK. I assume that by "last Spring" you are referring to the executive council meeting which was held in late April and part of May.

At that time there was no significant change, no significant progress, no truly significant discussions other than in the past.

Mr. GILMAN. Did you discuss the problem at all in Bern, Switzerland, or with UPU officials?

Mr. STOCK. We did not discuss it with the International Bureau Secretariat, sir.

Mr. GILMAN. Did you discuss it with Soviet postal representatives?

Mr. STOCK. We had at best a very casual discussion with them. We had no new evidence to present to them, and therefore we did not have a full meeting with them or present new evidence, as we had on other occasions.

Mr. GILMAN. In other words, Mr. Stock, you are telling the committee that you didn't raise the issue with the Soviet officials this past year, is that correct?

Mr. STOCK. The issue substantially was not raised to any extent with them.

Mr. GILMAN. Was there some reason why you didn't raise it with them, even in an informal manner?

Mr. STOCK. Yes. First, I had no new cases to take up.

Mr. GILMAN. You've had no new cases in the last year, Mr. Stock?

Mr. STOCK. Yes, sir, I've had no new substantiated cases of significant importance.

Mr. GILMAN. From what day forward, sir?

Mr. STOCK. Within, I would say, 6 months to a year.

Mr. GILMAN. Going back to what date?

Mr. STOCK. Going back to, let's say, May of 1977.

Mr. GILMAN. Since May of 1977 the postal service has received no new evidence or no new cases of mail interruption? Is that what you're telling the subcommittee?

Mr. STOCK. Nothing of a nature different from those we have already raised with the Soviet Union. Certainly we have received additional inquiries. I do not believe that they vary, in general, from those we've had in the past; and I believe that, in all cases, we have already started discussing these with the Soviet Union through the normal claims and inquiries process or have taken them up, through correspondence, with the Soviets.

Mr. GILMAN. I believe it was Mr. Braun who testified that there were 2,500 complaints filed in the past year. Is that correct?

Mr. BRAUN. I believe it was Mr. Walker.

Mr. GILMAN. Mr. Walker?

Mr. WALKER. Yes; that's correct.

Mr. GILMAN. Isn't that a significant number of complaints that would warrant some inquiry on their behalf? Isn't that substantial enough to warrant taking it up with the Soviet officials and to find out what's happening?

Mr. STOCK. We generally feel that we know what is happening through our claims and inquiries process, through our correspondence, and through our past discussions. I did not, in May, have a significant, substantiated case which was new and had not already been discussed, and I did not feel that I would advance our progress with the Soviet authorities unless I had a matter that I could discuss in detail and I could feel confident of achieving some progress.

Mr. GILMAN. Mr. Stock, have you ever discussed this issue with the Department of State?

Mr. STOCK. Yes, sir.

Mr. GILMAN. With the Human Rights Section?

Mr. STOCK. I beg your pardon?

Mr. GILMAN. With the Human Rights Section of the Department of State.

Mr. STOCK. We have had one letter, and we have discussed it with that section, with that Department rather. We have in the past generally been in contact directly with the Soviet desk.

Mr. HANLEY. Excuse me. The time, gentlemen, has expired. We'll have the opportunity for further questioning.

At this point the Chair recognizes the gentlelady from Colorado.

Mrs. SCHROEDER. Thank you, Mr. Chairman.

I want to thank you for being here this morning on this issue. I think it's frustrating to many of us.

Let me ask a few questions. I'm not sure exactly where I'm going with it, but it seems to me that one of the problems we've had in this area is that we've been afraid to push it. Is that what I'm hearing from you, that the Soviets have communicated that the best thing to do is not say anything and things will get better?

Mr. STOCK. I would hope that I've not given that impression, because I would not wish to give that impression.

Mrs. SCHROEDER. But that's the impression I got. Why have you not been pushing it or bringing it up? Are you saying that the new cases are not different from the old cases and therefore there is no reason to bring it up? Is that what you are saying?

Mr. STOCK. No. I was saying that the new cases are of the same nature as the old cases, and I think that reflects the fact that this is a continuing problem and that the situation has generally not changed; at least the way we would like to see it change.

Therefore, if I might continue, the problem does remain of the same nature.

We have also not slackened, not interrupted, and do not intend to interrupt or slacken, our efforts to force the Soviets to comply with the terms of international legislation. There has been no diminishing effort and it has been continuous.

We have, wherever we felt that progress could be made, made a significant effort, and we will continue to do so.

Mrs. SCHROEDER. Maybe I'm missing the significant effort. I don't know how you define that. What I have found happening in many of these groups, and I think we have to talk about this openly, has been that our allies have really put pressure on us not to push this kind of thing, that the whole notion has been there are some crazies in the United States that worry about this, but if we just keep it all quiet and keep it going on the track we will get a few more letters through each year and you can say that things are getting better, and we won't have to have any nasty confrontations or resolutions or any other such thing at the meetings. Meanwhile we can exchange wine lists in Switzerland, or do whatever people do, and go home.

So I just haven't really seen much progress. My question really is, I guess, is our hesitancy because other countries have not been pushing this? If it were more a multilateral approach to the interruption of mail by the Soviet Union, would we be more willing to go forward? Is that our hesitancy? Are you going to continue to say that we're not being hesitant?

Mr. STOCK. First, I would reply, if I might, that I don't think we're being hesitant. Second, we would welcome a similar effort from other countries. We have never been discouraged, nor has there been any attempt made to discourage our efforts made on the part of other countries.

Mrs. SCHROEDER. Have you talked to other countries informally at these meetings, off the record?

Mr. STOCK. Yes; we do talk to other countries informally.

Mrs. SCHROEDER. Why are they not pushing this?

Mr. STOCK. I don't know to what extent they are pushing or not pushing it. I truly don't know the details of their contacts unilaterally with the Soviet Union. I have not been informed of those, so I could not say that they are not pushing.

I do know what we are doing, and I believe, on the basis of my limited observations, that we are being as aggressive as any other country; or, more aggressive.

Mrs. SCHROEDER. I guess I would have to agree that we're probably being more aggressive than any other country, but it's all relative and I don't see anyone else being aggressive at all.

I really don't see what we're doing as being at all aggressive. I guess my question, and my frustration, is what else could we do and why have we not done it? What other things could we do under the international agreement?

Mr. STOCK. Under the terms of the international agreement, I think, first of all, we should continue what we are doing now and, wherever possible, intensify what we are doing now. We must above all not stop what I feel is the impetus we have already gained over a period of 5 years—6 years, I'm sorry.

In 1972, we were not nearly at the point we are now. There was in effect no discussion of this problem at that time; no discussion had taken place with the Soviet authorities. We had never registered our views directly with them. We began to do so at that time, and we have continued and intensified our efforts. Until the last 3 to 4 years we had never discussed it directly with other postal authorities.

Somewhat over 3 years ago, we went so far as to go to the Soviet Union to discuss this problem in Moscow with Soviet authorities. These are things which in the past had never been done, and I don't believe anyone had really considered such efforts would be made.

I'm not saying at all that there is nothing more we could do. We are continuously working to find ways that we can be more effective.

I hope that something will come out of the hearing here today which will give us other ideas.

Some of the suggestions made in the resolution to which Mr. Gilman referred may give us the possibility. We are looking for ways in which we can be more effective.

Mrs. SCHROEDER. My time has expired. I thank you very much, but I still have the feeling that it's like throwing wet Kleenex at them and maybe we ought to do a little bit more.

Thank you, Mr. Chairman.

Mr. HANLEY. Thank you very much, Mrs. Schroeder.

Mr. STOCK. I share the dismay and the disappointment which has been demonstrated by my colleagues here today at the thought that, despite the fact there are approximately 2,500 incidents annually, for some reason which is very difficult for me to understand, this has not been placed on the agenda at the Universal Postal Union.

And certainly if there isn't provided a very decent rationale—and I say this with due respect to what you said, business as usual—the Congress is not about to accept a status quo status on this problem.

We're not willing to just let it continue in the vein that you have suggested, so if there are reasons for these approximately 2,500 incidents a year that make sense we want very much to be made aware of them. Otherwise, we will proceed with whatever is necessary to get this matter up on the agenda.

May I ask this: Has the United States impeded the flow of communications mailed into the United States from the Soviet residents?

Mr. STOCK. I do not believe that the United States has in any way impeded the flow of mail into our country. We have, as Mr. Walker mentioned to you, certain prohibitions, of which we have informed the International Bureau, to preclude the mailing of specific items into the United States; but, certainly, we have not in any respect done what we have detected on the part of the Soviet Union.

Mr. HANLEY. I take that to mean that you are saying that the Soviet Union has lodged no complaint against the United States in the vein that we are complaining about here today, is that correct?

Mr. STOCK. Recently the Soviet Union has lodged some complaints. They have lodged complaints, as you are aware, in the past about mail into their country, saying that in certain cases they believe it to contain material which is harmful to the interests of the Soviet Union; however, I do not know of any complaints that have been lodged by the Soviet Union as to the failure of the United States to permit free entry of personal correspondence.

Mr. HANLEY. You mentioned at page 4 of your testimony that Soviet officials generally investigate and respond to specific complaints. May I ask, have you found their response to be satisfactory and acceptable?

Mr. STOCK. That would vary. In certain cases their responses have, of course, not been satisfactory to us. When they have seized an item which they maintain is prohibited by their internal legislation without citing such legislation, we have refused to honor their response. We have indemnified the claimant, and we have informed the Soviet Union that we would deduct from their accounts the amount of that indemnity. Therefore, we do not feel that in all cases their response has been satisfactory to us. In those cases, we do not accept their response, and we do not abide by their reasoning.

Mr. HANLEY. To what extent do you have colloquy with our State Department on this problem?

Mr. STOCK. We are, as I mentioned, in contact with the Soviet Desk. We have had good cooperation from them.

We especially were assisted quite a bit by the Soviet Desk prior to our visit to Moscow approximately 3 years ago.

It is not, certainly, what you might term quite frequent; that is to say, we don't have weekly contact and we don't necessarily have monthly contact. Again, we have been in touch with them whenever we thought they could help us, or they have been in touch with us when they thought we could be of assistance to them, because we work in coordination on this matter.

So our cooperation has been good. I couldn't definitely tell you how many contacts we've had, because most of these are telephone contacts. I can furnish, if you wish, copies of correspondence that we have had with the State Department.

Mr. HANLEY. If you will provide that information to the committee, it will be helpful.

[The information was retained in the subcommittee file.]

Mr. HANLEY. Do you sense that the State Department is unhappy with this problem? Has it placed any emphasis at all on this?

Mr. STOCK. Yes; I've detected concern on the part of individual officers of the Department of State, and in terms of the general policy

of the Department of State it is a matter with which they are concerned.

Mr. HANLEY. That being the case then, I'm continually puzzled as to why you have not insisted that this be a matter on the agenda of the Universal Postal Union.

Mr. STOCK. I was wanting to respond to that. Perhaps this is the best time.

Without getting into a lengthy discussion of the functioning or the purposes of the Universal Postal Union, I would mention only this.

First of all, it is a forum in which, generally, the technical workings on the exchange of international mail are considered. Every 5 years there is a congress. At the time of the congress, when all—now, approximately 158 countries—are assembled—

Mr. HANLEY. If I might respectfully interrupt, I'm well aware of the purpose of the Universal Postal Union, having attended some of the meetings myself in years gone by, so I'm quite aware. I certainly look upon this particular problem as a most appropriate consideration for that body. That is one of its purposes.

Mr. STOCK. As I was going to say, at the congress a 5-year program is developed and approved for each of the two bodies. It is on the basis of that program that the two bodies come together once a year with an agenda relating to the specific studies. This is particularly true of the Consultative Council, which is the technical arm studying automation, mechanization, and so forth.

So generally the agenda is on the basis of their work program. Further, I would say again that we participate as an observer, not a full member, on the Executive Council.

Mr. HANLEY. Thank you, Mr. Stock.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Stock, again I want to underscore the concern that my colleagues have voiced and I have voiced earlier today. It seems that while the administration has placed a great deal of emphasis on human rights, and rightly so, and while the Secretary of State has reemphasized that concern, the Postal Service apparently hasn't been attuned to that concern.

I can't understand why you've only had one meeting in Moscow over 3 years ago and apparently have not had any discussions in the last year with any Soviet officials on an ongoing problem, a problem that was raised as one of the priority issues at the Belgrade review of the Helsinki Accords.

I was present when Professor Hughes addressed the issue before the plenary session, and in her remarks at that plenary session she stated that; "In one area the United States sees with deep regret a continuing pattern of disrespect for the pledges we've all made." Then she refers to the interruption of mail. Let me be specific [reading]:

In some signatory states ordinary and registered mail is improperly handled. Letters do not pass freely between members of the same family, some living in one country and some in another. The process of family reunification is obstructed and not facilitated—

I know you've read these words—

when a publisher in New York cannot correspond with a literary adviser or author in Moscow. Contacts and cooperation among persons active in the field of culture are frustrated or not increased. When an American friend is unable to obtain delivery of a subscription to the National Geographic magazine for a Soviet schoolboy or a copy of the World Almanac for a teacher in Czechoslovakia, the flow of information is choked.

And these are not hypothetical instances; these are actual cases or facts, and we intend to address them forthrightly and with candor and straight talk. The conduct, just described runs contrary to principle IX and also to the freedom of transit guaranteed in the Universal Postal Convention. Such actions conflict with the broad pledge of principle X to fulfill obligations of international covenants, as well as provisions elsewhere in the Final Act.

You're aware of those arguments. You're aware of the administration's position.

Following you will be testimony by the Secretary of State's Office on Human Rights, saying—and we have their testimony before us—that this is an extremely important issue and that they have been consulting with the Postal Service and that they are waiting for the Postal Service to act, they're relying on the initiative of the Postal Service. But where is the impetus coming from, certainly not from the Postal Service?

You've said in your testimony that the Postal Service will continue on its present course, but I don't see very much being done right now by the Postal Service. If I'm wrong, I hope that you will set the record straight, Mr. Stock.

Mr. STOCK. Yes, sir, I think I will.

We are doing, I believe, a great deal and have done a great deal in the past and will continue to do so. As I said, we are—

Mr. GILMAN. Mr. Stock, can you tell us what you are doing?

Mr. STOCK. Yes, sir. We are accepting all inquiries concerning mail to the Soviet Union. We are referring those inquiries, under the terms of the Convention, to the Soviet Union for response.

When the response does not come back within the time limit prescribed, or when the response is in our opinion inadequate to justify the nondelivery of mail, we are indemnifying the claimant and we are informing the Soviet Union that we have charged to their account the amount of the indemnity.

Further, we are in correspondence with the Soviet Union, and we have expressed in most forthright and outspoken terms our concern for this problem. And we are happy to furnish any other correspondence we have not made available to the committee concerning our written communication with the Soviet Union.

We have again and again emphasized that we will take any action we see proper and possible to force them to comply with the treaty which they signed binding their country to comply with the acts of the Universal Postal Union.

Mr. GILMAN. Mr. Stock, are you satisfied with the Soviet Union's response to your communications?

Mr. STOCK. No, sir; of course I'm not.

Mr. GILMAN. Have you taken that up through diplomatic channels?

Mr. STOCK. Yes, sir.

Mr. GILMAN. What channels, sir?

Mr. STOCK. Through the Department of State.

Mr. GILMAN. What has been done with regard to those complaints?

Mr. STOCK. I would prefer that the Department of State representative answer that. However, I consider that the statements which were made at Belgrade in reference to Helsinki—we assisted, as you may know, the delegates prior to the meeting in Belgrade and furnished them information, data, documentation—were a joint effort of the Postal Service and the Department of State in preparing for the meetings in Belgrade.

Mr. GILMAN. Mr. Stock, if it was apparently important enough for you to work on in Belgrade, why hasn't it been important enough to raise in Bern when the Soviet officials were present, either in an informal manner or a formal manner?

I took time last year when I was in Geneva to meet with your counterpart, Mr. Motine of the Soviet Union. He apparently had not met with any postal officials for several years to discuss this problem. I can't understand why it has not been personally raised with the Soviet officials.

Mr. STOCK. I can't understand that, either, Mr. Gilman, because Mr. Motine had met with me at least six times in Bern prior to your meeting with Mr. Motine.

During sessions of the Executive Council or the Consultative Council, Mr. Motine and other members of his delegation had, at our request, met with us. We had presented to him unresolved claims, unresolved inquiries, and documents of which he was fully aware.

Mr. GILMAN. When was your last meeting with Mr. Motine?

Mr. STOCK. The last meeting with Mr. Motine—and I'm saying of a significant nature—I assume would have been that of November of 1977.

Mr. GILMAN. November of 1977?

Mr. STOCK. Yes, sir. That was at the time of the Consultative Council.

Mr. GILMAN. Have you had any response from Mr. Motine since November of 1977 with regard to your complaints?

Mr. STOCK. Yes; we have written responses, and I will be glad to furnish copies of his correspondence to the committee.

[The information referred to was retained in the subcommittee file.]

Mr. HANLEY. Mr. Solarz.

Mr. SOLARZ. Thank you, Mr. Chairman.

Mr. Stock, are you satisfied that the Soviet Union is in fact, according to the applicable international conventions, illegally refraining or refusing to deliver mail to Soviet citizens from other countries?

Mr. STOCK. As to determining the illegality, perhaps you could refer to the General Counsel, but let me give you my views on that.

Yes; the Soviet Union, as we have attempted to document fully and have said and written to them, is not properly delivering mail to Soviet citizens in terms of what they engaged themselves to do under the Universal Postal Convention.

Mr. SOLARZ. What do they say to you when you raise this problem with them?

Mr. STOCK. Their responses have been varied. I'm talking now of our conversations rather than our correspondence. At times they have said they have been not aware of this problem. They have asked us for documentation of specific cases, and we have furnished that.

At times they have countered our contentions by saying, "Yes; we have not delivered some items of mail, but some of this mail is irresponsible in its content, its content being harmful to the interests of the Soviet Union," and they have attempted to state that some of our mailers have not been responsible in respect to the contents of their letters.

Mr. SOLARZ. Is there any way for them to determine the contents of this mail without opening it up?

Mr. STOCK. I don't see how they could do that, sir.

Mr. SOLARZ. Are they prohibited by the applicable international covenants from opening up this mail?

Mr. BRAUN. Mr. Solarz, there is no prohibition in the Universal Postal Convention against mail opening in the destination country. On the contrary, there is a provision which authorizes each postal administration in a destination country to submit mail items to customs control according to the law of the country of destination. That leaves it to the country of destination to determine whether there is to be mail opening or not and what safeguards there are to be.

Mr. SOLARZ. Could you give us some idea of the volume of letters which are sent to the Soviet Union which are not delivered? What are we talking about? Hundreds of thousands of pieces of mail, thousands, hundreds, a few dozen? Do we have any sense of the extent of this problem?

Mr. STOCK. Yes, sir, I believe we do, and I believe Mr. Walker has some figures which he might furnish.

Mr. HANLEY. Will the gentleman yield?

Mr. SOLARZ. I'd be happy to.

Mr. HANLEY. I appreciate the yielding.

We have already covered this ground with the witnesses, who have agreed to provide for the committee the statistics dating back from the past 6 years.

Mr. SOLARZ. All right.

Mr. HANLEY. Presently it's running about 2,500 pieces a year.

Mr. SOLARZ. I thank the chairman for his intervention, and I apologize for plowing up old ground by not getting here at the beginning of the hearing.

Let me just ask one or two more questions, however.

To what extent is this a problem with other countries, or is the Soviet Union sui generis?

Mr. STOCK. To a very small extent with other countries. In the hearings which were conducted earlier in New York City, statistics were cited revealing that this is the only country which can approach this number of inquiries for registered mail received.

Mr. SOLARZ. To your knowledge, have the President and the Secretary of State lodged any kind of official protest with the Soviet Union for the way in which they've dealt with this problem?

Mr. STOCK. I assume that we could interpret the statements made at Belgrade to be of such a nature, sir.

Mr. SOLARZ. Which statements?

Mr. STOCK. I suspect the representative of the Department of State can better answer that.

Mr. SOLARZ. Mr. Chairman, will there be a witness from the Department of State at some point?

Mr. HANLEY. Yes, there is a witness coming up this morning.

Mr. SOLARZ. May I just say in conclusion that I have a sense from your responses to the various questions that have been asked by the chairman and by Mr. Gilman and from your testimony that to a certain extent this problem has been on the back burner, that while it has received continuing attention on the part of the Postal Service it hasn't been given the kind of priority attention to which it's entitled. And I strongly suspect that if we're ever going to get any kind of solution to the problem, it's going to have to be treated with a much greater sense of urgency than it has been until now.

Ritual reaffirmations of our concern at relatively low bureaucratic levels have obviously not caused an improvement in the situation. I don't know that it necessarily guarantees success, but hopefully if the President and Secretary of State themselves got involved in this situation and let their Soviet counterparts know of our continuing concern over the problem, it might produce some results.

Thank you, Mr. Chairman.

Mr. HANLEY. Thank you, Mr. Solarz.

Mrs. Schroeder.

Mrs. SCHROEDER. Thank you, Mr. Chairman.

I know there are other witnesses. I know there is a lot to do, and I think we've pretty well plowed this over; so I think at this point I too would urge that we move it to the front burner and just express my frustration.

Mr. HANLEY. Thank you, Mrs. Schroeder.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Chairman, I do have additional questions, but I'm going to put them in writing and request that the Postal Service respond in full to them.

I would hope that if nothing else comes out of this morning's hearing, that at least the International Office of the Postal Service will rethink its priority with regard to this issue and further reconsider the merits of its diplomatic procedures.

I believe a strong message has been forthcoming from the Congress in the past few weeks in reaction to the Soviet's disregard for human rights.

I know that our administration has spoken out loud and clear with regard to their stand on human rights. I would hope that that message would permeate each and every agency.

Thank you, Mr. Chairman.

Mr. HANLEY. Thank you, Mr. Gilman.

I agree with what Mrs. Schroeder has said. This is very interesting, but unfortunately we work within a time frame.

I'm particularly interested in the procedure related to the opening of the mail by any country, including, of course, the United States

of America. As opposed to getting into this colloquy at this point in time, we will look forward to meeting with the gentlemen assembled at the witness table for discussion on the subject matter of opening of international mail by any country.

Gentlemen, thank you very much for your presence here this morning. We appreciate the time and interest.

Mr. Stock. Thank you.

Mr. HANLEY. Our next witness is Mr. Mark Schneider, Deputy Assistant Secretary for Human Rights and Humanitarian Affairs of the Department of State.

Mr. Schneider, we're delighted to have you with us. For the purpose of the record, will you introduce your associate.

STATEMENT OF MARK SCHNEIDER, DEPUTY ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, U.S. DEPARTMENT OF STATE, ACCOMPANIED BY LENN WILLEMS, SOVIET DESK

Mr. SCHNEIDER. Thank you, Mr. Chairman.

My associate is Lenn Willems of the Soviet desk.

Mr. Chairman, I want to thank you and the members of the subcommittee for the opportunity to participate in this hearing today. It takes place at a moment of widely shared international concern for the flagrant disregard of individual rights by the Soviet Government. We know the names and fate of Shcharansky, Ginzburg, Slepak, and Nudel, but theirs are on the latest in a series of trials and harsh sentences which, like the issue before us today, raise deep, disturbing questions about Soviet fulfillment of their Helsinki obligations, as well as their commitment to respect internationally recognized human rights under the charter of the United Nations.

The flow of mail between people across international boundaries is both an important human rights and foreign affairs issue, and we welcome your strong interest in this issue. I hope that in this hearing we will be able to provide some useful information. I assure you that in listening to the previous witness and the questions from the subcommittee that your deep concern and the concern of the members of the subcommittee has been heard and will be communicated back to the Department.

The U.S. Postal Service has had the lion's share of responsibility for leading a detailed dialog with Soviet officials about the nondelivery of mail posted in the United States and destined for the U.S.S.R. The Postal Service's Office of International Postal Affairs deals regularly and directly with the U.S.S.R. Ministry of Posts and Telecommunications in accordance with international practice which has evolved over a number of years. International postal matters are usually handled among postal experts. In facing continuing obvious Soviet interference with the mail, we should explore every possible way to use the forum of experts to diminish that interference.

As this committee's past reports and testimony this morning makes clear, Soviet mail interference is a recurring problem. And, as you stated in your opening comments, regardless of the numbers involved, the impact on individual families of these experiences, many times

families without any political involvement whatsoever, carries serious and significant human consequences.

Assistant Secretary Patricia Derian recently responded to Congressman Charles Thone's inquiry about this matter. She wrote, and I quote:

These cases are indeed part of our consideration of the human rights situation in the U.S.S.R. For this reason, our delegation at the Belgrade conference discussed the question of Soviet postal interferences publicly as one of the first human rights issues to be raised at the meeting. It is our stated obligation to assure that the Soviet leadership understands clearly the belief of all Americans—citizens, Members of Congress and the Executive—that improved, more sophisticated relations between the United States and the U.S.S.R. will be more securely founded to the extent there is greater official Soviet sensitivity to matters of human rights.

As has been suggested this morning, Mr. Chairman, there may well be ways in which the Department of State can supplement and support the Postal Service's efforts through diplomatic channels. As I stated previously, it has been raised in Belgrade, and we are now exploring how it can be most productively raised bilaterally.

Also, we have been in regular consultation with the Office of International Postal Affairs of the Postal Service to keep abreast of its progress with respect to this matter.

I should add that before we knew of this hearing the Department previously had begun an analysis of what sort of diplomatic approach would be warranted and constructive. These hearings, I think, will contribute to that study.

Three related matters demonstrate both the complexity and perhaps the inherent frustration of these kinds of questions.

First, the Soviet Government put into effect on January 1, 1976, a 30-percent tax on gift money remittances to Soviet citizens from abroad other than certain specific remittances such as inheritances, alimony and child support. More significantly, the Soviets abolished the opportunity for recipients to receive the remittance in special coupons or checks which can be used at special stores to buy goods, often at a lower cost, which are otherwise scarce and unavailable in the general Soviet economy.

I will emphasize that the United States found the restriction on converting remittances to special coupons equally as disturbing as the 30-percent tax. As you know, the opportunity to buy scarce commodities in the U.S.S.R., plagued by shortages, was aggravated even further by this aspect of the measure, even more so than the actual imposition of the duty.

We did raise this matter officially with the Soviet Government. It refused to modify these policies. Although the Soviets never acknowledged this, we are reasonably sure that one clear purpose of that measure was to curtail material support from abroad for dissidents and refuseniks.

A second related matter was that effective June 15, 1976, the Soviet Government imposed a new, higher duty schedule for gift merchandise sent to recipients in the U.S.S.R. from abroad. Concurrently the Soviet authorities imposed stricter regulations with regard to how many items could be sent in a single parcel. This matter was raised at high levels with officials of the Soviet Government, but they would

neither revoke nor moderate the measure. Again, it was clear that at least one purpose was to curtail material support from abroad for dissidents and refuseniks. This Soviet action also effectively cut off packages for thousands of Soviet citizens who had regularly received such packages from relatives in the United States.

Finally, as you are aware and as commented on previously, the Soviets curtailed matzoh packages sent from abroad. For years American and Western European Jewish organizations had mailed matzoh packages to Jews in the Soviet Union so that they might have this commodity for the holy days of Passover. Just prior to Passover 1977, the Soviet Government in an extreme demonstration of insensitivity stopped the flow of these packages, citing an alleged health measure banning the shipment through the mails of pasta products. Both Secretary Kissinger and Secretary Vance personally raised this issue at a very high level, but the Soviets have yet to revoke the ban. However, we do believe that our representations in this particular matter may have contributed to the decision by Soviet authorities to make more adequate supplies of flour available to the larger urban Jewish communities for Passover in 1977 and 1978. We are advised, however, that the matzoh produced by those urban communities does not reach the Jews in the smaller towns and rural areas.

The issue of Soviet nondelivery of mail was raised with the Soviet Government in a multilateral forum at the Belgrade conference in 1977, at the initiative of Justice Goldberg, Representative Gilman, the Congress and public members of the U.S. delegation. Prof. Joyce Hughes delivered a speech in a closed plenary session in which she stressed that barriers to the free exchange of letters and publications represented "a continuing pattern of disrespect" for the Helsinki accords. She cited in particular principle IX on cooperation among states, and principle X on fulfillment in good faith of obligations under international law. Professor Hughes was speaking for the United States. She identified this issue as one which must be addressed by the two governments and, hopefully, resolved.

I note that while there may be nothing in the Helsinki Final Act specifically about delivery of mail, a number of the Helsinki principles and undertakings are relevant to this issue, particularly principle X in basket I, which specifically reminds each of the signatory states of their obligations to satisfy internationally negotiated and agreed treaties. The AFL-CIO, as a public member of our Belgrade delegation, also undertook to present these views in detail in a closed session.

We shall continue to pursue this issue in the discussions of implementation of the Helsinki accords, bilaterally and at the Madrid conference and beyond. Secretary Vance, Assistant Secretaries Derian and Vest, I and other Department officials are anxious to do what we can to support your interest and initiatives and the painstaking effort of the Office of International Postal Affairs of the Postal Service. We share a determination to press the Soviet Union to improve their past inadequate performance in this area.

With reference to the current resolution and its recommendation that the issue be pursued at the next meeting of the UPU in Brazil in 1979, the Department will be consulting with the Postal Service to provide you with the executive branch view on this particular

aspect of the resolution. In the context of our decision on how this matter should be handled in diplomatic discussions, it may well be appropriate for the UPU Congress to consider the formal presentation. The views will be forthcoming soon.

After listening to the previous testimony and the questions, I do want to emphasize that we are engaged now in determining how best to raise this bilaterally, and I think I can assure you that the Department shares your concern about the need to place a higher priority on this issue than has been done in the past.

Thank you.

Mr. HANLEY. Thank you very much, Mr. Schneider.

On page 2, you relate the responsibility of the Postal Service in regard to the general subject matter. In your opinion, is the Postal Service fulfilling its responsibility?

You have had the occasion to sit through the testimony of the previous witness. What is your opinion? Is that entity within the U.S. Postal Service fulfilling its responsibility or is it not?

Mr. SCHNEIDER. I think from the testimony they clearly have undertaken a series of steps. From the comments they've made and with reference to my own testimony, additional steps can be taken and should be taken.

Mr. HANLEY. Would you repeat that? I'm sorry. I did not hear you.

Mr. SCHNEIDER. I think that from the testimony this morning and from my own testimony, additional steps are possible. Obviously, we think that this is a serious problem and that additional steps should be taken to raise this issue in a more concrete way and in a higher priority manner with the Soviets.

Mr. HANLEY. But up to this point do you feel that that responsibility on the part of the U.S. Postal Service has been fulfilled?

Mr. SCHNEIDER. As I've stated, I think that they clearly recognize their responsibility and have obviously taken a series of steps in that direction.

I think they also acknowledge that additional steps could be taken.

Mr. HANLEY. Again I have a little problem. I had hoped that your answer would be definitive one way or the other, that you would either agree that they have fulfilled that responsibility or you disagree.

You refer on page 3 of your testimony to the fact that the Department began an analysis of what sort of diplomatic approach would be warranted and constructive. Is this analysis complete?

Mr. SCHNEIDER. No; it's still in process. As mentioned later in the testimony, in the aftermath of Belgrade we began analyzing these kinds of questions and determining the most appropriate structuring form of a direct bilateral discussion of these issues.

Mr. HANLEY. What is your time frame? When will you complete the analysis?

Mr. SCHNEIDER. We're currently focusing on the end of August. I'm hoping to have it completed by then.

Mr. HANLEY. Upon completion of it, would you provide that to this committee?

Mr. SCHNEIDER. We will provide the committee with a response with regard to the study and our decisions.

Mr. HANLEY. We'll look forward to receipt of it.

I guess my time has expired. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Schneider, I commend your Department's interest in this issue and for stating succinctly the need for raising this issue internationally.

I note in your testing your statement that the United States Postal Service has had the lion's share of responsibility for leading the detailed dialog with the Soviet officials about the nondelivery of mail posted in the United States and destined for the Soviet Union. Apparently, though, from the testimony given here today, the lion has been acting somewhat like a mouse, and I would hope that you will make an effort to review this attitude with the Postal Service, to stress the importance of the issue, and urge the Postal Service to change their attitude which has been in their responses at today's hearing. This attitude, in light of the administration's stance, is rather disappointing.

Could you tell me when the last time was that your Department met with the Postal Service to review their progress?

Mr. SCHNEIDER. Within our office we have had contact with them. We have not had recently a review session of the nature that you are describing.

I think that's clearly called for, and I can assure you that within the next week we will have such a discussion.

Mr. GILMAN. That's encouraging.

When was the last time you actually sat down with the International Office of the Postal Service to discuss this problem?

Mr. SCHNEIDER. I can't give you an answer on that.

[Mr. Schneider conferring with Mr. Willems.]

Mr. SCHNEIDER. It's generally been telephone communication rather than face-to-face meetings, the Soviet desk officer informs me. They have constant telephone communications, and they met with them prior to the Belgrade preparations about a year ago.

Mr. GILMAN. They last met about a year ago on this issue?

Mr. Schneider. I'd like to respond perhaps in writing on that. There may well have been additional meetings that I'm not aware of.

Mr. GILMAN. I assume that the Postal Service has given you a steady flow of complaints with regard to the interruption of Soviet mail. Is that correct?

Mr. SCHNEIDER. We receive it from individuals, from Congressional Members who receive it from their constituents, and usually we then pass it on to the Postal Service.

Mr. GILMAN. Does the Postal Service report to you regularly on the number of complaints?

Mr. SCHNEIDER. Not in a formal way. They do not provide regular reporting to us.

Mr. GILMAN. And you have been submitting the complaints from other individuals to the Postal Service?

Mr. SCHNEIDER. That's correct.

Mr. GILMAN. The Postal Service testified earlier that they submitted their complaints to you. Can you tell us, is the circle now completed?

Mr. SCHNEIDER. I think the point is that prior to the Belgrade Conference we did request up-to-date information as to the status of complaints and as to the character of response; and it was in that con-

text, I think, that a response to the question earlier was that they responded to us.

Mr. GILMAN. Can you clarify for us what is happening? Are the complaints going from you, to the Postal Service, to the Soviet Union, or from the Postal Service, to you, to the Soviet Union? What is the chain of communication?

Mr. SCHNEIDER. Traditionally, as I stated earlier, the Postal Service has direct responsibility for carrying out the legal obligations in raising these matters in the expert forum. UPU and otherwise, and we therefore have sent to them these kinds of complaints for the purpose of raising as appropriate with Soviet officials.

Mr. GILMAN. But if I might interrupt, Mr. Schneider, in testimony earlier this morning, Mr. Stock said he has raised the issue with your Department and expected your Department to be taking it up through diplomatic channels.

Mr. SCHNEIDER. So far as I know, we have not received that request. What I was stating was that we have, previous to this hearing, as the result of our own evaluation of the problem, set in motion a review of what could be done bilaterally.

Mr. GILMAN. Mr. Chairman, with your permission, I wish to recall Mr. Stock to the table.

Mr. HANLEY. Without objection, so ordered.

Mr. GILMAN. Thank you.

ADDITIONAL EXAMINATION OF H. EDGAR STOCK, DIRECTOR, OFFICE OF INTERNATIONAL POSTAL AFFAIRS, U.S. POSTAL SERVICE

Mr. GILMAN. Mr. Stock, could you clarify this? When we asked you what you were doing with your complaints, you told us you were passing them on to the State Department.

Mr. STOCK. Right.

Mr. GILMAN. Can you clarify what is happening with regard to your complaints?

Mr. STOCK. Yes, sir, I believe so, Mr. Gilman.

I think part of this is perhaps the word "complaint." In the case of complaints as these would be inquiries directly to the Postal Service about specific items, yes, sir, we process those in our Claims and Inquiries Division. And we forward these directly to the Soviet Union.

There are complaints, however, sometimes for very specific cases, sometimes of a general nature, which, as you are well aware, are made by a mailer to a Congressman or through a letter directly to the State Department.

Mr. GILMAN. Mr. Stock, I'm not now referring to the individual cases. I'm referring to the overall picture. There has been an interruption of mail, and we want to complain to the Soviet Government through channels about this problem. What are you doing about raising it diplomatically with the Soviet Government? Are you doing that directly, or are you relying on the State Department to do that for you?

Mr. STOCK. We are in specific cases doing it directly, and to some extent of a general nature. However, when we feel, as we have, that it goes beyond a postal nature—that is to say basically it's of a diplomatic or political consideration—we have brought that to the attention of the State Department.

Mr. GILMAN. Who in the State Department do you bring cases to?

Mr. STOCK. Generally that would be to the Soviet Desk, sir.

Mr. GILMAN. Is that Mr. Willems?

Mr. WILLEMS. Yes, sir.

Mr. GILMAN. Has that request been made of your desk, Mr. Willems?

Mr. WILLEMS. Can I confer with Mr. Stock for a minute, please?

[Mr. Willems and Mr. Stock conferring.]

Mr. WILLEMS. I'm reminded that before Belgrade we were provided with information by the Postal Service of a general nature as part of the preparation for the conference.

Mr. GILMAN. Mr. Willems, that's not what I'm referring to. I'm not referring to the preparation for Belgrade or statistical information.

Mr. Stock has stated that when there is a problem that was beyond the Postal Service, of a diplomatic nature, that they raised it with the Department and forwarded it to the Soviet Desk. Can you tell us what's been done with regard to that request? Have you recieved such a request?

Mr. SCHNEIDER. The answer, I think, is that 2 or 3 years ago there was a request for such a bilateral approach made from the Postal Service, according to Mr. Stock now in his comment to me.

So far as I know, during my experience that is the only direct request.

Mr. GILMAN. There has been no request in the past 2 years?

Mr. STOCK. I don't know that there has been a written request.

Mr. GILMAN. Whether written or oral, Mr. Stock. Has there been any request from your Department for diplomatic intervention or any assistance from the State Department with regard to this problem?

Mr. STOCK. Yes, sir, there have been requests on our part to the State Department to see if they could help us.

Mr. GILMAN. How recent was your last request?

Mr. STOCK. I would assume that the most recent request was during the time of the Belgrade Conference, sir.

Mr. WILLEMS. If I could elaborate, sir.

Mr. HANLEY. The time has expired. You'll have further opportunity to question the witness.

The Chair recognizes Mr. Solarz.

Mr. SOLARZ. Thank you very much, Mr. Chairman.

If nothing else, I think that this hearing perhaps can serve to remove this issue from the diplomatic doldrums to which it seems to have lapsed in the course of the last year or so.

I strongly suspect that the Department and the Postal Service will be paying somewhat more attention to it in the future than they have in the past.

ADDITIONAL EXAMINATION OF MARK SCHNEIDER, DEPUTY ASSISTANT SECRETARY FOR HUMAN RIGHTS, DEPARTMENT OF STATE

Mr. SOLARZ. Mr. Schneider, let me ask you why, on page 3 of your testimony, you say that, "We—" and by "we" I assume you mean the State Department—"have not recently raised with the Soviet Government as a bilateral diplomatic matter the specific issue * * *" which we're talking about in today's hearing. Why hasn't it been raised as a bilateral matter?

Mr. SCHNEIDER. As I understand it, that is a factual statement. The reason was that we had initially raised it at Belgrade in a series of other bilateral issues in the human rights area that we have raised. We have not touched this issue yet. Recognition of this was the reason for the decision to go forward with the study and to determine the most appropriate way of raising it.

Mr. SOLARZ. I understand that, and I think that that study is presumably useful. But I would like to know why a decision apparently was made not to raise it in a bilateral context subsequent to Belgrade.

Mr. SCHNEIDER. I don't believe that any decision was made not to raise it.

Mr. SOLARZ. Then why wasn't it raised?

Mr. Schneider. My assumption would be that up until the point of Belgrade that we had directed these complaints through the expert channel, if you will, of the Postal Service.

Mr. SOLARZ. And there was a feeling that that was sufficient?

Mr. SCHNEIDER. It is clear that there was an intent to raise the issue in the future and that it should have been done prior to current time. I think we are seized of it at the moment. Something will be done.

Mr. SOLARZ. Let me just say in conclusion here, I appreciate your candor in responding to that and some of the other questions. Obviously this is a complex undertaking. Your own testimony reflects the fact that in other areas where there have been human rights problems or bilateral interventions they have not always produced the results we hoped for.

I think we certainly understand that the mere raising of this issue in a bilateral discussion with the Soviets by no means guarantees that all of the mail addressed to Soviet citizens will be delivered as it is supposed to be delivered, but I do think that it's really unfortunate, given the extent to which the Soviets have not lived up to their obligations in this regard and given the extent to which they haven't delivered this mail, for us to be diverting in our criticism of the Soviets into criticism of our own State Department for not raising the issue as effectively as they might. I think that that really ought to be laid to rest so we don't have to consume our efforts and energies in berating you when we should be berating the Russians.

To the extent that it's possible that raising the issue in a bilateral context might produce results, that is sufficient justification for raising it. To the extent that by raising it, even if it doesn't produce the results, it lays to rest any future criticism of the Department and the administration for not taking this seriously enough, that is sufficient justification for raising it.

And I hope that when your study is completed that is the policy on which we will embark, because whether or not it produces results, I think it's worth doing so one can be sure that it won't produce results. Hopefully you can report back to us at some point in the future that, having raised this matter, there has been an improvement in the situation.

Mr. SCHNEIDER. I'd be delighted to be able to report that back to the subcommittee.

Mr. SOLARZ. Thank you, Mr. Chairman.

Mr. HANLEY. Thank you, Mr. Solarz.

Mrs. Schroeder.

Mrs. SCHROEDER. Thank you, Mr. Chairman.

Again, I know there are many witnesses yet to appear this morning. As I listened to all of this, I wrote down in my notebook, "We've met the enemy, and the enemy may be us."

And I worry about that very much. I was in Belgrade, also, when Professor Hughes delivered a very eloquent and well-written speech on the whole postal matter.

I commend the State Department for their help in putting it together, but I think one of my worries has been that maybe we dropped it. We presented it, but we haven't carried it forward enough. I'm hoping that will stop.

I also must say that not only was I there and listened to those words, which I think were very touching, but that later on I went to the Soviet Union and met with many families, many of whom had not heard from their relatives for 6 months or more. There had been letters going, but they hadn't received them. So you wonder for every complaint that's filed how many never were filed. It's like I was a source of information for all of them to find out if their relatives were even living. It was really very touching to see how much they rely on the mail, how that really is their only source of communication and how important that is, and how it's been very effectively shut off in many, many instances.

I don't think I was aware of how large a problem this was until I really got there and talked to some of the people, so I certainly do hope there is a turnaround and we do focus on this much more.

I'm pleased to hear you say that in the future you think there will be a lot more emphasis put on this by the State Department.

Mr. HANLEY. Thank you very much, Mrs. Schroeder.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I note the time is late. I would like to reserve the opportunity to submit additional written questions to Mr. Schneider and Mr. Willems.

One quick question: Since this matter has been lingering for over a long period of time, since 1970 I believe, and it's become increasingly worse despite the protestations to the contrary by the Postal Service—I understand that there have been an accelerating number of complaints—and since we have apparently found it to be a very frustrating problem and have not seemed to have found a solution for this issue, what would be your opinion of taking reciprocal action by interrupting Soviet mail to the United States until this issue is resolved?

Mr. SCHNEIDER. I think that one has to view our own actions in terms of our own fulfillment of our obligations. What we should be able always to do is to state that we are fulfilling our obligations under international treaties and under the Helsinki Final Act, and be able to point out those who are failing to fulfill those obligations without any question as to our own conduct.

Mr. GILMAN. I would hope that we could make this point in the public limelight and not in informal discussions behind the scenes.

Thank you, Mr. Schneider.

Mr. HANLEY. Thank you, Mr. Gilman.

Mr. Schneider, I too have a list of prepared questions which we will submit to you, and we will look forward to your response.

Mr. SCHNEIDER. Thank you, Mr. Chairman.

Mr. HANLEY. Thank you very much for your appearance this morning.

The next witness is Mr. Jerry Goodman, representative of the National Conference on Soviet Jewry.

Mr. Goodman, welcome.

Mr. GOODMAN. Thank you, Mr. Chairman.

**STATEMENT OF MR. JERRY GOODMAN, EXECUTIVE DIRECTOR,
NATIONAL CONFERENCE ON SOVIET JEWRY, ACCOMPANIED BY
REBECCA FRALEY, WASHINGTON OFFICE**

Mr. GOODMAN. Mr. Chairman and members of the committee, on behalf of the National Conference on Soviet Jewry, which represents 39 national Jewish organizations and nearly 300 local affiliated council affiliations, we welcome this opportunity to present testimony.

I regret that our Washington representative, Marina Wallach, whom some of you may know, is indisposed and could not join us, but with me is Rebecca Fraley of our Washington office.

I'm also enclosing for the record a list of our national member organizations and a list as well of local councils only.

Mr. Chairman, we are deeply concerned with current official Soviet efforts to isolate Soviet Jews from their relatives and friends abroad, through arrests and trials, or by other methods of harassment and abuse.

At this time of discrimination against Jews, and Judaism, Soviet Jews are lacking schools, places where they can learn their language, a Jewish press or any basic cultural institutions, and they're subjected to an uninterrupted barrage of anti-Semitic and anti-Jewish propaganda.

The goals of that policy remain, among other things, to assimilate this part of the Jewish people. They are, therefore, in a precarious position. It is within this context that, among other things, we perceive a process of deliberately isolating these people from relatives, friends and Jewish communities abroad in order to speed the process of assimilation. Mr. Chairman, at stake is the future of one-fifth of the Jewish people, and its spiritual and physical survival.

It is highly regrettable that the spirit of the 1975 Helsinki Final Act left no positive mark on the well-being of Soviet Jews. Moreover, the Soviet drive to isolate them has dramatically increased. This situation is well illustrated in a report entitled "Soviet Jewry and the Implementation of the Helsinki Final Act," which we submitted to the Commission on Security and Cooperation in Europe. I will therefore not repeat any of the documentation here.

As you well know, the statistical data on Soviet postal violations was presented to this committee in the report of Representative Benjamin A. Gilman on December 21, 1977, which proves the extent of those violations during a time period which should have seen international trust, collaboration and the broadening of relations.

It is in light of that 1977 report and as a result of numerous complaints directed to the National Conference on Soviet Jewry and others concerning the nondelivery of mail to Soviet Jews that we

support efforts which would express to the Soviet Union the disapproval of the American people concerning the systematic non-delivery of mail.

Mr. Chairman, we would like to submit testimony which analyzes Soviet violations of the nondelivery of mail, within the framework of Soviet domestic and international obligations. This analysis was prepared by our research staff. The material we are submitting demonstrates once again that the Soviet Union has not fulfilled its obligation as a signatory to the Universal Postal Convention, nor does it act in accordance with principle X of the Helsinki Final Act, whereby the signatories pledged to fulfill in good faith their obligations under international law.

Mr. HANLEY. If the gentleman will yield.

Without objection, the material you referred to will be received for the official subcommittee file.

Mr. GOODMAN. Thank you, Mr. Chairman.

The Soviet Union has continued to ignore those obligations over the years and has willfully violated them in a consistent manner. We therefore urge that the U.S. postal representatives at the next UPU Congress, and in other appropriate international bodies and forums, be instructed to propose a resolution calling for a strengthened role for the International Bureau of the UPU to insure member states' compliance with regulations. We also recommend that the President or the Secretary of State lodge a formal protest with the Soviet Union over its failure to adhere to international postal covenants to which the United States and the Soviet Union are both signatories.

Mr. Chairman, at this time I will submit a formal text for the record which indicates the Soviet abuse of law in this regard. However, with your permission I would like to make some comments not contained in the official testimony which you have before you.

[The submitted statement follows:]

PREPARED STATEMENT

Within the general context of human rights in the Soviet Union the issues of freedom of correspondence and telephone communication figure prominently. Those freedoms constitute the core of a wide range of rights guaranteed by numerous international conventions and, ostensibly, by the Soviet Constitution and by Soviet legislation.

We are speaking here not about the secret and abhorrent practice of monitoring mail and telephone conversations by the KGB, but about the more basic problem of communication, i.e., the simple nondelivery of letters and restrictions to limit parcels. These violations hamper human contacts and the exchange of information, as declared by the signatories of the Final Act. The impact of such violations, however, becomes even more powerful when they prevent the communication between recently separated families. For such families, whose ties with Soviet society were severed the moment they applied for an exit visa, the communication with the separated part of the family, their friends and supporters is a crucial source of support and friendship.

The following is a condensed list of appropriate international conventions and domestic Soviet legislation.

- I. Provision of the Helsinki Final Act of 1975.
 1. Pledges to facilitate freer movement and contact.
 2. Specific provision on reunification of families.
 3. Reaffirmation of other international covenants.
- II. Rights Reaffirmed in the Helsinki Final Act (1975).
 1. Universal Declaration of Human Rights, Article 13/2: "Everyone has the right to leave any country, including his own."

2. International Covenant on Civil and Political Rights, Article 27:

"In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or use their own language."

3. International Covenant on Civil and Political Rights, Article 18/1:

"Everyone shall have the right to freedom of thought, conscience and religion . . . and freedom to manifest his religion or belief in worship, observance, practice and teaching."

4. Convention Against Discrimination in Education:

"... right of members of national minorities to carry on their own educational activities, including the maintenance of schools and depending on the educational policies of each state, the use or teaching of their own language."

III. The new Soviet Constitution guarantees directly that "the privacy of citizens, and of their correspondence, telephone conversations and telegraphic communications, is protected by law (Art. 56)." Furthermore, "Citizens of the USSR have the right to protection by the courts against encroachments on their honor and reputation, life and health, and personal freedom and property."

Additional rights stem from Articles 54 and 57, which guarantee the inviolability of the person and of the home.

IV. Soviet Legislation.

Article 174 of the Code of Criminal Procedure of the RSFSR (Russian Republic) clearly prescribes the circumstances and the conditions under which a seizure of postal correspondence is allowed.

Article 174. Seizure of Postal and Telegraphic Correspondence. The impounding of correspondence and its seizure at postal and telegraph offices may be carried out only with the sanction of a procurator or in accordance with a ruling or decree of a court.

When it is necessary to impound correspondence and to conduct a view and seizure of it, an investigator shall render a reasoned decree to such effect. After approval of the said decree by a procurator, the investigator shall refer the decree to the proper postal and telegraph office, shall propose that it hold the correspondence, and shall notify it of the time of his arrival to view and seize the correspondence. The view and seizure shall be conducted in the presence of witnesses of investigative actions from among the employees of the postal and telegraph office. When necessary the investigator shall have the right to summon a specialist to participate in the conduct of a seizure of postal and telegraphic correspondence.

An impounding of correspondence shall be cancelled by decree of the investigator when there is no further necessity for the application of such measure.

It is in light of these and other guarantees that the real situation is striking in its obvious disregard of rights.

1. Statistics of violations.

Soviet authorities consider the delivery of personal mail as a privilege which is extended only to a "loyal" citizen, i.e., one who supports the party's policy wholeheartedly. Consequently, anyone who has applied for an exit visa and has been refused, or one who has, been sentenced into prison or exile, can be denied the privilege of correspondence. In one famous test case, for example, 10,000 letters sent from West Germany (FRG) to Soviet Jews never reached their destination.

2. Soviet Obligations under the Universal Postal Convention.

It is true that the lawful confiscation of mail does not conflict with the Universal Postal Convention (UPC). However, it would be completely wrong to claim that "if a Post Office does confiscate mail it is not required by the UPC to offer any explanation of its action or to submit to any inquiry."

Let us examine Art. 29 1.g., 2, 4; Art. 41 2.2 (UPC) and Art. 144 8 (Execution of the Laws of the UPC).

(a) Art. 29 1.g. states that it is forbidden to enclose in letters matter which is illegal in the country of the addressee (in the USSR).

Para. 2 states that illegal matter is treated in the country of the addressee according to the laws of that country.

Para. 4 states that if the letters which contain the illegal matter are not sent back to the sender or are not delivered to addressee, then the postal administration of the sender has to be informed "exactly" as to the treatment of the letter ("d'une maniere precise").

Art. 41 Para. 2.2 states that there is no compensation for registered mail letters which were confiscated according to the laws of confiscating country.

Art. 144 Para. 8 of the Execution of the Laws of the UPC states that (USSR as the) responsible party must state in writing (chapter 4 of the inquiry form C9) her decision as to liability (in case the letter is not delivered or not returned to the sender).

As a general rule letters which are not delivered or not returned must be compensated. Only in some exceptional cases, which are listed in Art. 41 (UPC), would the USSR be free of responsibility. At the moment only Art. 41 2.2 is important for Soviet Jews. This article states that the USSR is free from (financial) responsibility in case of confiscation according to her own law. In turn confiscation which is not in accordance with Soviet law does not free the USSR of her responsibility. In this case the sender and/or his Post Office (P.O.) may rightfully claim compensation from the USSR. It is clear that the USSR can only avoid paying compensation by showing that the compensation was lawful.

If Soviet postal authorities deny responsibility because of lawful confiscation (Art. 41 2.2), it has to supply the United States with "exact" information pertaining to the confiscation (Art. 29 4). This "exact" information has to prove the three following points:

1. Proof of confiscation in the form of a receipt, photocopy or similar to accompany the inquiry form C9. This is to avoid cases of the USSR P.O. stating "letter confiscated" in order to conceal irregularities in its postal service or to void itself of financial responsibility.

2. The mail was lawfully confiscated. The reason for confiscation must be clearly stated in order to avoid recurrence. For example, it may be forbidden to send Hebrew-Russian dictionaries which were printed in the West, but those printed in the German Democratic Republic may be allowed.

It is true that, for example, confiscation of pornographic versus art material is difficult to question, but there are other cases where "lawful confiscation" may be contested. For example, letters containing international conventions to which the USSR is a member and therefore law in the USSR. It is also obvious that no state can confiscate "lawfully" its own lawbooks.

It is clear that in most cases of confiscation of Jewish mail the reason for confiscation is not the content of the letter, rather the sender or in most cases the addressee whom Soviet authorities wish to harass and isolate. This is not "lawful" and in conflict with the UPC.

3. Which authority did confiscate the mail under what registration number. In every country the Post Office has the task of transporting mail. Since the Post Office has no right to confiscate letters, some other organization is responsible. The name of the forementioned organization and the registration number must be given in order to contest the confiscation in court.

If the U.S.P.O. cannot provide the sender with at least the minimum facts he needs to restore his rights in whatever court, this would mean that the sender has lost his own rights from the instant he hands over a registered mail letter to the P.O. for transport. This position is clearly untenable, and is in actual conflict with the UPC.

The consequences which flow from this state of affairs is that every postal administration would avoid paying compensation for lost letters from abroad simply by claiming they were "confiscated"—if this claim alone would be sufficient and uncontestable.

It must be pointed out that the UPC always refers to lawful confiscation. This lawful confiscation must be explained in any appropriate form by the confiscating authority.

Point 5 of the Provisions for Financial Responsibility for the Loss of International Mail (Svyazizdat publishing house) of the Ministry of Communications of the USSR states that, "The Ministry of Communications of the USSR is free from financial responsibility for international mail in the following cases: (a) when mail is confiscated by the customs and the fact of the confiscation is notified by a statement made in the appropriate form by the customs and the communications department . . ." Then come points (b), (c), (d), et cetera, dealing with cases of *force majeure*, the expiration of search time and so on. The need to make a statement on confiscation and to inform the sender about confiscation is also provided in the Customs Code of the USSR.

We should note, however, that the fact of "lawful" confiscation was not proved by the P.O. of the USSR according to points 1, 2 and 3. If this lawful confiscation was not proved within 5 months from the day the USSR receives the C9 inquiry form, the U.S.P.O. must consider the latter as lost and pay compensation for each letter to the sender on the account of the USSR (Art 44 4 UPC).

3. The daily procedure of delivering registered return receipt mail. According to the Universal Postal Convention the "return receipt" (pink card), for which one pays additional fees, is meant to ensure that the letter was delivered to the addressee, and only his signature on the return receipt so testifies. According to recently obtained information from former postal workers in Moscow, however, the practice is quite different. The head of any borough postal office issues the letter which carries a blank page on which he should ask the addressee to sign, and upon the deliverance of such signature the office supervisor may sign the pink card (the return receipt). The addressee may never see the pink card, which only he should sign. Since another person signs the pink card, there is no way to know if the letter actually reached its destination. As a result thousands of registered letters with return-receipt mailed to Soviet Jews never reach their destination.

Within the framework of the Universal Postal Convention, the bilateral agreement between the United States and the USSR regulated that compensation for lost mail will be handled by the state from which the letter was mailed. However, as a result of massive amounts of letters, which never reached destinations in the USSR, our postal authorities reversed the previous principle for compensation by registering each registered letter passed to the Soviet Union. Consequently, it is the Soviet Union which has the responsibility to compensate for the nondelivered mail. This was an intelligent, albeit limited, response to the problem.

4. Testing Soviet Compliance. Mr. Itzhak Katz of the "Action Committee for Jews in the Soviet Union" in the German Federal Republic demanded compensation from the Soviet Post Office for nondelivery of over 10,000 registered, return receipt requested letters sent to Soviet Jews. These had contained a copy of various international conventions signed by the Soviet Union and a textbook for studying Hebrew. The County Court of Frankfurt awarded the compensation to the German Post Office and Mr. Katz, and the State High Court in Frankfurt (No. (No. i-U-12/76) confirmed the decision of the County Court. In effect the court rejected the Soviet claim that the mailed material was "provocative," a claim made to justify nondelivery or confiscation of the letters.

A unique insight into Soviet noncompliance with the Universal Postal Convention was given by Dr. Isai Goldshtein from Tbilisi in a suit against the General Post Office of Tbilisi, Georgian SSR. Despite the nondelivery of forty registered letters sent to various foreign countries, return receipt requested, the Postal Service failed to give reasonable account of the letters, failed to produce the return receipts or the letters, and failed to make due an adequate compensation for the losses upon demand.

Lengthy litigation brought no results because the postal authorities claimed that their liability was not established by Dr. Goldshtein. Thus Dr. Goldshtein, refused the right to emigrate since December 1971, was also denied the prescribed right to communicate with family and friends abroad.

Limitation imposed on mailing of books and printed material. New restrictions limiting the mailing of material was exacted in the autumn of 1976, and completely bans the import of hand- or typewritten papers, printed matter, printers blocks, photographs, manuscripts, pictures, drawings, negatives and films that are "politically or economically damaging to the USSR."

Although the regulation clearly stipulated that newspapers, journals, scientific and technical literature cannot be regarded as "politically or economically damaging to the USSR," it left the final interpretation to arbitrary decision by customs officials.

This decree and its implementation violate the objectives of the Helsinki Final Act which seek to develop the mutual exchange of information with a view to a better knowledge of respective cultural achievements, to improve facilities for the exchange and the dissemination of cultural property, and to promote access by all to respective cultural achievements.

In spite of these clear obligations to promote cultural exchanges, Soviet authorities systematically confiscate books which deal with Jewish culture, history or language. Such ordinarily innocent materials like Hebrew dictionaries are confiscated because Soviet authorities decided that knowledge of Hebrew by Soviet Jews is degrading for the Soviet state.

Under a variety of pretexts authorities confiscate books on Judaism and Jewish history that were, ironically, permitted to be exhibited at the last International Book Fair in Moscow in September 1977. This confiscation takes the form of material not delivered or returned to sender, in addition to removal from the luggage of travelers.

In this, as in other ways, attempts by Jews in the USSR to pass on their traditions, their history and their culture, even in the minimal manner of receiving books, are being thwarted by Soviet authorities. Political considerations have therefore determined how customs officials and postal authorities will function, in the matter of parcels as well as in letters.

Soviet Limitations on Parcels and Packages. Historically, the exchange of parcels between members of a family is a very important means of maintaining contact. It helps retain traditional family cords, while also assisting the old, the retired and the needy.

It is with the obvious objective of undermining those family bonds that Soviet authorities imposed extremely high duties on any gift, package and transaction.

We should be reminded that the most recent of actions, especially as applied to the Jewish minority, followed a previous effort (1972-73) to charge an "education tax" for each emigrant. That move was designed to make it almost impossible to leave the Soviet Union. For those who did succeed, this also served to drain huge sums of money from hard currency nations throughout the world, notably the U.S. Since this maneuver had a brief usefulness, Soviet authorities devised two new regulations to restrict contacts: One device was to raise the existing tax (35 percent) on any financial gift or transaction to an additional 30 percent, effective January 1976. This was intended to undermine assistance to those persons, notably the Jewish "refuseniks" who lost their jobs after seeking to emigrate or rejoin families, but were repeatedly refused exit visas.

The second regulation raised the tax on any gift sent to the Soviet Union from 30 percent to an average of 120 percent. Thus the same Soviet Jewish refuseniks have been denied the benefit of receiving packages from their families abroad.

The anti-Jewish intent of those regulations was disclosed in an anti-Semitic TV film, "Buyers of Souls," aired in early 1977. In this film Jewish emigration activists, including the recently imprisoned Anatoly Shcharansky, were portrayed as "villains" ostensibly "supported" by Jews from abroad. The Jewish refuseniks were accused of receiving sums from abroad, as if it were illicit or immoral, while the state, via taxation, took over 50 percent of it for itself.

The high taxation on parcels was followed by a Soviet decree which effectively banned the import of Matzah, the unleavened bread which is used during Passover. This verdict was issued on the eve of Passover, on January 17, 1977, and was formulated so that:

"The import into the USSR of alimentary doughs, including products of flour converted into bread, in any postal item whatsoever, is forbidden. Consignments of such products will not be sent back to the place of sending and will be treated in conformity with the instructions of the health inspectors."

It was too late to make other arrangements, and it became clear that the regulation was intended to ban the import of matzah.

Although Soviet authorities tried to defend their decision by promising to provide additional flour for domestic production, the act itself was offensive in its intent and dangerous in its content. Just two weeks prior to the publication of the decree the official newspaper of the Soviet government, *Izvestia*, on December 24, 1976, voiced the true goal of Soviet policy to isolate Soviet Jews from their friends and relatives abroad.

"The Zionists would like to acquire the right of creating in the Soviet Union something like their branches. Their plans include the establishment of direct and constant connections between the Jewish religious communities in the USSR and the Zionist centers abroad. It is difficult to say whether this contains more political cynicism or elementary insolence. Can anyone really think that our country, like any other sovereign State, is going to allow interference into its internal matters? Such a thing had never been and never will be . . ."

The spectre of anti-Jewish suspicion in official journals, and the ban itself, contradict the spirit of the Helsinki Accord which aims at facilitating freer contact and which calls for respect of religious practices.

With your permission, I would like to enter a report on the Soviet ban on the import of Matzoh.

Mr. Chairman, I believe that enough has been stated on behalf of the National Conference on Soviet Jewry, and by others, so that in summarizing this aspect of freedom of communication it becomes clear that written provisions which guarantee this right are considered by Soviet authorities as a privilege which can be denied to anyone not wholeheartedly supporting the regime.

It must be clear that Soviet authorities have embarked on the path of isolating Soviet Jews from the rest of the Jewish community. One of the employed instruments to carry out this dangerous policy is the Soviet Post Office.

This government and other signatories to the UPC dare not ignore the injustices against Soviet Jews and others. We respectfully urge our State Department and the U.S. Postal Service, as well as this body, to demand from the Soviet Union strict adherence to the Universal Postal Convention and to the Helsinki Final Act and take all necessary steps to accomplish this goal. As always, Mr. Chairman, we are ready to assist.

Mr. GOODMAN. Mr. Chairman, the Helsinki Final Act and the preamble of Basket III makes it clear that the participating states have adopted these provisions, and I quote an extract, "conscious that increased contact between people will contribute to the attainment of these aims, that is, to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality, without distinction as to race, sex, language or religion."

In a subsequent clause dealing with human conduct in general, the Final Act states further that the participating states make it their aim to facilitate contracts individually among persons of participating states and to contribute to the solution of humanitarian problems that arise in this connection.

These declarations of intent have in no way been fulfilled in regard to the Jewish minority. Not only have contacts with people in other countries not been facilitated, but on the contrary serious obstacles have been placed in the way of such contacts. Some of these impediments appear in the form of measures of general application, that is, to all Soviet citizens, but they affect the Jews particularly seriously, giving rise to the suspicion that they were introduced for this very purpose.

Other are practices that apply to Jews in an arbitrary and discriminatory manner. These new obstacles indicate an effort on the part of the Soviet authorities to isolate the Jewish community in general and the activists in particular from any contact with the outside world.

One area in which interference with human contact has been especially grievous is that of postal communications. The free passage of postal items, letters as well as parcels, is obstructed. There are numerous complaints that letters, even those which are registered, do not arrive at their destination, and inquires about their fate lead to no results.

Numerous complaints by Jews from all parts of the Soviet Union could be quoted to demonstrate this, but the best illustration has been provided by a court case in the Federal German Republic, which is documented in the testimony I submitted, which arose out of a claim by Mr. Itzhak Katz of the Action Committee for Jews in the Soviet Union for compensation for over 10,000 registered letters sent to Jews in the U.S.S.R. by himself and members of his group between 1971 and 1973. These letters never reached their destination.

We have cited this court case because it was one of the rare instances in which some answer could be elicited from the Soviet authorities. As a general rule, requests for investigation about disappeared letters and compensation for their loss have produced few if any results.

In any event, the practices described in that court case continue, even until this day.

When Nudel, a well-known refusenik, celebrated her birthday on April 27, 1976, numerous telegrams were sent to her. Not one arrived. Her entire correspondence seems to have been blocked for months at that time. In regard to letters containing invitations to a family reunion, interception by the Soviet postal authorities was intensified.

Just 2 months ago she was sentenced to 4 years in exile by a Soviet court. Indeed, this practice continues. Only yesterday, in an effort to place a telephone call to Leonid Shcharansky, the brother of Anatoly, the operator informed us that that address is nonexistent and Mr. Shcharansky therefore cannot be discovered. That indeed he, Leonid, had already been imprisoned, perhaps confusing him with his brother, Anatoly.

In an indirect way interference with mail is covered by the Final Act as a violation of the Universal Postal Convention, to which the Soviet Union is a party. This in turn constitutes a violation of principle X of the Final Act regarding fulfillment in good faith of obligations under international law and thus binding, which provides that the states will fulfill their obligations and those obligations arising from treaties or other agreements to which they are party.

There is also a second connection between interference with mail in the Final Act. A reference has been made briefly to the fact that particularly letters containing *vyzovs*—that is, an affidavit from abroad as a first step in the process of emigration—those letters in many instances disappear. This necessitates repetition of such invitations for family reunification, often five or six times, sometimes causing delays of up to 2 years.

In other instances the invitations are not even delivered to the relatives in the Soviet Union but handed over to the emigration authorities, to the Offices of *Vyzovs* and Regulations, or OVR, to which the addressee is then summoned. These practices cause serious delay in the reunification of families and great hardship and anguish to family members expecting the *vyzov*—that's spelled v-y-z-o-v—and therefore inconsistent with the general commitment undertaken in Helsinki in Basket III on reunification of families.

Lastly, it is not irrelevant that those practices also violate the constitutional laws of the Soviet Union itself.

The special difficulties connected with letters containing *vyzovs* and the fact revealed in the above quoted court case, that the contents of letters sent from Germany were obviously known to the Soviet postal authorities, indicate that article 128 of the Constitution of the Soviet Union guaranteeing protection of privacy of correspondence is violated in the process. The criminal legislation of all the unit Republics, the 16 Republics of the Soviet Union, have established criminal responsibility for such violations of privacy of correspondence, meaning the Soviet officials themselves are then liable for criminal prosecution according to their own laws.

Mr. Alexander Sukharev, then Soviet First Deputy Minister of Justice, explained in an interview that interference with mail and with its privacy is permissible only as part of criminal proceedings. This is what the Minister said in response to a question about legal law regulating the search and seizure of correspondence.

Quite clearly, these legal rules have remained paper guarantees which have not been complied with.

In brief, the other areas I wanted to comment on, and some of them have already been touched on by other witnesses, including those from the State Department and the Postal Service, were the question of gift parcels and the particular hardship that the new taxes have imposed on Jews.

The fact that certain Jews in the Soviet Union—and we have the names of at least four—were elicited by the all-Soviet organization, Foreign Trade Parcel, and prevented from obtaining parcels from abroad in violation of international norms, and finally that materials sent from abroad in letters and in parcels which would not violate the dictum that such material is “politically or economically damaging to the Soviet Union” have been banned. Soviet customs regulations have not allowed them to be delivered. They are essentially materials of a Jewish religious, cultural, and historic nature.

Mr. Chairman, it must be clear that the Soviet authorities—and these are my concluding comments—have embarked on the path of isolating Soviet Jews, among other peoples. One of the employed instruments to carry out this dangerous policy is the Soviet postal and customs authorities.

Mr. Chairman, enough has been stated on behalf of the National Conference of Soviet Jewry and by others, in person and in written testimony; so that in summarizing this aspect of freedom of communication, it becomes clear that written provisions which guarantee this right are considered by Soviet authorities as a privilege which can be denied to anyone not wholeheartedly supporting the regime. In so doing, it has politicized the issue. It must be met, not only in a normal administrative fashion under the terms of the Convention, but as a political or diplomatic issue between the states of the UPU.

This Government and other signatories to the UPC dare not ignore the injustices against Soviet Jews and others. We respectfully urge our State Department and the U.S. Postal Service, as well as this Congress, to demand from the Soviet Union strict adherence to the Universal Postal Convention and the Helsinki Final Act and to take all necessary steps to accomplish this goal.

Lest this matter be seen only in terms of the United States-Soviet relations, however, I urge that the NATO members, among others, with similar evidence of violations be party to any initiatives which would by definition then become a multilateral undertaking.

As always, Mr. Chairman, we are ready to assist. Thank you for your attention and your concern.

Mr. HANLEY. Thank you very much, Mr. Goodman, for your excellent testimony. Your appearance here this morning certainly contributes immeasurably to the deliberation of this committee.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Goodman, I, too, want to join my colleague, Mr. Hanley, in commending you for your analysis of the problem. I have just one brief question.

Can you tell us: Has the problem of the Soviet interruption of U.S. mail become worse, or has it improved in the last year?

Mr. GOODMAN. I think it has about held its own, based on the information available to us. There are, of course, peaks.

You will find increased isolation on delivery of mail such as in the weeks before an international gathering or, as happened in 1976, when there was to have been a Jewish cultural symposium in Moscow. At such time we find that the restrictions increased.

But generally there is a norm, at least based on information we can gather.

Mr. GILMAN. Has the Postal Service been responsive to your complaints with regard to this problem?

Mr. GOODMAN. They have been responsive in the sense that the Postal Service has indicated to us its concern, its interest. I believe that they have not been, at least in the last 18 months, as energetic as they might have been in this regard, and I welcome very much the testimony from the State Department indicating that as far as the administration is concerned there is an expectation of a change in, if not policy, at least the practice in the coming months.

Mr. HANLEY. Thank you, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. HANLEY. And again our thanks to you, Mr. Goodman.

Mr. GOODMAN. Thank you.

Mr. HANLEY. Our next witness this morning is our friend and colleague, Congressman Newton Steers of Maryland.

Newton, on behalf of the committee, we are most appreciative of your appearance here this morning, and certainly your interest is gratifying.

**STATEMENT OF HON. NEWTON I. STEERS, JR., A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MARYLAND ACCOMPANIED
BY RUTH NEWMAN, POSTAL AFFAIRS CHAIRMAN, UNION OF
COUNCILS FOR SOVIET JEWS**

Mr. STEERS. Mr. Chairman, I'm delighted to appear. I'm strongly in favor of Mr. Gilman's resolution.

In the interest of time I will not orally deliver my remarks, but I would ask permission that my statement, which is in the hands of the staff, be incorporated in the record.

Mr. HANLEY. Without objection, so ordered.

[The complete statement follows:]

PREPARED STATEMENT OF HON. NEWTON STEERS

Mr. Chairman, I would like to thank you for the opportunity to testify in support of House Concurrent Resolution 579. This resolution would express our disapproval of the Soviet Union's disregard of international postal regulations and its violations of human rights.

The Kremlin's campaign to suppress all political dissent has permeated many aspects of Soviet life. The nondelivery of mail is one strategy that the Soviet Union has employed to stifle this dissent, since the interruption of correspondence primarily affects the Soviet Jews as well as other Soviet minorities. It is imperative that this discriminatory treatment be put to an end and the Soviet Union comply with existing International Mail Regulations.

There are thousands of incidents where postal items have been confiscated, opened, inspected, or have simply disappeared. In direct violation of numerous regulations in international law, the Soviets continue to seize and open mail.

In one particular case, a constituent of mine sent a registered letter to the Soviet Union on May 14. The addressee left the Soviet Union on May 15. In spite of the addressee's absence, a receipt was sent back to my constituent con-

firming the delivery of the letter on June 30. Knowing this could not possibly be correct, the sender pursued an investigation and then received another return receipt. This time, the delivery was May 14. Obviously this strategy was designed to correct the inconsistencies that resulted from the fact that the addressee had left the country the next day. But it creates a new discrepancy—the mail was delivered on the same day it was sent.

This incident is proof positive that the Soviet Union chooses to observe International Postal regulations in a sporadic and cynical fashion. By selectively providing the required service, the USSR has one more avenue of ethnic and religious repression.

It is important to note that the Soviet Union is a signatory to the Universal Postal Convention, the Helsinki Final Act, and the Declaration of Human Rights. Having signed these agreements, the Soviet Union is obligated to guarantee freedom of thought, travel, emigration and communication.

According to Article 1 of the Universal Postal Union Constitution, freedom of transit is guaranteed throughout the entire territory. In reference to registered mail, when the item contains no prohibited article, there is no justification for its seizure. Therefore, the Soviet Union is bound to insure uninterrupted delivery of U. S. mail, or to notify the sender of the interruption of service of the registered mail and reasons thereof.

Under its charter, the Universal Postal Union cannot pursue these violations. Only the most active pursuit of this matter at the executive level, as called for in this Resolution, can hope to improve this situation.

We must take strong steps to insure that the flow of international mail is not tampered with and used as a device for internal control. It is our duty to express disapproval of this interference in order to resist further violations of human rights and facilitate a freer flow of information between our two countries.

Mr. STEERS. I'd like to introduce to the committee a constituent of mine, Ruth Newman, who is also a friend. And most important, she is the postal chairman for the Union of Councils for Soviet Jews. She also has a statement. I know that she will appreciate it if the entire statement is made a part of the record.

Mr. HANLEY. Be assured that the entire text will be incorporated into the minutes of this hearing.

[The complete statement follows:]

PREPARED STATEMENT OF RUTH NEWMAN

Mr. Chairman and Members of the Committee: My name is Ruth Newman, and I am testifying today as Postal Affairs Chairman of the Union of Councils for Soviet Jews. The Union of Councils for Soviet Jews is a grassroots, almost entirely volunteer activists organization with twenty-four local activists groups in twenty-three cities across the nation. We have very close ties with Soviet Jewry activist groups around the world. Our goals are to aid those Jews in the Soviet Union who wish to emigrate and to protect their human rights while they wait to leave.

The purpose in appearing here today is to discuss the problem of nondelivery of mail to Jews in the Soviet Union. By the need to hold such a hearing we are recognizing publicly that the problem does exist, despite the fact that the Soviets have signed the Universal Declaration of Human Rights, the Helsinki Accords and, most importantly, the Universal Postal Union Constitution and Convention. On moral grounds they are abrogating the letter and intent of the first two documents. On legal grounds they have violated international laws and agreements as established in the latter two. In all cases they have made the Soviet Jews the victims, as well as those brave Soviet citizens who hold dissenting views within their society.

For more than ten years, the Union of Councils for Soviet Jews has maintained person-to-person contact with the Jews of the Soviet Union. Beginning with simple personal holiday greeting cards, thousands of people have established (or tried to establish) friendly correspondences with their friends and relatives in Russia. In each case, the addressee had reached out first and asked for this fragile lifeline. I do not know in my own experience of any correspondence that has been

uninterrupted and free flowing. We have an Adopt a Family Data Bank in Minneapolis; their files are full of letters from refusniks telling of long breaks in their receipt of mail from their American friends. Adoptors have always been advised of the kinds of messages that they should not send, i.e., anything anti-Soviet or political in any way. They have been advised to maintain a personal friendly correspondence, discussing subjects of mutual interest such as hobbies, their children's progress, their jobs, trips, holidays, et cetera. Simply stated, they are friends writing personal supportive letters to friends.

In addition, we have sent thousands of books to Jews in the Soviet Union, always being careful to mail only those books which are included on the lists of permitted items. Examples of the books we have sent are: basic Hebrew language books, Hebrew-English dictionaries, books about Jewish culture and history, et cetera. Additionally, we have sent religious items such as skullcaps, Chanukah dreidels (tops), Jewish calendars, et cetera. These are all permitted to be sent under all international agreements. We have been filling the needs of the Soviet Jews for their cultural and religious materials which are not available or produced in the Soviet Union.

Early in the life of the Soviet Jewry movement we realized that most of what we were sending, whether correspondence or small packets or parcels, wasn't received by the addressees. To document this for our government we began sending everything registered, air mail, prepaid return receipt via air mail requested. We were not then, not are we now, seeking to make a profit on the indemnities for non-delivery of our mail. Our sole purpose has always been to maintain the frail personal human communication with the Jews of the Soviet Union. In so doing we volunteers have become rather expert on international postal procedures, requirements, forms, rates, et cetera. Mailers were told to file tracers on those letters for which they had not received return receipts so that the Soviets would have to pay indemnities for nondelivery, return the letter to the sender or deliver the letter to the addressee.

Our efforts to follow the tracing/indemnification procedures were more often than not frustrating encounters with our own postal people. Mailers were told that their inquiries were being made too soon, that tracers for mail to the U.S.S.R. were not being accepted by our postal service, that their letters weren't insured and consequently couldn't be traced, et cetera. This misinformation was frequently given in a hostile manner by clearly uninformed postal clerks. People became increasingly frustrated and unwilling to spend the time required to pursue the issue. There were no guidelines available to postal customers to help them with the necessary procedures, time limits or officials within the postal service to whom they could appeal. In fairness I must say that there were, and are, some very good, knowledgeable, helpful, caring postal employees with whom we have dealt. It was not unusual for those postal patrons whose tracers were accepted to wait for two years before they heard from our postal administration regarding the disposition of their inquiry.

Several years ago, at the request of member groups of the Union of Councils for Soviet Jews, I agreed to initiate discussions with the Office of International Postal Affairs of the USPS on how we could resolve the existing problems, as mentioned above. I also explored with Messrs. Stock, Regan and Bandak their suggestions on how we, the patrons, could expedite matters and help them accumulate the necessary documentation needed to raise the subject of Soviet interference with delivery of mail to Soviet Jews when they met semi-annually with representatives of the Soviet Ministry of Posts and Telecommunications in Berne.

At our first meeting I brought them copies of letters from refusniks indicating that they had not received mail from regular correspondents for several months, copies of non-validated return receipts, letters that had been returned by the Soviets stamped "Retour Inconnu," "Retour Parti," et cetera, when we knew that these Jews were indeed still in the Soviet Union at the addresses on the envelopes. In some cases they had been visited by Americans as recently as a week prior to my meeting with Mr. Stock and his staff. The classic case we brought to the attention of Mr. Stock was that of Josef Gurevich, whose testimony you have already heard. Over the years my working relationship with Messrs. Stock, Regan and Bandak has been excellent, as has been the experience of our groups around the country.

We supplied large quantities of documentation continually to Mr. Stock as he requested. At one meeting I had with his staff, Ann Robinson, who was then

General Manager of the International Mail Classification Division, Office of Mail Classification, was present. She discussed the problems of obtaining replies from the Soviets to inquiries, the shortage of personnel in her office, delays in the New York office that handles outgoing and incoming registers from the Soviet Union, problems with incompetent personnel all along the postal service route here. Since Ms. Robinson's move elsewhere in the USPS, Edward Walker has taken over her job. The only thing that has changed is the person; the excuses remain the same.

All of our member groups have stacks of letters from the Office of International Postal Affairs reporting that the material we have sent about nondelivery of mail, seizure of books and letters, inordinate delays in resolving claims, et cetera, have been forwarded to the Office of Mail Classification for appropriate action. That, distinguished Members of this Committee, is where these matters usually die. Mailers rarely hear from Mail Classification; I might add that I suggested to that office that they at least acknowledge receipt of material to the mailer to indicate that something would be done. I have come to the conclusion, which is shared by many of my colleagues around the country, that the real problem we have with the international mail dispatch from our country to the Soviet Union, and the incredible difficulties we have with tracers, et cetera, lies in the Office of Mail Classification. If they are short of personnel, that is their problem, not ours. If they don't receive replies to inquiries from the Soviets, it is their responsibility to follow up and indemnify the American postal patron. If they have incompetent staff in any part of their service, it is incumbent on them to replace that staff with properly trained people.

Early in 1977 Glenn Richter, National Coordinator, Center for Russian Jewry, 200 West 72nd Street, New York, New York, and I wrote to General Counsel Louis Cox of the USPS requesting from him the maximum time limit for payment of indemnity after a 542 inquiry is submitted by the sender and related questions regarding the waiting time for the 565 application for indemnity and actual time for indemnity payment. Mr. Charles Braun, Assistant General Counsel, Special Projects Division, replied to us that, "The maximum time limit under the Universal Postal Convention is six months after the day of inquiry by the sender."

Later in his letter, Mr. Braun states, "The Postal Service is aware that in recent years the time it has taken to settle inquiries and claims about lost registered letters (to all countries) has in fact considerably exceeded the Convention's six month time limit. In fact, the average time has been 34 weeks, based on a range of seven to 125 weeks." He later states, "In addition, further and more substantial changes are planned by which we expect to be able to meet the Convention's six-month deadline. These changes will include, I understand, consolidation of Forms 542 and 565 into a single revised inquiry form, so that the customer's inquiry will also serve as his claim for indemnity if the inquiry cannot be answered satisfactorily." Unfortunately, I must report to you that neither the shorter time to settle claims nor the promised new combined form have materialized.

In order to fill the void caused by nonexistent guidelines for our American correspondents, I, a taxpaying postal patron, prepared an unofficial instruction booklet. I have been informed that the Office of International Postal Affairs sent out copies of this booklet in response to inquiries on how to send registered mail to Jews in the Soviet Union because no official guidelines existed. This failure to prepare guidelines was a failure to comply with countless requests from Union of Councils affiliates and individual citizens. The requests were made at meetings, conferences, et cetera, throughout the nation, but it took literally years for any guidelines to appear from International Mail Classification. Why did we have to wait so long?

Next, we must address the very special problems we encounter with nondelivery of mail to the Prisoners of Conscience. Very little of their mail from the West is delivered to them, as can be proven clearly by the attached letter from Alexander Feldman, sent from Israel after he had served three years in a Soviet labor camp. Feldman's experience is not unusual. Mail to prisoners in the U.S.S.R. is governed by the Corrective Labor Code of the RSFSR (Moscow: 1971). As clearly stated in Article 30, "Convicts' Correspondence: 'Convicts may receive an unlimited number of letters.' . . . 'Both the delivery of mail to convicts and the mailing of convicts' letters to their addressees are to be accomplished by the administration of the corrective labor institution no later than three days after receipt of such mail.'" This information has been handcarried by me to the Office of International Postal Affairs and sent to General Counsel Cox by Mrs. Donald Sharfman of Southfield, Michigan, on January 17, 1977. She obtained it from Boris Einbinder, a former prisoner who now resides in Israel. Surely such

evidence should successfully be used if the Soviets fail, as they always do, to comply with international agreements and their own law, to assume liability for nondelivery of prisoners' mail. Attached is one of a series of letters returned by the Soviets in March 1978. The letters were mailed in September and October 1977. Dr. Gluzman was at that address until the Soviets moved him to another prison, address still unknown, in May 1978. This material was sent to our postal service the day after it was returned to the sender. She still does not know what, if any, action our postal service has taken in the matter.

Why hasn't she been advised of the status of this inquiry? Certainly someone had time to reply to her between March and July. What representations has our postal service made in this and similar cases when meetings are held with the Soviets?

Earlier I referred to the huge numbers of books that we have sent to the Jews of the Soviet Union. In 1972-73 I personally sent over 300 books air mail, registered, air mail return receipt requested. A Customs form 2976 was attached to each envelope. We did extremely well; 20 percent of the books were actually delivered. Inquiries were made on most of the remaining 80 percent. In a few cases, the addressee had left the Soviet Union between the time of mailing and the date of attempted delivery. A very small number of the addresses were incorrect. The vast majority of the books were reported seized, a device which we know all too well is used by the Russians to avoid paying the legal indemnities.

Returning to the matter of sending books to the Soviet Union, one case probably illustrates the failure of the Soviets to deliver permitted books to Soviet Jews better than any that I know of. A little over a year ago, Jonathan Levin, Assistant to the Director of the Program Department of National B'nai Brith contacted me for advice on how to send books to Russia. He was initiating a project of sending books to a specific refusnik, Arkady Tsinober of Riga, now of Israel. We discussed the kinds of books that should be sent, the mechanics of mailing them, how to keep proper documentation, et cetera. Several members of the organization in the metropolitan Washington area gave Mr. Levin permission to send books in their names.

He did the actual mailing, recordkeeping, tracing, et cetera. At the same time, Mr. Levin started to write to Dr. Tsinober on a personal basis. In his letters he mentioned that he and some friends were sending books to him. Replies came back from Dr. Tsinober stating that he had not received any of the books.

Mr. Levin began the tracer process at the proper time for each book mailed. The Soviets then began responding to the inquiries that the books had been seized and in due time the Registry Division of our postal service sent such advisories to the senders, also indicating that, "Under the Postal Union Convention ruling, payment of indemnity in this case may not be made." So far, this is the usual scenario. However, the Soviets failed to account somehow for the fact that under international agreements that they had signed these books were permitted and not "in violation of the laws of their country." Additionally, they were displayed at the First Moscow International Book Fair in September 1977. Having been mailed on July 27 and 28, 1977, these books probably arrived in the U.S.S.R. at about the same time the Book Fair was taking place. The Soviets also overlooked the fact that an option was signed by the "Young Guard" Publishing House and a representative of B'nai Brith indicating the interest of the publishing house in translation rights for B'nai Brith books, including the two titles that were seized.

This case clearly raises several matters. First, evidence of deliberate nondelivery of mail to a Soviet Jew. Second, Soviet violation of bilateral and multinational international agreements involving them and the United States. Third, when such conclusive evidence was provided through International Postal Affairs to Mail Classification, why was it necessary to write to the Soviets inquiring about their reason for the seizures? This procedure at least doubles the indemnity period; couldn't the payment be made immediately and our government deduct that amount from the amount we owe the Soviets? Was this case raised with the Soviets at the last Consultative Council for Postal Studies meeting in Berne this spring? If not, why not? This documentation clearly challenges the illegal seizures that have gone on at the Russians' whim. Are we able to retrieve such seized items, since they belong to the sender if they are undelivered?

Regarding evidence from addressees in the Soviet Union or their families in the West, the following excerpts from several letters tell the story far better than I can.

1. 4.10.78 Dear Rae, this letter is to wish you and yours the most happy Pass-over holidays. Hope it reaches you in time, if at all. I've been receiving record low numbers of letters, less and less every month, though the number of people who

write to me is steadily increasing . . . I look forward to another of your Jewish Mother letters. They're always such a pleasure. Actually they're a necessity. Without them life would be very drab indeed.

2. N2 16/V Dear Gary, I am very glad to hear from you. It's a pity your letter #3 is missing, but I am glad the article and your picture reached me.

3. Novosibirsk 20 May 1978 Dear Joan and family, I'm glad that both of your two letters came through and we have got new good friends. Unfortunately our letters not always go through, so I don't know if this one also will come to you.

4. Givataim, the 6th of February 1978 . . . Lila receives from time to time letters from people from the West and, of course, answers to everybody, but . . . as you can see the Soviets doesn't allow to this mail to get out from USSR.

The following excerpt is from a telephone call to Isai Goldstein, Tbilisi, 4/22/78: . . . We get no mail, we are cut from the whole outside world—only tourists come and two telephone calls today, one from Israel and yours. We get no mail, telegrams, cards, nothing—I'm waiting for telephone calls from Elizabeth's brother in Israel. Don't forget us, regards to all of our friends. Regards to your family and all friends in the West. Shalom Lorna, Shalom.

A copy of a summary of the interference with their outgoing and incoming mail by Isai Goldstein, Grigory Goldstein and Elizabeta Bykova is attached. Of special note is the last page on which is found their statement, "This small experiment had proved that it did not matter what and to show. Our letters are simply not let through. The same happens to letters sent to us from the West." This family, waiting for many years for visas to Israel, actually sued the Soviet postal system because of interference with their mail.

There are other means through which we learn of nondelivery of mail to Jews in the Soviet Union. One of these means is reports of tourists who have visited these people in their apartments in Russia, at the addresses to which our mail is sent and often returned stamped, "Adresse est inexacte." Some examples of this:

1. A tourist visited Ilya Ginzburg in his Leningrad apartment on July 10, 1977. He told the visitor that although they knew that friends had been writing, they hadn't received any mail from the U.S. in the preceding 8 months.

2. On July 16, 1977, in the Moscow apartment of Yosef and Dina Beilin, Dmitri Shiglik said that his letters to a Miami correspondent were being intercepted; he had received word from another visitor that she, in turn, was not receiving his letters.

3. Every tourist who comes back tells of similar experiences. They glean from the refuseniks the sense of isolation the Soviets impose on them by breaking the frail links of communication with their friends and relatives in the West. This is an additional means of harassment employed by the regime to violate the elementary human rights guaranteed to all people by accords, conventions and declarations that the Soviet regime has itself signed.

4. During a telephone conversation in late December 1976, Rabbi Sheldon Weltman of Morristown, New Jersey, spoke to Vladimir Sverdlin in Leningrad. Mr. Sverdlin reported that he had not received the letter sent by Rabbi Weltman (registered, air mail, return receipt via air mail requested) on November 10, 1976. He further stated that he had been called to the post office in Leningrad to sign the return receipts for several letters, but that the postal officials would not give the letters to him. Mr. Sverdlin refused to sign the receipts on the grounds that only after he actually had the letters would he sign the receipt.

Reports of forged signatures on return receipts are myriad. One case that was brought to my attention last week involves receipts returned to a Rockville, Maryland, man. The signatures on the first two receipts are valid; the local correspondent received letters from Mr. Beilin within two weeks of receiving the return receipt. The signatures on these receipts match Mr. Beilin's handwriting. The third receipt has a scrawl in the place for the addressee's signature; a recent emigre from the Soviet Union tells us that it is unintelligible. There has been no letter from Mr. Beilin in response to this last receipt dated June 9, 1978, in Tula.

What recourse does the American correspondent have in such a case? Can he pursue this with our postal service in order to have the matter raised with the Soviets? Does our postal service discuss such documented cases with them? Using the materials sent to me over the years from around the country by Union of Councils for Soviet Jews member groups, I would venture to say that the vast majority of receipts returned to American mailers have forged signatures. This problem needs to be dealt with at the highest levels. The Soviets are getting away with highway robbery if they are allowed to go unchallenged.

We also see very frequently the reply to inquiries that the foreign administration reports that the article in question has been delivered to the addressee. There is no accompanying signature on a return receipt to prove that the statement is true. Later, letters will come from the addressee stating that they hadn't heard from their friend in a long time, or failing to answer simple personal questions such as, "Has Irina started to walk yet?" which were part of the allegedly delivered letter. Again, the Russians have interfered with the free flow of mail and have avoided paying the indemnity.

As American citizens, we feel that we must ask our State Department what it has done on this whole issue. The President has spoken out and taken actions on human rights. In its role as the official entity responsible for overseeing the compliance and enforcement of treaties and agreements signed by our country, has the State Department followed his lead and carried out its responsibility in this basic area? Have representations been made to the Soviets in private meetings regarding this problem?

To the best of our knowledge the United States State Department has done nothing about this issue. Letters from Members of Congress to the State Department on specific cases raised by constituents receive a reply similar to the one that is attached. This kind of response indicates to me that the State Department has merely served as a forwarding service in the already convoluted procedures. In this kind of a case, I don't see what State Department responsibility has been fulfilled, nor do I see what the help is that Mr. Bennet is offering.

The Union of Councils for Soviet Jews sincerely wants to resolve this long-standing problem of nondelivery of mail to Soviet Jews. The purpose of this testimony is to discuss the issue from all the perspectives that we see. Pragmatically, I have only touched the tip of this iceberg and have tried to choose the best representative examples of the problems. It is precisely because the problems with our own postal service exist that incoming documentation is dropping. The interest and concern of the correspondents has not diminished, but their frustration with the bureaucratic breakdowns has increased dramatically. They don't want to spend great amounts of time completing forms, getting no response to letters they send to our postal administration, et cetera. Non-responsive replies from the State Department compound the difficulties. Our postal service is selling a service to customers that it does not really provide adequately. People are objecting to paying nearly \$4 for the registry service when their correspondence is blocked and our postal service doesn't carry out its responsibility to its customers. As I said earlier, nobody is filing claims to make a profit; it is our right to do so.

We feel that the lion's share of the responsibility for the existence of this entire issue rests on the Soviet Union which has used the interruption of mail to Soviet Jews as a tool in their campaign to isolate and dehumanize the refuseniks. Their abrogations of agreements, conventions, accords, declarations, et cetera, have been blatant and deliberate. The Soviets understand full well the breakdowns and delays in our service and use the frustration of postal patrons to their advantage. They are not made accountable for all the invalidated return receipts; falacious reasons for returning letters; illegal seizures of books, letters, records, et cetera; illegal nondelivery of mail to the Prisoners of Conscience. The documentation of these violations exists in incredible quantities. We want our government to require the Soviets to perform in accordance with the bilateral and multinational agreements that apply in these matters. We have had enough nice talk; now we want action, as provided for by law.

As Postal Affairs Chairman of the Union of Councils for Soviet Jews, I would like to thank you for your invitation to testify here today. I hope this testimony will help you to proceed in a positive manner to solve the multifaceted problem presented today and to ultimately expedite the normal delivery of mail to the Jews in the U.S.S.R. Thank you.

[The supporting papers and exhibits were retained in the subcommittee files.]

Mr. HANLEY. Ms. Newman, if you will be good enough to summarize your statement, with the assurance I have already given you.

Ms. NEWMAN. Thank you, Mr. Chairman, and thank you, Mr. Steers.

Essentially the statement, backed up with ten pages of exhibits which deal with specific points, deals with the fact that for 10 years

the Union of Councils for Soviet Jews has been maintaining, or tried to maintain, friendly personal correspondence with the Jews in the Soviet Union who have asked for this. Our efforts have been blocked; our mail has not been delivered.

We have gone to the appropriate authorities within the postal administration. We found that there were in many instances good working relationships with Mr. Stock and his staff. I think that after consulting with colleagues of mine around the country, our problem is in the International Mail Classifications Division.

Documentation is presented in massive quantities around the country. I think I can agree that the number of inquiries has dropped, because people are frustrated and tired of the bureaucratic hassle and the nonresponse and the failure to comply with our own internal regulations.

I think at this point it's only fair to say that we have included in the text of the testimony, and I would like to just call your attention to a special case dealing with nondelivery of books to Jews in the Soviet Union, a specific refusenik being sent books by American citizens, books permitted at the Moscow Book Fair but held from the recipient and reported seized.

We have included in the testimony the signed agreement between an agent of the Young Guard Publishing House and a representative of the B'nai Br'ith, who published the books in question, asking for translation rights for the Young Guard Publishing House for the books. These were seized as anti-Soviet items that could not be delivered, and our Postal Service says that they will inquire as to the disposition of them and why there was no indemnity. It doubles the time, if there is even going to be a response that is valid.

We at this time have heard all kinds of good things from postal people. As Americans we feel that our State Department has not carried its responsibilities to enforce agreements, covenants, and declarations signed by this country bilaterally or multinationally. To the best of our knowledge, other than the statements we've heard here this morning, the exhibit that is included with the testimony indicates that the State Department has served as a forwarding service for inquiries from American citizens and Members of Congress to the Postal Service and has not really done the job that it should be doing, we feel.

We sincerely want to resolve this longstanding problem, and we are testifying today to discuss the situation as we see it from all perspectives.

Pragmatically, the testimony only touches the tip of the iceberg. It's only a representative amount of material presented for you. The interest and concern of our correspondents for their Soviet Jewish friends and relatives have not diminished. They are concerned; they are disturbed; they are upset by the Soviet noncompliance with agreements, and they are upset by our own domestic problems with our Postal Service.

I think we need to sort out and clean our own house at the same time we pursue the Soviets vigorously on this violation of human rights.

We feel honestly that the lion's share of responsibility for the existence of this issue—and the fact that these hearings are being held today

is recognition of the existence of the problem—we feel that the lion's share really rests on the Soviets. They have created the problem by interfering with legitimate mail. Their actions, we know, are blatant and deliberate. They understand the breakdowns in the administration at this end, and they understand the frustration of the American mailers who are giving up on the Postal Service carrying out its responsibility. They are illegally seizing books, letters, records; and they are illegally failing to deliver mail to prisoners of conscience who are permitted under the criminal code of the Soviet Union to receive unlimited amounts of mail.

The documentation exists in incredible quantities. We want our Government to require the Soviets to perform in accordance with these bilateral and multinational agreements that apply on these matters. We have had enough nice talk; now we want action as provided by law.

As postal affairs chairman of the Union of Councils for Soviet Jews, I would like to thank you for your invitation to testify here today. I hope that this testimony will help you to proceed in a positive manner to solve the multifaceted problem presented and to ultimately expedite the normal delivery of mail to Jews in the Soviet Union.

Thank you.

Mr. HANLEY. Thank you, Ms. Newman.

I have thumbed through your testimony, and I can readily recognize that a great deal of time and effort has been put into its preparation. My deepest regret is that we have to be expeditious this morning.

I can only assure you that I personally will read your testimony, as well as, I am confident, Mr. Gilman, and other interested members of this committee.

I think you will agree, having made an observation here this morning, that this committee is determined to do whatever is necessary to hopefully eliminate the problem, which has plagued us for far too long.

Again, I appreciate your appearance and that of our friend and colleague, Newton Steers.

With that I defer to my friend and colleague, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I want to express my appreciation to the gentleman from Maryland for taking time to appear before this subcommittee and for expressing his interest and support for my resolution, and for bringing Ms. Newman to the attention of the subcommittee with her excellent testimony.

Ms. Newman, we appreciate the documentation that you have recited in your testimony, which will be extremely helpful to this subcommittee in focusing attention on the need for more action by the administration.

Ms. Newman, I note that you express concern about the operations Classification Office in the Postal Service, or that you're not receiving any response from them to your inquiries and that the mail continues to pile up there. Have you taken that matter up with the appropriate authorities at the Postal Service?

Ms. NEWMAN. I've discussed it numerous times in meetings in Mr. Stock's office, with Mr. Stock and his staff.

Mr. GILMAN. What was the response?

Ms. NEWMAN. They are willing to accept the documentation which we present to them and they will bring it to Mail Classification, hoping to break some of the delays that are being experienced in tracking the inadequate responses, the illegal replies.

I have been at one meeting where Mr. Ed Walker was present, and there was another meeting when Katherine Mullen from Mr. Walker's staff was present. I asked them as just preliminary action on their part to at least acknowledge in writing to the postal patron that they have received their inquiry and that they will move on it.

Mr. HANLEY. Has this continued to occur?

Ms. NEWMAN. To the best of my knowledge, I don't know of anyone who has received a response from International Mail Classification that, "We have your material. We are pursuing it. We will return it to you with our findings."

Mr. GILMAN. How long ago did you take this matter up with Mr. Stock's office?

Ms. NEWMAN. I have taken it up with his office at every meeting we have had, starting in, I guess, 1975; and we have met numerous times in the intervening period of time, including this past week.

Mr. GILMAN. And in all that period of time there has been no correction of that situation?

Ms. NEWMAN. No, sir, and there is also a letter in response to an inquiry made by Glenn Richter of the Student Struggle for Soviet Jewry. There was also a response to a letter that I have written to Mr. Louis Cox, who referred it to Charles Bruan, stating that they were aware that there are difficulties.

We asked for the time limitation between the time of inquiry and the indemnity. They said they were aware that our country is taking at this point something like 34 weeks on an average to process materials and even get them out of this country on the way to the Soviets.

They also indicated—and we had hoped that it would come to pass, and it has not—that they would combine the inquiry form, 542, and the claim for indemnification, 565, into one form to reduce the time that is expended for administrative purposes.

Mr. GILMAN. Has that been done?

Ms. NEWMAN. No, sir, it has not.

Mr. GILMAN. It's my understanding that the time for inquiry, according to the International Convention, is after a 6-month interlude. Isn't that correct?

Ms. NEWMAN. That's my understanding, and that was the response that I got from Mr. Charles Braun.

Mr. GILMAN. Then the delay in payment is not due to the Soviet Union, but it's to the tardiness of our own Postal Service? Is that correct?

Ms. NEWMAN. In the vast majority of cases, yes, that's true.

Mr. GILMAN. Do you feel that the Postal Service has been responsive to your requests for inquiries regarding seized or nondelivered mail?

Ms. NEWMAN. No; we really don't feel that at all.

Mr. GILMAN. Do you have any documentation on first-class mail seizures?

Ms. NEWMAN. Not with me at the moment, but I do have some supporting documentation for the books that I referred to earlier

that were seized, or the response coming from New York that the material was seized, and that there was nothing further that could be done by our administration. I seriously question whether there is nothing further that can be done by the administration.

Mr. GILMAN. Will you be making that material part of the record?

Ms. NEWMAN. Yes; this will be entered.

Mr. GILMAN. Has the Postal Service promptly indemnified you for any unlawful seizure claims that you have submitted to them?

Ms. NEWMAN. No.

Mr. GILMAN. I have no further questions, Mr. Chairman.

Thank you, Ms. Newman.

Mr. HANLEY. Thank you, Mr. Gilman.

With that, our deep appreciation for your appearance here this morning and the presence of Congressman Steers.

Mr. STEERS. Thank you, Mr. Chairman.

Ms. NEWMAN. Thank you.

Mr. HANLEY. The hearing is adjourned.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

STATEMENT OF HON. ROBERT F. DRINAN

Mr. Chairman, I appreciate this opportunity to discuss the very serious problem of nondelivery of mail to the Soviet Union.

The deliberate and systematic interruption and confiscation of incoming mail by the Government of the U.S.S.R. is a matter of deep concern not only to families who cannot communicate with one another, but also to every citizen of the United States who wishes to contact someone in the U.S.S.R. Soviet interference with postal operations abridges the rights of millions of people and clearly violates two international agreements, the Helsinki Final Act and the Universal Postal Convention. The U.S.S.R. is a signatory of both of these international covenants.

Each year, Americans and citizens of other nations are denied contact with their families and friends in the Soviet Union. These people are unable to share information about family members, maintain religious and spiritual ties, or communicate important news, including developments and discoveries of a scientific or scholarly nature.

Nondelivery of mail is an especially outrageous denial of the rights of Soviet citizens. The interruption of postal operations is part of a systematic attempt to further isolate Soviet Jews who seek to emigrate and dissidents who are critical of the Soviet Government in any respect. Often, mail from abroad is the only source of accurate information for these unfortunate individuals. Such mail is also an essential source of inspiration and hope for Soviet citizens who are isolated, harassed, and punished as a result of their efforts to assert their fundamental human rights.

In order to receive an exit visa, citizens of the U.S.S.R. must present a "vyzov," an invitation to visit from a relative abroad, sent by registered mail. Thus, failure to deliver mail often renders immigration impossible, thereby denying the right to emigrate in a very direct manner. Such action is a direct violation of the Soviet Government's solemn pledge in the Helsinki Agreement to facilitate emigration for the purpose of family reunification.

Other provisions of the Helsinki Final Act call for freer movement and contact, increased sharing of information, and compliance with other international agreements. Systematic and deliberate nondelivery of mail can only be interpreted as a blatant breach of all of these promises and a clear violation of the Helsinki Final Act. The Universal Postal Convention provides for some lawful confiscation of mail according to a nation's laws. Soviet law, however, specifies that mail may be intercepted and impounded only "in accordance with a ruling or decree of the court." (Art. 174, Code of Criminal Procedure). The Convention requires that any nation which confiscates mail must either return the letter to the sender or report to the postal administration of the sender's country, explaining the reason for the confiscation. The practices of the Soviet Government are in direct violation of these provisions of the Universal Postal Convention, as well as the Helsinki Agreement.

The United States is morally bound to seek action to restore regular delivery of mail to the Soviet Union, as required by international law. Our commitment to the protection of human rights and to the integrity of international agreements to which we are a party mandate positive steps to bring about a halt to the U.S.S.R.'s interruption of mail from the United States.

During these hearings, it has become apparent that there is considerable confusion as to which department or agency of the Federal Government has primary responsibility to act in this situation. The Postal Service has stated that the State Department must initiate diplomatic contact with the Government of the Soviet Union. There is, however, no clear position as to the appropriate bureau; some contend that it is the responsibility of the Soviet desk, while others believe it is the Office of Human Rights. Meanwhile, the State Department has argued that it is the primary responsibility of the Postal Service.

If we are to take effective action against the nondelivery of mail, we must clarify our own position and our won responsibilities. Only after this has been done can we develop a specific, concerted, and organized effort by both the Department of State and the Postal Service to bring about an end to the interruption of mail to the U.S.S.R. Our action should include, but not be limited to, a full discussion of this matter at the forthcoming Congress of the Universal Postal Union in Brazil in 1979.

It is therefore my recommendation that a special committee consisting of representatives from the State Department and the Postal Service should be formed to determine the precise responsibilities of each agency in this matter and then to develop a plan of action. I have addressed letters to the appropriate officials of these agencies asking them to consider this proposal.

In conclusion, I would like to emphasize that only a carefully planned and vigorously pursued effort will have any effect on officials of the Soviet Government. Based upon our principles as a nation and on international agreements to which we are a party, we must make that effort.

Thank you, Mr. Chairman.

STATEMENT OF HON. WILLIAM LEHMAN

Mr. Chairman, I would like to commend the members of the Subcommittee on Postal Operations and Services, and its chairman, the distinguished gentleman from New York, Mr. Hanley, for holding these hearings to discuss the problem of Soviet interference with the delivery of mail between the United States and U.S.S.R.

The interruption and interception of mail is part of the Soviet campaign to suppress political dissent within the Soviet Union. The Soviet Union's failure to abide by international postal regulations constitutes a violation of international postal agreements and a blatant contravention of the 1975 Helsinki Agreement which guarantees freedom of communication between citizens of Western countries and the Soviet Union.

Despite the vigilance of Soviet officials, the Soviets have not been foolproof in their methods of totally isolating activists and refuseniks from critical Western eyes. Several of my South Florida constituents have brought to my attention individual cases of Soviet's consistently thwarting attempts to communicate with Soviet dissidents. The case of Dr. Seymon Gluzman, a prisoner of conscience, illustrates the extent to which the Soviets have gone to seal off leaks of truth. The Soviet psychiatrist was imprisoned six years ago for defying KGB orders to certify critics of the Soviet government as mentally ill. Dr. Harry Graff, a South Florida psychiatrist, has on many occasions tried to contact Dr. Gluzman in prison. After each attempt the registered letter was returned with the usual 'retour inconnu' stamped on the letter. I have also tried to communicate with Dr. Gluzman to assure him that many concerned individuals are actively working for his release and an exit visa to emigrate from the Soviet Union to Israel. More than five months had passed before the undelivered letter was returned to my office. I have since learned that Dr. Gluzman was transferred from Perm 36 prison camp to an unknown destination.

Our attempts to contact other refuseniks have met with similar results. The South Florida Conference on Soviet Jewry sponsors a program in which Americans can adopt a Soviet Jewish family wishing to emigrate to Israel, and has kept me informed of its experience with the non-delivery of mail to the Soviet Union.

Judith Matz, Chairwoman of the Adopt-A-Family Program, explains the nature of the problem:

"The Soviets appear to have successfully developed a means of withholding mail while preventing documentation of this Interference . . . All correspondents participating in our Adopt-A-Family Program are advised to send their letters registered with a return receipt requested. The 'pink card,' Form Number 2865, is then attached to the letter to be signed by the recipient and returned to the sender . . . The Soviet Union apparently has no provisions for sending mail with a restricted signature on the receipt. Thus, any postal clerk in the U.S.S.R. may scrawl an unreadable mark on the pink card. When such a card is returned to the sender, there is no further avenue for obtaining proof that the letter was undelivered."

The Soviet scheme has effectively blocked most correspondence between re-fuseniks and their American sponsors. Soviet Jews who have been allowed to emigrate have verified claims of Soviet impropriety in postal operations, for both incoming and outgoing mail. When Soviet Jews do receive mail from sponsors in the United States, they will often sign the cards in Hebrew. The returned cards and letters I am submitting with my testimony today clearly do not have any Hebrew markings, indicating that the letters were never received by the addressee.

Deliberate disregard of international postal standards is not an internal matter of the Soviet Union. I urge that Congress adopt H. Con. Res. 579 calling for Soviet compliance with prescribed international postal standards.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., November 20, 1978.

Hon. JAMES M. HANLEY,
Chairman, *Postal Operations and Services Subcommittee, Post Office and Civil Service Committee, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Enclosed are the responses of the U.S. Postal Service to the additional questions submitted by Representative Benjamin A. Gilman following your Subcommittee's July 25 hearing on the interruption of mail delivery between the Soviet Union and the United States. I understand that the enclosed material will be included in the Subcommittee's hearing record.

If you have any questions on these responses or if you need any additional information, please contact me at 245-4181.

Sincerely,

JIM FINCH,
*Assistant Postmaster General,
Government Relations.*

Enclosure.

1. What are the views of the Postal Service on H. Con. Res. 579?

H. Con. Res. 579 consists of five preamble clauses and two resolving clauses. The preamble clauses assert that members of the American public are dissatisfied with the nondelivery of certain mail dispatched in the United States to the Soviet Union, and that these nondeliveries are illegal under the Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, the Convention of the Universal Postal Union, and the Constitution of the Union of Soviet Socialist Republics. The first resolving clause would call upon the President through the Department of State to express to the Government of the Soviet Union the "disapproval of the American people" concerning these matters. The second resolving clause asks the delegation of the United States Postal Service attending the next Congress of the Universal Postal Union to bring these matters insofar as they concern the exchange of mail before the next Congress of the Universal Postal Union and there call upon the Soviet Government "to respect its international obligations".

The Postal Service generally defers to the President, Congress, and the Department of State on what the President should be mandated to do through the Department of State by a concurrent resolution. The Postal Service, moreover, defers to the Department of State on the interpretation and applicability of the three non-postal international documents mentioned in the resolution, as well as on the wisdom or propriety of the United States giving advice to the Soviet Government on the proper interpretation of the Soviet Constitution.

The position of the Soviet postal administration has generally been to attribute most of the nondeliveries of mail which are the subject of the proposed resolution to the actions or decisions of non-postal officials such as Soviet customs authorities. Testimony taken by your subcommittee in its hearing tended to confirm that non-postal decisions by the Soviet authorities, in particular Soviet customs seizures and mail censorship activities by Soviet prison authorities, are principally at issue. Our own experience has been that the Soviet postal administration has generally been willing on a bilateral basis to improve its administration of applicable postal procedures governing mail and claims procedures in conformity with the Universal Postal Convention.

In this regard, as we discuss further in response to other questions below the Soviet Administration is now generally responding to inquiries about undelivered registered mail, within the five-month time limit laid down by the Convention, and the assertion in the second preambulatory clause—to the effect that Soviet responses “have consistently been untimely”—is no longer accurate.

To the extent that there are non-postal causes for the nondelivery of mail addressed to persons in the Soviet Union, it would appear that the concerns of the United States about such matters may be placed before an international organization of general jurisdiction, such as the United Nations General Assembly, and should not be placed before the UPU Congress. In our view, the UPU Acts governing UPU Congress jurisdiction and procedures indicate that the UPU Congress is not a proper forum for one country to discuss or debate the failure of another country to live up to its responsibilities under the UPU Convention, let alone its responsibilities under non-postal documents such as the Helsinki Declaration. On the contrary, the UPU Acts on UPU Congress jurisdiction and procedures indicate that the purpose of the UPU Congress is to review the UPU Acts and to take certain administrative actions which are of interest to the world postal community, such as appointing members to serve on the UPU Executive Council and on the UPU Consultative Council for Postal Studies, electing UPU officers, and adopting an annual UPU expenditure ceiling. Under the Acts, grievances of one postal administration against another arising under the Acts are generally to be handled through arbitration procedures. Therefore, it would appear that the second resolving clause, to the effect that the United States Postal Service delegation should attempt to bring the grievance of the United States or of the American people against the Government of the Soviet Union before the other member countries of the UPU assembled at the 1979 Congress, could not be implemented without causing the United States delegation to seek to contravene generally accepted Universal Postal Union policies and procedures for the conduct of member country delegations at such Congresses.

2. “Do you intend to request that the subject of the ‘U.S.S.R. interruption of U.S. Mail’ be placed on the 1980 agenda of the UPU Congress?”

No. As was indicated in our response to the first question, to the extent that this problem has its origins in political and human rights disagreements between the United States and the Soviet Union, the UPU Congress is not an appropriate forum in which to seek their resolution. Since there may be provisions of the Universal Postal Convention which could be amended to make obligations of postal administrations more definite in areas of concern to the United States, the Postal Service does intend to propose appropriate clarifying amendments at the 1979 Congress. We intend to address the question of the adoption of such amendments in what appears to us to be the most effective manner possible in terms of securing their adoption. In all likelihood, this will entail bringing before the UPU Congress our recommendations as to how these provisions should be modified, in the best interests of all postal administrations and customers of the international postal service, without reference to the particular domestic policies and programs of any particular member country.

3(a). “For the record, is a sender of registered mail to the Soviet Union or to any other member country of the Universal Postal Union for that matter, who adheres to proper claim and inquiry procedures, entitled to be indemnified by the Postal Service immediately upon the conclusion of the last day of the six month waiting period?”

No. The sender must be entitled to the indemnity payment, and such entitlement is not established merely by following the proper claims and inquiry procedures. In general, a sender is not entitled to receive an indemnity payment in cases where the postal administrations involved are exempted from liability under Article 45 of the Universal Postal Convention. One of the Article 45 exemptions is for “registered items seized under the legislation of the country of destination. . . .”

(b). "Is the Postal Service actually indemnifying senders as promptly as this?"

Yes. Claims concerning undelivered registered items mailed to the Soviet Union for which the sender is entitled to indemnity payments are paid by the Postal Service within six months following the date of the inquiry.

(c). "If not, why not?"

Please see the answer to the previous question.

(d). "In this regard, what does Convention 48, paragraph 2, say about indemnification?"

Article 48, section 2 of the Universal Postal Convention states: "This payment shall be made as soon as possible and, at the latest, within a period of six months from the day following the day of inquiry." In our opinion, this provision establishes the time limit within which an indemnity payment must be paid, if it should be established that the sender is entitled to indemnity under other applicable provisions of the Convention.

4(a). "Is it accurate to state that all first class mail, as defined under international postal classification standards, is excluded from the List of Prohibited Articles of the Soviet Union, which is published and circulated to member countries of the UPU by the I.B.?"

No. The List of Prohibited Articles for the Soviet Union includes prohibitions applicable to all categories of international mail items, letter-post as well as parcel post. (There is, technically, no "first-class" international mail.)

(b). "Would it be fair to say that a book on Jewish art or culture would fall under the definition of international first class mail?"

Books may be mailed in the International mails as either letter post or parcel post items, subject to the listed prohibitions against entry of articles established by the country of destination.

(c). "If so, why hasn't the Postal Service in the past, indemnified a sender of a book or any other first class mail on the spot after the inquiry period is exhausted, or notice is sent to the sender that his or her mail has been seized or undelivered, whichever comes first? I have come to understand that this is not being done. Instead, the Postal Service apparently insists in involving itself in a protracted period of inquiry and response with the Soviet Union that is usually fruitless. Why not simply dock the Soviet Union when mail, not on the Prohibited List, is illegally seized?"

Please see the preceding answers. When the postal administration of the country of destination advises within the applicable time limits that a registered item has been seized pursuant to the law of that country, and the mailer advises that the contents of the item consisted of an article that may have been subject to a listed prohibition (for example, a book mailed to a country that lists restrictions on the entry of certain kinds of books), the Postal Service in its opinion lacks an adequate legal basis in international law to hold the destination administration liable for the loss, and it therefore denies the mailer's claim for indemnity. The further inquiries to which the question refers result when the customer expresses dissatisfaction with the seizure, and the Postal Service seeks a further explanation from the destination administration. These inquiries involve the use of the good offices of the Postal Service on the mailer's behalf; and are in addition to any service the Postal Service is required to provide these customers by any treaty, convention, law, or regulation. Since these inquiries sometimes lead to a resolution of the matter that is more favorable to the interests and desires of the mailer, the Postal Service continues to conduct inquiries when there appears to be a reasonable possibility that the inquiry may be productive.

5(a). "Who within the Postal Service is responsible for making indemnity decisions?"

The International Mail Division of the Office of Mail Classification at U.S. Postal Service headquarters is ultimately responsible for indemnity decisions regarding international mail. This Division oversees the operations of four international adjusting exchange offices, in New York, Chicago, New Orleans, and San Francisco, where inquiries are processed and claims are adjudicated.

(b). "Why are there such inordinate delays in indemnifying senders of registered mail to the Soviet Union, when first class mail is lost or confiscated?"

We are not aware of any such "inordinate delays" in instances of lost mail in which the sender has a right to indemnification. In cases where seizure is reported, the sender may have no right to indemnification, in which event his claim for indemnity is denied, not delayed.

6(a). "Has the repeated failure of the Soviet Union to respond to the Postal Service inquiries within six months, of their own doing, or is it at least partly due to the time it takes the Postal Service to process claims and lodge inquiries with the Soviet Union?"

Following our discussions with Soviet authorities concerning this matter, the Soviet Union is now generally responding to our inquiries within the five-month period as required by the Convention.

(b). "For the record, what is the average time it takes the Postal Service to lodge an inquiry with the Soviets following the initiation of a claim by a sender of registered mail?"

Inquiries filed by U.S. senders are forwarded to the Soviet postal administration as soon as they are recorded and processed by the international adjusting exchange office at New York and records of their dispatch from the United States to the U.S.S.R. have been researched. This activity ordinarily requires approximately four and not more than six weeks.

(c). "How much of a backlog in inquiries is there presently at the International Mail Division?"

The International Mail Classification Division is currently handling 82 special cases presented by mailers concerning the treatment of their registered items and insured parcels mailed to the U.S.S.R. These are the cases where the Postal Service uses its "good offices" on behalf of U.S. mailers as described in detail in answer to question 4(c). All of these cases either involve returned mail, or inquiries that had already been handled in accordance with established Universal Postal Union procedures but are now being handled on a special basis because the mailers were not satisfied with the treatment of their mail or the responses to their inquiries. Many of the cases are awaiting responses from the postal administration of the U.S.S.R., which had previously complied with Universal Postal Union requirements concerning the inquiries and may not respond quickly to second or third inquiries; in other cases the mailer has been asked to supply additional information.

7(a). "Why is the classification of international mail so slow?"

Application of the mail classification schedule involves the assignment of a specific class and corresponding postal rate to an item a mailer wishes to mail. The classes are defined in international postal conventions and implementing postal regulations. Decisions concerning which class a mail item falls within are generally made by the acceptance clerk or other acceptance employees at the time of mailing. The process is thus typically not "slow" but, rather, nearly instantaneous.

(b). "I have even heard that some mailers receive no response to classification requests? Is this true?"

No. The application of the classification schedule is the responsibility of acceptance personnel in the field. We seldom receive at postal headquarters customer appeals from field classification decisions in regard to international mail, or complaints about the time it takes the clerk or his supervisors to reach decisions in this regard. Most of the approximately one billion pieces of international mail processed annually are successfully classified without delaying the customer or the mail.

8(a). "How far along are you in completing the formal study of the processing of claims and inquiries by the Postal Service, that was first raised and promised by Ann Robinson well over a year ago at a meeting in Congressman Fish's office?"

The study you refer to has been completed.

(b). "If it isn't finished, why not?"

Please see our preceding answer.

(c). "Doesn't this further delay the implementation of phase two which is to put into practice the findings of this study?"

The proposed automated and consolidated international mail claims and inquiry system is currently under review to determine whether the capital investment required for such a system will produce an adequate return in terms of cost savings and improved service to postal customers.

(d). "What does this say about your intention that the Postal Service is making progress in this area?"

As indicated in our response to question 6(b), we have improved the manual handling of inquiries to the U.S.S.R., which are being processed within a six-week time period, and our responses to those inquiries, which with the assistance of the Soviet administration are now being completed within six months.

9(a). "Has the promised combining of the inquiry form with the indemnity form, to speed up the claims process, been brought about?"

No.

(b). "If not, why not?"

This would be a part of the proposed new automated claims and inquiry system referred to in our answer to question 8(c). The forms will not be combined until such a new system is approved and implemented.

THE POSTMASTER GENERAL,
Washington, D.C., July 14, 1978.

Hon. JAMES M. HANLEY,
Chairman, Subcommittee on Postal Operations and Services, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

Dear JIM. This replies to your letter of July 6, 1978, posing several questions about our international mail accounts with the Soviet Union in respect to indemnity claims and payments for lost mail. The questions are stated and answered below.

(1) How many claims have been filed against the Soviet Union?

From January 1, 1977, to June 1, 1978, the Postal Service received 624 claims for lost mail to the Soviet Union (Form 565's).

(1a) Has the Soviet Union paid any of these claims and if so, what are the actual statistics?

Certain of these claims are still being processed. In the most recent renderings of accounts in 1977 and 1978, the Postal Service has claimed from the Soviet Union \$22,368.17 in lost mail indemnities, of which we have already collected \$4,996.03 by deducting it from amounts which we already owed and would otherwise have paid to the Soviet Union for services it rendered to us under applicable postal treaties or conventions. We propose to collect the remainder of these claimed amounts in the same fashion. The Soviet Union has accepted responsibility for \$7,587.06, and disputed its liability for \$9,785.08.

(2) If payments have been made, what was the method used, and within what time frame were these payments made?

The method of payment has in recent cases been the deduction method described above. Because the Postal Service under applicable postal treaties and conventions is usually indebted to the Soviet Union by very substantial amounts for services rendered, it has not usually been necessary for the Soviet Union to make direct payments to the United States for any amounts it owes to us under applicable postal treaties or conventions.

The time frame for such payments or deductions varies according to when the domestic claims settlement is made relative to the international claims settlement, and whether the Soviet Union disputes our settlement of a claim. For undisputed claims, the deduction is normally taken at the next regular international settlement of accounts between the United States and the Soviet Union which occurs after the domestic settlement of the claim by the U.S. Postal Service with the customer in the United States. In disputed claims, the international settlement may be deferred to permit diplomatic efforts to resolve differences of opinions.

(3) What is the total indebtedness of the Soviet Union to the United States with regard to lost registered mail indemnities?

In our opinion, the total indebtedness of the Soviet Union in relation to the accounts discussed above is \$17,372.14.

Sincerely,

W. F. BOLGER.

DEPARTMENT OF STATE,
Washington, D.C., September 15, 1978.

Hon. JAMES M. HANLEY,
Chairman, Subcommittee on Postal Operations and Services, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: I wish to take this opportunity to provide follow-up information to the important questions raised during the Subcommittee on Postal Operations and Services July 25 hearings on Soviet interference with the mails.

As you suggested that day, it was important that responsible Administration officials meet together to work out how the United States government might address this issue in its official diplomatic discussions with the Soviet Union. That meeting took place on July 27, at which time arrangements were made between the Department of State and the United States Postal Service to assure a con-

tinuing study of current data on complaints received from senders in the United States. In addition, a quantitative and qualitative analysis has begun, to identify trends in Soviet—and, I might add, East European—actions inhibiting the flow of mail.

It is our judgment that these are the obligatory first steps to prepare the substance of an eventual discussion of this issue between the governments of the United States and the Soviet Union. We plan to do this in the near future. Our efforts will also help to prepare for dealing with this matter in a meaningful way at the UPU Congress in Brazil in 1979. In this regard, we will shortly be advising you as to their views on the resolution now before the Committee.

Sincerely,

MARK L. SCHNEIDER,
Deputy Assistant Secretary for Human Rights.









