ialation, but they do allow hope when such legislation is indeed passed and citizens may rely on seeing it carried out. This hope is the basis of active democratic reform and confidence in the capability of the Congress.

Therefore, the approach of this bill is twofold: First, it extends the rights contained in the APA to those situations that are of direct concern to our citizenry; second, it strengthens the ability of Congress to actually control the actions of the Presidential branch. In both cases, the status of the objection is strengthened, democratically arrived-at legislation against the subjective political and bureaucratic desires of an uncontrolled administration.

The Bureaucratic Accountability Act is to mean at least three things: a clear and accurate idea of their rights and of the procedures of the bureaucracy. I believe this is an important extension of responsible participation in the work of the Government. A summary of the act follows:

**SUMMARY OF 'BUREAUCRATIC ACCOUNTABILITY ACT OF 1977'**

Section 101—Extension of rulemaking requirements: The Administrative Procedures Act sets forth some minimal due process requirements to be followed whenever the bureaucracy issues "rules" that affect the citizen.

At present, the requirements apply mainly to those agencies. The time has come to extend these APA procedures to social programs and other aspects of "government." Allowing the citizens to present their case, and requiring the bureaucracy to hear all relevant views, are increasingly indispensable tools of effective government.

Therefore, this bill amends the existing law by adding "the establishment of practices or procedures with respect to public property, contracts, loans, grants, benefits," to the rulemaking requirements of notice and comment.

Section 102—New Criteria for rulemaking requirements exemptions: This section regulates those cases in which there is a legitimate public interest served by exemptions from the procedures. It requires the agencies to state a reason for the exemptions.

Section 401—Grant of authority to rulemaking in dealing with rulemaking procedures when their observance is found to be inappropriate, unnecessary, or not needed for the interest of national defense or foreign policy.

The present exemption of interpretive rules and general statements of policy is eliminated. These agency decisions are often just as important as rules proper. The division between "rules and interpretive statements" is inefficient for deciding what should or should not be exempted.

Section 201—Payment of expenses incurred before agencies: Our system of government relies on the spontaneous cooperation of the citizenry. This includes active participation in the legislative process, either by sending letters to Congress or by providing information and perspectives that the bureaucracy would not have the resources to discover. When this private par-

ticipation aids in vindication public policy, the citizen should not be penalized by excessive financial burdens. Congress should be responsible and the agency should have the option of subsidizing those who otherwise would not be able to make a comparable contribution.

Section 501—Sovereign immunity—"Sovereign immunity" is a common law doctrine that prohibits suits against the sovereign without his consent. It is used by the government arbitrarily and unpredictably, and frustrates the orderly legal planning of the citizen. The act, however, in the days of positive government is a long overdue reform endorsed by most of those concerned with administrative law.

Section 401—Enforcement of standards for grants: The aim of this section is to ensure the maintenance of Federal standards of performance and policy aims in those state and local programs that depend on Federal funds.

This bill defines grant-in-aid programs as "programs pursuant to which the Federal government transfers funds to state and local governments and public and non-profit organizations to provide general public services or finance programs for special groups."

Secondly, the bill makes subject to the public notice and comment procedures of rule-making. This was done in Section 102 above. This will allow objections to be heard before a state or local program is approved and funded. Relevant materials are required to be made available to interested persons.

Thirdly, procedures for hearing complaints concerning grant plan applications and the administering agency and the state or local grantee.

The agency will hear complaints when they are made by the name of a substantial number of persons affected by a grant-in-aid program, or when the agency decides an important policy question is involved. The agency is also required to inform the Federal standards than the complete termination of the program.

Grantees are required to hear complaints from any person adversely affected by their administration of the program. Minimum standards for grantee complaint procedures are set up.

**THE HELSINKI SPARK**

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Recorders to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in recent months a number of reports from Eastern Europe and the Soviet Union have made us aware of the endurance there of a remarkably stubborn human trait: the thirst for liberty. The reports from the U.S.S.R., Czechoslovakia, East Germany, and Poland usually present the manifestations of this thirst under the heading of "dissent," but that term covers a multitude of interests.

In Poland the protest that has become audible centers on the rights of workers to express their dissatisfaction with their economic and social conditions, without police reprisal and arbitrary arrest. In East Germany a reported 100,000 citizens have applied to emigrate to rejoin family members in the West, separated from them by the infamous wall. In the U.S.S.R., the dissenters include thousands who seek to emigrate, thousands more who want only to practice their religious beliefs or express their ethnic identity in greater freedom, and hundreds who have dedicated themselves to protecting the civil rights of their friends and fellow citizens.

In Czechoslovakia, the cry for liberty is raised by youngsters who want to play their own kind of music and by respected public figures who want the freedom to say what they think.

One common thread unites these various expressions of dissent. It is the reform movement to remove the kind of process and lack of concern for the undertaking to "respect human rights and fundamental freedoms" freely given by the heads of their governments in signing the Helsinki accords on August 1, 1975. That solemn pledge gave a spark of hope to ordinary people in societies where freedom and human rights have long been curtailed.

In Czechoslovakia the spark ignited a push by ordinary men and women to seek compliance with the family reunification provisions of the Helsinki document. In Poland the concerns of human rights provided a common ground on which workers and intellectuals could meet to seek redress of grievances from their government, and in Czechoslovakia the promise of Helsinki formed the premise for the historic and month of Charter 77, a new "free, informal and open association of people" dedicated to "respecting civil and human rights."

As one who believes that the Helsinki principles can provide a workable code of conduct to guide relations among the 35 signatory states, I am encouraged that the citizens of these Communist nations also find hope in the agreements. I cannot help, however, being deeply disturbed by the efforts of their governments to extinguish that spark of hope. The pattern varies from country to another, and the ugliest manifestations have appeared in the Soviet Union and Czechoslovakia. Professor Orlov and his colleagues in Moscow, Kiev and Vilnius have been brutally harassed. Three of the reported 257 signers of the Charter 77 manifesto—Vaclav Havel, Frantisek Pavlicek, and Jiri Lederer—as well as a fourth human rights activist, Ota Orntz, have been arrested on charges of subversion in Prague. Others in the Charter 77 group, like playwright Pavel Kohout, have been beaten, or, like Zdenek Mlynar, dismissed from their jobs.

Such repression of civil dissent is repugnant in itself. In the context of the Helsinki agreements—whose implementation the Congress has charged the Commission on Security and Co-operation in Europe to evaluate—the campaign against freedom and human rights amounts to a breach of a crucial promise. If the U.S.S.R., in particular, is to be so flagrantly ignored, the other signatories, and especially the United States, must ask themselves how valid are any of the commitments on
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International security and cooperation. All the signatories agreed that all the principles governing their behavior, including that of their "respective human rights and fundamental freedoms," are to be "equally and unreservedly applied." Fulfillment of that promise can promote a safer world and the progress of détente.

Dishonoring that pledge only worsens international tensions.

So that our colleagues may judge for themselves how basic are the issues raised by the human rights advocates in Czechoslovakia, I include a full translation of the following, as it was printed January 7 in the Frankfurter Allgemeine:

On 13 October 1976 the "International Agreements on Civil and Political Rights" were published in the collection of the Czechoslovakia (Issue No. 120), both having been signed on behalf of our republic in 1968, confirming it is being deprived of any right to ensure their implementation. The rights and men guaranteed by these two agreements are important values of civilization which have been won through the political and progressive forces in history and whose codification can significantly promote the human development of the countries. This is why we welcome the accession of the CSSR to these agreements.

Yet their publication makes us recall with new urgency at the same time how basic rights of the citizen for the time being are valid only on paper, unfortunately. Complete and total illusion in the eyes of these people is the right and the freedom to choose their political beliefs, and their opinion is guaranteed by Article 19 of the first agreement.

Just for that reason tens of thousands of citizens are deprived of the opportunity to work in their profession because they advocate views which differ from official opinions. Besides, they are often made the object of the most manifold discrimination and chicanery on the part of the authorities and social organizations. The freedom of thought and action is not guaranteed by any of the laws applicable to them. The rights and men guaranteed by these two agreements in this field are being systematically curtailed by dictatorial actions which in the eyes of the citizens have been interpreted simply as an attempt to bring them into line with the policies of the party and the decisions of dictatorially influential individuals. The Constitution of the Czechoslovakia, other basic norms and social norms regulate neither content nor form nor preparation and application of such decisions; they are primarily adopted behind the scenes, often only orally; on the whole they are unknown to the citizens and beyond their control; their authors are responsible to nobody but themselves and their own hierarchies, though they are thus decisively influencing the activities of legislative and executive branches, the judiciary, trade union organizations, interest groups, and all other social organizations, other political parties, enterprises, plants, cultural associations, and other organizations and their orders have priority over laws. If organizations or citizens are plunged into a new situation, they are at the mercy of the law, in its interpretation of their rights and duties, they have no opportunity to challenge or even to present their views. This is why there is none. All this seriously tend to curtail all those rights which emerge from Articles 21 and 22 of the first agreement (freedom of assembly and the protection of any limitation in its exercising) as well as from Article 23 (freedom before the law). This state of affairs also prohibits workers and other people engaged in their vocations from establishing trade union and other organizations or protecting their economic and social interests without any restriction whatsoever and to freely apply the right to strike (Item 1, Article 8 of the second agreement).

Other civil rights, including the explicit prohibition of "arbitrary interference in private life, family, home, or correspondence," (Article 17 of the first agreement) have been considerably violated by the fact that the Ministry of the Interior has been controlling all aspects of the private lives of the citizens in various ways, such as tapping telephones and apartments, checking the mail, through surveillance, searches of houses, the establishment of a network of informers recruited from the people, (often with the help of threats or promises) and so forth. The Ministry of the Interior often interferences in decisions of employers, inspiring discriminating actions of authorities and organizations, and organizational or political, philosophical or scientific opinion which only slightly deviates from the narrow framework of the official ideology or esthetes can be published; public criticism against phenomena of social crises is made, the result of "defensive" attacks against false and offending contentions by official propaganda is out of the question (there is no legal protection in practice against attacks against "honest and reputable," which is unequivocally guaranteed by Article 17 of the first agreement); mending of this situation is demanded, and any attempt at obtaining rectification or correction by legal action is to no avail; in case of such actions of intellectual and cultural work is out of the question. Many people working in science and culture and other citizens are discriminated and discredited. In general, things are being treated in a way that violates the human dignity of the arrested, jeopardizes their health, and aims at breaking them morally.

Point 2 of Article 12 of the first agreement also has been being violated, granting citizens the right to leave the country freely. Under the pretext of "protection of national security" (Point 3), this right has been linked to various illegal conditions. Arbitrary action has been taking place in granting visas to members of foreign states. Many of them are not permitted to visit Czechoslovakia, because they had professional or friendly relationships with persons who have been discriminated against. Some citizens point out—be it privately at the place of employment or publicly, which is possible only in foreign communication—human rights and democratic freedom, demanding to stop it in concrete cases. But usually they are not heard by the authorities or become the subject of investigation.

Responsibility for maintaining civil rights in the country is certain to lie with the political and state powers; but not by them alone. Everybody bears partial responsibility for general conditions and thus for adhering to constitutional agreements, which apply to governments alone but to all citizens. The feeling of joint responsibility, the conviction that the engagement of citizens makes sense and the determination to engage, as well as the joint desire to find a new effective expression for it, created the idea among us to set up Charter 77, the creation of which we are announcing publicly today.

Charter 77 is no organization, it has no friendship of people motivated by the joint concern for the fate of ideals and values they have linked their life and work.

Charter 77 is no organization, it has no statutes, no permanent organs and no organizational membership. Everybody belongs to it who agrees with its ideas, partakes in its work, and supports it.

Charter 77 was the basis for opposition political activity. It wants to serve joint interests as do many similar initiatives of citizens in various countries and at various times, as well. It does not want to establish its own programs aimed at political reforms or changes. Within its sphere of activity it wants to lead a constructive dialog with political and state powers, particularly by pointing out various concrete cases where human and civil rights are violated. It wants to prepare the documentation of this, suggest solutions, make various generalizations, publicizes these cases, and informs the public about the ineffectiveness of rights and their guarantees, and it wants to act as mediator in conflict situations which might be created by illegal action.