

laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island shall be covered into the Treasury of Puerto Rico."

6. Refunding provisions existed also concerning income derived from tariff duties on articles imported into Puerto Rico.

All of these conditions were highly favorable to Puerto Rico. They had become inextricably interwoven in the fabric of Puerto Rican life. All six were part and parcel of basic freedoms, aspirations, achievements and facilities in Puerto Rico. Under Statehood some would be lost. Under Independence others would be lost. It was essential for Puerto Rico to retain them all. They were indispensable for Puerto Rico's continued growth and development and for the furtherance of its own cultural and political autonomy. Obviously a perfect symbiosis could not be achieved. But basic directives towards these objectives could be formulated. The PDP took such a program directly to the electorate.

Following an overwhelming victory at the polls, Governor Luis Muñoz Marín and Resident Commissioner Antonio Fernós Isern as principal leaders of the Popular Party, took their proposals to President Truman and to the leaders of the Congress of the United States. Approval of the basic ideas were finally enacted "in the nature of a compact" in Public Law 600, signed by the President on July 3, 1950.

Public Law 600, required previous approval by the people of Puerto Rico in a referendum. The referendum was held June 4, 1951 and the law was accepted by a vote of 387,016 for and 119,169 against. Subsequently delegates to a Constitutional Convention were elected in August 1951. The Constitutional Convention recessed after approving the Constitution of Puerto Rico on February 1952. That Constitution was approved further by the electorate in referendum held March 3, 1952 by a vote of 374,649 to 82,923. The Congress accepted the Constitution through a second public law involving an inconsequential modification, which the Constitutional Convention accepted. On July 25, 1952 Governor Muñoz Marín proclaimed the Constitution:

"Which a democratic and great-hearted people have forged for themselves and by which they have attained their political majority in the form of the Commonwealth of Puerto Rico."

The opportunity for self-determination both for and against Commonwealth is inherently built into the Commonwealth system. Puerto Rico's has exerted repeatedly its self-determination in favor of Commonwealth Status. Two referenda and a Constitutional Convention were preconditions to its establishment. After Commonwealth, general elections have been conducted regularly every four years; six in all. All have reaffirmed the validity of the basic principles of Commonwealth.

The results of our latest general election are particularly significant. On November 7, 1972 the electorate, which includes for the first time all persons 18 years old and over, returned to office the PDP by a decisive majority. In 1968 the New Progressive or Statehood Party had won the governorship, the House of Representatives and the Resident Commissioner by a plurality of votes after pledging themselves to pursue a program of administrative and economic reforms and to respect Commonwealth. In the 1972 elections the PDP claimed that the Statehood or New Progressive Party had violated its status pledge. The PDP presented the defense of the Commonwealth Status and its advancement as one of its main issues. The Independence Party called for an all out participation. There were no abstentions or boycotts. 85% of the electorate participated.

On the straight party ticket vote the returns were as follows:

PDP (Pro Commonwealth) -----	609,670
PNP (Pro Statehood) -----	524,039
PIP (Pro Independence) -----	52,070
All other parties -----	4,940

Total ----- 1,190,165

Aside from the "daily plebiscite" of living together in peace, progress and social solidarity, which Ernest Renan describes as the ultimate test of the collective will and in addition to the electoral evidence already mentioned, self-determination was directly and specifically exercised on July 23rd, 1967. Puerto Rico held then a Plebiscite on the precise issue of Commonwealth, Statehood or Independence. Over 60% of the voters cast their ballots in favor of the Commonwealth. The Plebiscite Act and the ballot provided that a vote for Commonwealth involved:

"The reaffirmation of the Commonwealth . . . as an autonomous community permanently associated with the United States and for the development of Commonwealth to a maximum of self-government compatible with a common defense, a common market, a common currency and the indissoluble link of the citizenship of the United States."

Commonwealth Status is open ended and is neither static nor perfect. It is a continuing process. It provides the people of Puerto Rico with a flexible political structure within which their spiritual, social, economic and personal life may continue to advance in civilized, livable, worthwhile, meaningful ways. The great majority holds that these objectives can be achieved best in Puerto Rico and for Puerto Ricans with an autonomous society united in free, voluntary, fruitful and permanent association with the United States.

The ultimate validation of Commonwealth is that it safeguards and advances the fulfillment of human rights, the full exercise of political freedoms, the public responsibility for economic development, the commitment to social justice, the orderly change of laws, institutions and structures through effective use of the democratic process, and that thru that democratic process Puerto Rico has created and established its own chosen and preferred form of government. It is a form of government that maintains the frontier personality, avoids the pitfalls of nationalism, keeps options of improvement open and facilitates living together persons with diverging political aspirations.

Are the people of Puerto Rico to be told that what they have proudly endorsed as "Puerto Rico's own contribution to the struggle of man to achieve freedom, dignity and self-fulfillment in the Caribbean, based on the principles of autonomy, social interdependence and self-determination" is to be dismissed as being below standards and achievements supposedly prevailing in one hundred and thirty other communities. If so, on what evidence?

Political relationships and structures are unsatisfactory the world over. Many of them, if not all, rest upon assumptions and premises that science, technology, interlocking economies as well as overflowing populations and shifting values has rendered grossly defective. A sadder, and not particularly wiser mankind approaches the end of the 20th Century without adequate political instruments thru which to channel, foster and protect in the years ahead and in a shrinking world the values of human solidarity, tolerance of differences and political responsibility.

Perhaps the greatest theoretical merit of the architects of Commonwealth lies in their valiant effort to work out a political status which would fit the needs and aspirations of the people of Puerto Rico rather than have such needs and aspirations forced into preor-

daind forms of political status which for Puerto Rico would be crippling and unacceptable.

The changing realm of political relations and of political structures does not offer one single model of perfection or of immutability. Change, conflict and despair are too much with us to excuse thinking, opining or believing that Utopia is around the corner.

Those of us who represent Commonwealth are fully aware of its shortcomings. We are committed to a program that would extend its range of responsibilities and would effect a more perfect union with the United States.

We are committed further to accomplish these additional goals during the term of our responsibility in the same spirit of mutual understanding and trust that has distinguished our previous achievements. Therefore we are glad to discuss the values and limitations of Commonwealth at any and all academic, international, cultural or professional levels. At the same time there is only one political forum authorized to make changes and to pass judgment upon Commonwealth. That forum which has heretofore expressed its full endorsement of the principles of Commonwealth is constituted by the people of Puerto Rico.

IMPLEMENTING LEGISLATION FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday Senator Scott of Pennsylvania introduced S. 1758, a bill to implement the provisions of the Genocide Convention.

I hope that critics of the genocide treaty will give this legislation careful consideration, since it shows their worst fears to be unfounded.

The International Convention on the Prevention and Punishment of the Crime of Genocide is not self-executing. Thus, when the United States ratifies the Genocide Convention, it will also be necessary to pass this bill which authorizes the execution of its provisions. This legislation is clearly in full accord with the provisions of the Constitution which guarantees due process under law, protects individual liberties through the Bill of Rights, and prohibits cruel and unusual punishment. A careful study of S. 1758 assures us that ratification of the Genocide Convention will not fulfill the fears of its critics. Our national sovereignty will not be tampered with nor will our Constitution and individual rights be usurped.

I hope that consideration of this bill will be helpful in the consideration of the treaty which it implements as an indication of how domestic law might be shaped to fulfill our treaty obligations.

Mr. President, I urge the Senate's support for this legislation and swift ratification of the Genocide Convention.

NO-KNOCK SEARCHES AND GOVERNMENTAL LAWLESSNESS

Mr. ERVIN. Mr. President, 3 years ago Congress enacted a provision which I predicted would be a "giant step in conversion of our free society into a police state." That provision, section 879 of title 21 of the United States Code, permitted Federal narcotics agents to enter the private homes of American citizens like thieves in the night without notice and without warning.

I joined a number of my colleagues in strenuously objecting to this most dangerous no-knock search provision—Controlled Substances Act of 1970. We were outraged by this blatant invasion of the fourth amendment prohibition on unreasonable searches. We predicted that such a provision would lead to intolerable abuses when law enforcement officers faced with the frustrating task of enforcing our narcotics laws are tempted to avoid the requirements of traditional search procedures and resorted to this new authority.

When the Senate considered this bill we spent hours debating warrant provisions of the no-knock section. How, we asked, could a police officer, while miles away from a house, predict and swear in an affidavit that his life will be endangered or that narcotics will be destroyed when he reaches the home?

We were assured that law enforcement officers and Federal judges, unlike ordinary mortals, are capable of predicting the future. We were told that this sort of authority was absolutely essential and that the whole narcotics enforcement strategy depended on making this exception to fourth amendment rules, centuries old. This attitude was expressed by Mr. Myles Ambrose of the Department of Justice most recently when he attempted to justify no-knock searches by Federal narcotics agents. According to Mr. Ambrose—

Drug people are the very vermin of humanity . . . occasionally we must adopt their dress and tactics.

In other words, in order to capture criminals, the law enforcement agencies must act criminally—a little lawbreaking does wonders for law and order.

Four recent cases convince me that some law enforcement agents have, indeed, acted like common criminals. Innocent homeowners have been terrorized and all Americans are the victims. The newspaper articles which follow describe incidents involving no-knock raids against the Pine family in Winthrop, Mass., on January 10, 1973, the Majette family in Portsmouth, Mass., on January 26, 1973, the Gigliotto family and the Askew family in two separate incidents in Collinsville, Ill., on April 29, 1973.

Unfortunately, these four cases are not the only examples of abuses by law enforcement agents of fourth amendment rights. In December of 1970, I brought to the attention of the Senate similar cases of no-knock searches of innocent homeowners in Arizona and Virginia. In June of 1971 there was the infamous Kenyon Ballew case in Maryland. Mr. Ballew was shot in the head when he attempted to resist a no-knock search.

Although the Majette and Pine incidents and the 1970 and 1971 cases involve State police, all of these illustrate the dangers of no-knock raids. In every one of the recent cases law enforcement agents kicked in the door of a private home and entered with weapons drawn in search of illegal narcotics. In all four they had entered the wrong home and terrorized the occupants. In almost every case the occupants thought the law enforcement agents were criminals. In at

least one case the occupants likened the raids to Nazi Gestapo tactics, but they all qualify in that regard.

By far the most outrageous of the four incidents involved Federal agents in the Gigliotto and Askew raids in Collinsville, Ill., about a week ago. According to the Washington Post, agents of the Office of Drug Abuse Law Enforcement—DALE—of the Department of Justice entered two houses without warrants, kicked in the doors without warning, shouting obscenities, and threatened the inhabitants with drawn weapons. The Gigliottos and Askews were terrified and only temporarily relieved when the agents left after discovering they had entered the wrong house.

No-knock searches are bad enough, especially where the search takes place on the wrong house. But a no-knock search without a warrant is totally unjustifiable and, indeed, is clearly illegal under the Federal no-knock statute. If the facts in the Post story are correct and these two no-knock searches were conducted without warrants, this means that certain agents of the Department of Justice see themselves as above the law.

The New York Times, commenting editorially about the Collinsville incidents and certain disclosures in the Watergate case, suggests that such governmental contempt for the law is subverting the whole American system of justice. Unfortunately, the unbridled desire for law and order is resulting in the greatest crime of all—abuse of justice and law by those sworn to uphold it. No crisis of street crime warrants subverting the Constitution.

I am reminded of the words of Justice Brandeis in his classic dissent in the wiretapping case of *Olmstead v. United States* (1928), 277 U.S. 438, 485:

... If the Government becomes a lawbreaker it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face."

Every Senator in this Chamber and especially every law enforcement officer should ponder Justice Brandeis' teaching. I fervently believe that if we do not react quickly and without mercy against this government lawlessness that our republican form of government is in mortal danger. Furthermore, my mail suggests that citizens are outraged by the Collinsville raids and will support responsible congressional action against such governmental lawlessness.

I would like to draw the Senate's attention to a number of letters I have received from concerned citizens about these events which appear at the conclusion of my remarks.

One letter written by an attorney from Raleigh, N.C., summarized citizen outrage on these no-knock searches. In describing his feeling concerning the Collinsville events he said the following:

The words "appalling" and "shocking" immediately came to mind but are too trite to

express my true feelings. What I truly feel is repulsion and horror at what is described, especially when I realize that this atrocity was perpetrated in my name, by Federal agents supposedly representing my government, and in the name of justice. . . .

I want my children to know that ours is still a government which respects the rights of individuals and that people who conduct themselves in the manner described in this article do not "get away with it". For the sake of every American, I hope that you will not only investigate this matter but—if the facts are as reported—will see that all those responsible are required to answer for their misconduct.

I have written to Mr. Myles Ambrose, of the Department of Justice, who directs the Office of Drug Abuse law enforcement, for an explanation of the Collinsville incidents. I pray that he has a satisfactory answer for, if he does not, I plan to introduce legislation repealing or modifying the Justice Department's authority to conduct no-knock searches and hope Members of the Senate will join me in that endeavor.

Mr. President, I ask unanimous consent that the newspaper articles described above, the letters from concerned citizens, and a letter I have written to Mr. Myles Ambrose of the Department of Justice concerning the Collinsville raids be printed in the Record.

There being no objection, the articles and letters were ordered to be printed in the Record, as follows:

[From the New Orleans (La.) Times-Picayune, Jan. 14, 1973]

FIFTEEN ARMED MEN SMASH DOORS

WINTHROP, MASS.—At 10 a.m. Wednesday, Bill Pine recalled, he was upstairs asleep. His wife, Phyllis, was in the bathroom getting dressed and their 13-year-old daughter, home sick from school, was downstairs watching television.

Mrs. Pine looked out the window of their single-family house and saw a man running down the driveway headed for the front door.

Melody went to open it but never got a chance, her mother said Saturday. The glass and wood shattered in the front door and back door. And suddenly 15 men in street clothes were standing in the living room with drawn guns.

The men turned out to be police who had mistaken the Pine's home for another address where they later found an alleged drug factory.

NO COMMENT

The state police, who led the raid, have declined comment on the incident involving the Pines but have promised a statement Monday. Local and federal agents also have declined comment, but the Pines recall their 15 minutes at gunpoint with fear and anger.

"Oh, my God, they've come to kill us," Mrs. Pine remembered saying as she spoke of the incident Saturday. Mother and daughter were pushed onto a couch and five men raced toward the staircase.

Pine, 38, who works nights in a print shop, was awakened by his daughter's screams. He gave this account:

"I sat up in bed and there was a gun at my head, and I heard someone say, 'Don't move.'"

THOUGHT OF KILLINGS

"I saw the man's eyes and the gun, and all I could think of was the mass killings by the Manson gang in California.

"I jumped up anyway and was pushed into the other bed room and pinned against the window with my back to the intruders. Now I was fully awake and knew there were five to eight guns pointed at my back.

"Someone asked me what my name was, and I replied 'Bill.' Three times I asked them who they were and what was going on.

"The confrontation lasted about 15 minutes, then I sensed things began to relax. I turned around and there was surprise on their faces. They went into full retreat. I heard someone downstairs say 'State Police.' My fear turned to rage."

ASKS EXPLANATION

Pine trailed the police downstairs and followed them outside in his undershorts, demanding an explanation.

By that time police had found the house they were after—the one next door on the quiet residential street, lined with one-family homes and apartment buildings.

Pine said that one Boston policeman came back and commented, "Look, I'm sorry we made a mistake."

Pine also said he was told by one officer that "two of the undercover men were rookies and a little gung-ho. They started before they should have."

ARRESTS MADE

When police officially announced the raid, they said it capped a 2½-month investigation. They said they arrested Jean Cataldo of Winthrop; James DiStefano, 29, of Malden, and Thomas Bradford, 30, of Wells, Maine, on a variety of drug charges, seized \$50,000 worth of heroin and broke up a heroin processing plant that was doing \$1 million a year business.

Conducting the raid were federal narcotics agents, state police and officers from six local police departments.

Mrs. Pine, 38, said she wanted to talk about the incident to expose actions that reminded her of police state dealings where "might makes right."

She said, "It's unbelievable how they can investigate a case for 2½ months and then knock down the wrong door."

Pine said his landlord had repaired the doors, smashed out in below freezing temperatures, and had sent the bill to police.

[From the Greensboro (S.C.) Daily News, Jan. 14, 1973]

AGENTS MOVED IN FOR DRUG BUST—AT WRONG HOUSE

WINTHROP, MASS.—At 10 a.m. Wednesday Bill Pine recalled, he was upstairs asleep. His wife, Phyllis, was in the bathroom getting dressed and their 13-year-old daughter, home sick from school, was downstairs watching television.

Mrs. Pine looked out the window of their single-family house and saw a man running down the driveway headed for the front door.

Melody went to open it but never got a chance, her mother said Saturday. The glass and wood shattered in the front door and back door. And suddenly 15 men in street clothes were standing in the living room with drawn guns.

The men turned out to be police who had mistaken the Pine's home for another address where they later found an alleged drug factory.

DECLINED COMMENT

The state police, who led the raid, have declined comment on the incident involving Pine but have promised a statement Monday. Local and federal agents also have declined comment, but the Pines recall their 15 minutes at gun-point with fear and anger.

"Oh, my God, they've come to kill us," Mrs. Pine remembered saying as she spoke of the incident Saturday. Mother and daughter were pushed onto a couch and five men raced toward the staircase.

Pine, 38, who works nights in a print shop, was awakened by his daughter's screams. He gave this account:

"I sat up in bed and there was a gun at my head, and I heard someone say, 'Don't move.'"

"I saw the man's eyes and the gun, and all I could think of was the mass killings by the Manson gang in California.

FULLY AWAKE

"I jumped up anyway and was pushed into the other bedroom and pinned against the window with my back to the intruders. Now I was fully awake and knew there were five to eight guns pointed at my back.

"Someone asked me what my name was, and I replied 'Bill.' Three times I asked them who they were and what was going on.

"The confrontation lasted about 15 minutes, then I sensed things began to relax. I turned around and there was surprise on their faces. They went into full retreat. I heard someone downstairs say 'State Police.' My fear turned to rage."

Pine trailed the police downstairs and followed them outside in his undershorts, demanding an explanation.

By that time police had found the house they were after—the one next door on the quiet residential street, lined with one-family homes and apartment buildings.

APOLOGIZED

Pine said that one Boston policeman came back and commented, "Look, I'm sorry we made a mistake."

Pine also said he was told by one officer that "two of the undercover men were rookies and a little gung-ho. They started before they should have."

[From the Charleston (S.C.) News and Courier, Jan. 14, 1973]

POLICE RAID TERRORIZES FAMILY

WINTHROP, MASS.—The Pine family—38-year-old William, his wife and their 13-year-old daughter, Melody—are still shaken by the memory of the moment when 15 armed men burst into their home without explanation and held them at gunpoint for a terror filled quarter of an hour.

It was, as it turned out, a drug raid by plainclothes state and local police from several towns. The problem was that after a 2½-month investigation, they raided the wrong house.

The house they wanted was across the driveway from the Pines' residence.

Not until they had left his home, Pine said, did the men identify themselves as police or say what they wanted.

It happened at 10 a.m. Tuesday, Pine, who had worked all night, was asleep upstairs and Mrs. Pine had just finished dressing when Melody looked out of the window and saw a man running toward the front door.

As she went to open it, the wooden door was smashed in. Simultaneously, the rear door also burst open in a spray of splinters and broken glass.

Mrs. Pine was confronted by 15 men with drawn guns in her living room.

She and her daughter, who was home sick from school, were roughly pushed onto a couch and held at gunpoint while several men rushed upstairs.

"Oh, my God, they've come to kill us!" she thought.

Melody had the same fear. She screamed, "You are going to kill us!" and jarred Pine out of his slumbers.

"I sat up in bed," he said Saturday. "There was a gun at my head and I heard someone say 'Don't move.'"

Five or six men, all armed stood in his bedroom.

"Quite honestly, I thought my family and me were going to be killed," Pine said. "I kept thinking about Charles Manson and Sharon Tate and all those other things."

Although warned not to move, Pine said he jumped up anyway "and was pushed into the other bedroom and pinned against the window with my back to the intruders." He said he knew "there were five to eight guns pointed at my back."

After about 10 minutes, Pine said he sensed a change in the atmosphere.

"I turned around and there was surprise on their faces. They went into full retreat."

Pine, dressed only in his underwear, ran outside after them demanding an explanation.

"When I ran after them they told me they made a mistake, and that they were police," Pine said. "My fear began to turn to rage."

He called Winthrop police headquarters and spoke to Chief David Rice who, he said, was "very sympathetic."

"He tried to calm me down and said if I wanted to sign a formal complaint, I should come and see him," Pine said. "We haven't decided that yet."

He said he is worried about possible retaliation.

"We were thinking about possible repercussions," Pine said. "If a gang of so-called police can come in and just break down doors, there's no telling what they might do if you get their wrath up, and quite honestly we were very apprehensive about saying anything."

Winthrop police referred queries about the incident to the state police who led the raid. A state police spokesman said everyone connected with the raid was off for the weekend and, that he knew nothing about the matter.

Pine is philosophical about the question of compensation for the broken doors and the mental anguish his family went through.

"If there is any compensation I can get out of this, any satisfaction . . . it would be at least to deter any other incidents like this happening, from people being victims of circumstances," he said.

"If we can at least help in any small way, that would be reward enough for us. My wife and daughter are very shook up about it."

Mrs. Pine, who is under a doctor's care, said she wanted to tell about the incident because it resembled a police state action.

"It's unbelievable how they can investigate a case for two and a half months," she said, and then knock down the wrong door."

[From the New York Times, Jan. 15, 1973]

WRONG-HOUSE RAID TERRIFIES FAMILY

WINTHROP, MASS., January 14.—Fifteen burly policemen, carrying rifles and handguns, broke down two doors and poured into the home of the William Pine family last Tuesday.

It was 10 A.M., and Mrs. Pine was caring for her 13-year-old daughter, Melody, who was home from school recovering from a mild illness; Mr. Pine, a 38-year-old night worker, was upstairs sleeping.

The men wore no uniforms, did not offer any identification and did not speak, Mrs. Pine said today in an interview, except for a few brusque orders followed by a rough shove to the living room couch.

Bewildered, Mrs. Pine and her daughter screamed over and over: "Please don't kill us, please don't kill us."

"Just don't move," came the only reply.

THE WRONG HOUSE

State and Federal agents and the narcotics squads of several communities had been surveying the house next to the Pine residence for the last two and a half months, where they believed a lucrative heroin factory was in operation. When the time came, they raided the wrong house. They realized the mistake in time to make the proper arrests, however, and to confiscate thousands of dollars worth of illegal drugs.

Police officials have declined comment, except to say there would be a thorough investigation.

"I thought they were all maniacs that had come to kill us," Mrs. Pine said. "I could only think of Poland or the Olympics, that they came to get us because we are Jewish."

"They never told us who they were or that they were police officers even after they left," she said. "I didn't know police operated like that in America. I'm ashamed that this could happen here."

During World War II, German storm troopers in Poland routed her grandmother and grandfather from their beds and annihilated the family, Mrs. Pine said. She said she first heard the story as a little girl and it filled her with terror.

Mr. Pine, who had been sleeping almost three hours, said he was awakened by the screams of his family. Suddenly, he said, he saw several guns trained on him and felt a gun barrel pressed against his temple.

"Don't move!" one of the men shouted. "Get up slowly and keep your hands over your head."

OUTDOORS IN UNDERSHORTS

Mr. Pine rose and the men—most dressed neatly and conservatively—pushed him out of the master bedroom and into the next room. They asked him his name. Then they suddenly rushed out of the room. Mr. Pine followed them downstairs and out the door wearing only his undershorts in the morning cold, asking over and over who they were and what they wanted.

Then one of the men turned toward Mr. Pine and said, "State Police."

Mr. Pine said one of the officers later came back to apologize. "He said that two over-anxious rookies had moved too soon and made the mistake," Mr. Pine related. "That's a little ridiculous."

Mr. Pine said he was uncertain what legal action, if any, the family would take.

The police apparently did have a warrant, but for 30 Underhill Avenue, a green house. The Pine family lives at 32 Underhill, also a green house—now with two new doors.

[From the New York Times, Jan. 16, 1973]

UNREASONABLE SEARCH

At 10 o'clock of a weekday morning fifteen men, armed to the teeth, break into the home of the William Pine family in Winthrop, Mass., by smashing the doors. Mrs. Pine and her teen-age daughter, in uncomprehending terror, plead for mercy. Her husband, who holds a night job, awakens in his upstairs bedroom to stare into the muzzle of a gun. Through Mrs. Pine's panicked mind flashes the almost forgotten story, told to her as a little girl, of how Nazi stormtroopers had routed her grandparents out of bed in their native Poland and murdered them thirty years ago.

The armed intruders, however, were not fascist thugs; neither were they desperate bandits. They were merely Massachusetts state police officers in civilian dress on a narcotics raid—at the wrong address.

The incident should be a danger flag to police commanders throughout the country. In how many other states or communities would it be possible for law-enforcement officers, in mufti, to perpetrate a similar outrage, without identifying badges or any effort to let the occupants know that the break-in was actually an authorized search? The fact that such police procedures can happen at all—even leaving out the inevitability of monstrous error of the type that occurred in the Pine household—raises serious questions about those occasional reports of shootouts between raiding policemen and civilians. Had Mr. Pine owned a gun, could he have been blamed for opening fire in the face of unknown armed invaders?

"I didn't know police operated like that in America," said Mrs. Pine. "I'm ashamed that this could happen here." Police chiefs everywhere should include the episode in their order of the day—as an example of an abuse of police power that must not happen again.

[From the New York Times, Jan. 30, 1973]
VICTIMS OF MISTAKEN RAID SUE POLICE FOR \$1 MILLION

BOSTON, January 29.—An attorney for a Winthrop woman and her daughter filed a \$1-million suit Monday in Federal District Court in connection with a mistaken police narcotics raid on their home.

Mrs. Phyllis Pine and her daughter, Melody, 13 years old, also asked for \$10,000 damages each from 10 defendants, including the state public safety commissioner; the Boston police commissioner; the police chiefs of Winthrop, Chelsea, Revere, Malden and Lynn; three state troopers, and "other officers unknown."

The suit contended that about 10 state and local policemen broke down the front and rear doors of the Pine home Jan. 10, searched the house without a warrant, pointed guns at Mrs. Pine and her daughter, struck them on the arms and pushed them onto a couch.

Police officials have said that the raid was a mistake and that members of the Pine family were not assaulted.

[From the Ledger-Star, Jan. 26, 1973]

NARCOTICS SQUAD BREAKS IN DOOR OF WRONG APARTMENT; APOLOGIZES

(By Jack Armistead)

PORTSMOUTH.—"I was half asleep. It scared me so bad that I'm still nervous."

Mrs. Anna Majette, 50, of the 1400 block of Barbour Drive, was explaining the way she felt after Portsmouth Police Narcotics Squad detectives broke her door down about 3:20 a.m. today by mistake.

"You are all wrong," Mrs. Majette told police.

Police were indeed wrong and have apologized to Mrs. Majette for the inconvenience, according to Police Chief Calvert L. Warren.

Mrs. Majette lives in apartment "J" in the Ida Barbour Apartments on Barbour Drive. Detectives were supposed to go to apartment "A," a police spokesman said.

Mrs. Majette said she heard loud knocking on her front door and then breaking glass. She said she opened her bedroom door and by this time a policeman was already at the top of the stairs with a gun drawn.

"The policeman said they had heard a lot of reports about this house and I said, 'This house?'"

Mrs. Majette said she asked the detectives if they had a search warrant and they did.

"But the search warrant said apartment 'A,' 1420 Barbour Drive and this apartment is 'J,'" she said she told police.

Mrs. Majette said the detective apologized. "I said it's too late to be sorry now," Mrs. Majette said.

While they were in her apartment, Mrs. Majette said she was asked if she knew the occupants of the other apartment.

"No I don't know them," she answered.

"I was so shook up. It's a good thing I didn't have a gun," Mrs. Majette said, adding that she hasn't been able to sleep since police left.

"I can't sleep because my door is broken and I can't lock it," she said.

After police left her apartment, Mrs. Majette said a detective came back by there again.

"He said 'I just wanted to let you know we got the people,'" Mrs. Majette said.

Mrs. Majette said she told the detective. "Mister, I don't care."

She lives with her 18-year-old son.

In the meantime, police did visit the other apartment.

They arrested the occupant there and charged him with possession of heroin.

Police identified the accused as William Thomas (Tow Bag) Bailey, 33.

Bailey appeared in Municipal Court today on the charge and his case was continued until Feb. 16. His bond was set at \$2,000.

According to a spokesman, raids at the wrong addresses do occur every once in awhile but not frequently.

"I was on a raid one time and we got the wrong house. We broke in, went upstairs to a bedroom, and found a half deaf and blind couple that didn't even know we entered the house," the spokesman said.

[From the Washington Post, Apr. 30, 1973]
THE NIGHT OF TERROR: "WE MADE A MISTAKE"

(By Dennis Montgomery)

COLLINSVILLE, Ill., April 29.—Herbert Giglotto, 29, and his wife, Louise, 28, had gone to bed at about 8 p.m.

"At about 9:30 we hear this crash. We hear this screaming. I take about three steps out of my bed and I see these hippies with guns," Giglotto recalled today. "I told my wife, 'My God, we're dead.'"

Across town at another home Donald Askew, 40, had just sat down to dinner with his wife, Virginia, 37, and their 16-year-old son, Michael. He looked out the window. He remembered, and saw several armed men in the yard.

Seconds later, he said, the men were at the door, trying to kick it in. Askew called to his wife to phone the police. She faintly. Askew told his son to run for his life.

The armed men who forced their way into the Askew and Giglotto homes last Monday were conducting narcotics raids. They came on the raids with no warning and apparently no warrant. They left when the raids turned out to be a mistake.

Myles J. Ambrose, director of the federal Drug Abuse Enforcement Program and a special assistant attorney general, said today it is his "understanding" that the men were agents from the program's St. Louis office.

Paul Cigliana, Collinsville police chief, confirmed that the raids were conducted by a "strike force" of federal narcotics agents from the St. Louis office.

Cigliana said he believed that policemen from some municipal police forces in the area also participated but he added, "I don't think there were too many of them."

Cigliana said no policemen from his department were involved. A spokesman from the Madison County sheriff's office said, "As far as I know there was no cooperation from this department."

Federal narcotics officials from the St. Louis office could not be reached Sunday, but had declined comment earlier. Askew said the men gave him the telephone number of the office to verify their identities.

Two days after the raids, Ambrose issued a statement: "I have directed an inspection team to thoroughly investigate this matter. If any federal agents have acted improperly, appropriate action will be taken. Under no circumstances will I permit my agents to violate anyone's constitutional rights."

Contacted at his Chevy Chase, Md., home, Ambrose said today, "The investigation is being conducted. When I have all the facts I will take appropriate action."

Ambrose, asked whether the investigation is top priority, said, "You bet your sweet life it is."

Before the raiders left without apologies, Giglotto said he and his wife had been threatened, bound, insulted and their apartment left in shambles.

"I've never had anything to do with narcotics," Giglotto, a boilermaker, said. "I hate it. I've never had anything to do with drugs and my wife never has."

The men did not identify themselves, he said, and showed no warrant. "They knocked me down across the bed and handcuffed

me and my wife. They had our hands behind our backs. I was in my underwear and she was in her negligee."

"Just shut your mouth or I'll kill you," Gigliotto quoted one agent as saying after he was asked to identify himself. The man reportedly told Mrs. Gigliotto he would kill her husband if she did not tell him where the drugs they sought were hidden.

With 15 raiders in the room and more downstairs, Gigliotto said his wife was pleading for his life. Gigliotto asked, "Please look at my identification before you kill me."

None did, he said. He added the only identification the Gigliottos were shown was a gold badge flashed by one of the intruders. Only Mrs. Gigliotto caught a glimpse of it.

As they lay trussed across the bed, Gigliotto said, another raider walked up the stairs and announced, "Oh, I think we made a mistake."

They had torn the house apart and found nothing. The front room was a shambles, littered with books, overturned furniture and a smashed television set. Released from his handcuffs, Gigliotto tried to put on his pants, he said, but a raider ripped them out of his hands.

"They were as rude leaving as they were coming," Gigliotto said. He said he followed them downstairs, demanding an explanation, shouting: "My God, you just kicked in my door, threatened to kill me and my wife, can you tell me what's happening?"

Gigliotto said one of the armed men turned and replied, "Shut your mouth, boy."

Askew said the raid on his home began as they were beginning a late dinner after he had stayed overtime at the service station he runs in East St. Louis.

Askew thought his son had been in a fight with some other teen-agers and the men he saw in the yard were coming to kill him.

As he held the front door, Askew said Sunday, two men knocked down the back door and leveled two riot guns at him. A man at the front door flashed a gold badge and Askew let them in.

Five men, all dressed as hippies, searched the house, looking for a suspect, Askew said.

Mrs. Askew, lying on the couch, revived. She saw the men with the guns and fainted again. When she revived again one of the raiders told her, "Take it easy, lady. We're really federal officers."

Askew said the men were polite. "Outside of kicking the door and scaring the — out of us, they were all right."

Satisfied the man they sought was not in the Askew home, one of the intruders said, "We just got a wrong tip." The men refused, however, to let Mrs. Askew call the police, and showed no other identification.

The Askews have filed a \$100,000 damage suit in U.S. District Court at Springfield. The Gigliottos are to meet with their lawyer Monday morning to determine what course to take.

[From the New York Times, Apr. 30, 1973]

LAW AND ORDER

"There are those who say that law and order are just code words for repression and bigotry. 'This is dangerous nonsense,' President Nixon declared last month as he unveiled harsh new anticrime proposals, 'Law and order are code words for goodness and decency in America.'"

As if the unfolding Watergate scandals were not enough, two fresh disclosures over the weekend further serve to underscore the extent to which goodness and decency have been despoiled in this country through the perversion of justice that poses as law and order today in Washington.

In the small southern Illinois town of Collinsville, it was revealed, two families were terrified one night last week by unkempt men shouting obscenities who kicked down

doors, overturned furniture and threatened them with guns. The men were Federal narcotics agents, acting apparently without warrants. After discovering they had entered the wrong houses, the agents withdrew without apologies. These were not isolated incidents. A Massachusetts family suffered similar indignities at the hands of errant narcotics agents last January.

The Administration's haphazard approach to law and order which leads to such outrageous abuses of the rights of ordinary citizens does not extend to all who may be suspected of criminal activity. Government sources in Los Angeles reported that top-ranking officials of the Justice Department have turned down a request by the Federal Bureau of Investigation to continue authorized electronic surveillance that they say had begun to penetrate connections between the Mafia and the teamsters' union, whose president, Frank E. Fitzsimmons, is the Nixon Administration's staunchest ally in all of labor.

To ride roughshod over the constitutional rights of citizens in the reckless pursuit of one class of criminal when failing to use every available legitimate means to detect possible crime among those who enjoy favor in high places subverts the American system of justice. There can be no order when those entrusted with law enforcement themselves show contempt for the law. Law and order under such conditions become code words for repression and hypocrisy.

RALEIGH, N.C.

Senator SAM ERVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: Since having read an article in Sunday's *News and Observer*, a copy of which is enclosed, I have been considering how to express myself. The words "appalling" and "shocking" immediately came to mind but are too trite to express my true feelings. What I truly feel is repulsion and horror at what is described, especially when I realize that this atrocity was perpetrated in my name, by federal agents supposedly representing my government, and in the name of justice.

It is shocking enough to consider conduct such as that described when it is attributed to criminals who might themselves be acting under the influence of drugs. It is unforgivable when done by narcotics officers under the guise of governmental authority. I have had my children read this article, in the hope that they may not become guilty of the complacency which I believe is shared by many—the misplaced belief that things like the Gestapo and NKVD "cannot happen here." Their reaction seemed to be that nothing would be done with those responsible and that they would probably "get away with it." I hope and pray for this country that my children are wrong. The men described in the article apparently acted without a search warrant and whether with warrant or not their reported conduct was reprehensible and entirely unbecoming federal agents—and they should be required to answer for their conduct.

I want my children to know that ours is still a government which respects the rights of individuals and that people who conduct themselves in the manner described in this article do not "get away with it." For the sake of every American, I hope that you will not only investigate this matter but—if the facts are as reported—will see that all those responsible are required to answer for their misconduct.

MOREHEAD, CITY, N.C.

Senator SAM J. ERVIN, Jr.,
Room 337, Old Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR ERVIN, Your reputation as a defender of due process leads me to believe

you are as disturbed as anyone over the continuing disregard of citizens' rights by the Federal Bureau of Narcotics and Dangerous Drugs—the latest case being the treatment of the Gigliottos in Collinsville, Illinois (Agnews, also).

I am 58, a graduate engineer and management consultant, and I believe I am a reasonable, thinking, mature person. I try to keep perspective, and would like to have your opinion of the dangers to people's rights if attitudes and behavior on the part of Federal personnel shown in the Watergate case, the Gigliotto case, and others you probably are more aware of than I, are not rooted out quickly and thoroughly.

I am thinking of offering to participate in a class-action suit on behalf of all citizens who feel endangered by such Federal activities. Is this feasible? Or advisable?

NEW YORK, N.Y.

Senator SAM ERVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: Among the mounting scandals in the Nixon administration it is difficult to single out one for particular censure. But the incredible, lawless Gestapo tactics reported in yesterday's *Times* on the part of narcotics raiders is downright terrifying. There have been other similar raids in the past, and many more by local officials. Also, one may assume that these reported cases were considered exceptional because the "wrong" houses were broken into at gunpoint without warrants; how many more cases have there been of similar "proper" raids which resulted in arrests and/or silenced or discredited complainants? More basically, whether or not a home being raided is the "right" one, such activities are illegal without warrants and even with warrants assault, terrorism, and vandalism are not allowed!

Anyone involved in these raids should be fired on the spot, and anyone who authorized, suggested or knew about them should be fired also. Everyone involved should face criminal prosecution.

I write to you because these activities seem to me intimately related to the attitude of Nixon and his Watergate friends—the arrogation of dictatorial powers to an executive capable of mounting terrorist raids on citizens, burglarizing Daniel Ellsberg's medical files, and subverting the recent national election!

GREENSBORO, N.C.

May 1, 1973.

DEAR SENATOR ERVIN: I know you are very busy but I also know you always make time to pay attention to the things which affect the liberty of we Americans. You are our great defender of our liberties, and I respect you for it.

I'm sure you have read the article I'm enclosing but just wanted you to know I am very much concerned about this and what can be done to prevent it happening again and again.

My very best wishes to you in your every endeavor.

SMITHFIELD, N.C.

HON. SAM ERVIN,
U.S. Senate,
Washington, D.C.

SIR: As must surely be the case with many thousands of Americans today, I am becoming more and more suspicious of some of the elected officials and those directly under their power who are controlling the directions in which this country moves. I have served as a minister of education in the United Methodist Church for six years, deal-

ing primarily with youth and young adults. For about five or six years now it seems that young people are being dealt with only out of necessity and never out of genuine concern. Almost daily it becomes more dangerous for Americans who don't share the same beliefs of our chief executive.

I just returned from Washington Monday after spending five days at the National Explorer President's Congress at the Sheraton-Park Hotel. We had the opportunity to speak with several reporters and congressmen and that didn't help much to ease my feelings. Then upon reading Sunday's News & Observer, Raleigh, I found the enclosed article. Since then I have not been able to find any follow-up news concerning this event. It bothers me deeply that such things go on in America; and I question how much more, and worse, goes on that never makes the newspapers.

Why I'm writing you about this is not absolutely clear to me, except maybe that you are one politician that I feel can be trusted and will be worthy of whatever faith is put in you and your decisions. What is now going on concerning this incident? Will the American people forget this happened and lose their outrage as they did with Kent State, with college students who participated in "peace marches" two years ago, and as they seem to be doing with Watergate? If you can supply me with any information to help answer some of my questions or ease some of my doubts it will be greatly appreciated.

Enclosed find clipping from The Smithfield Herald, May 1, 1973, covering your presence at Davidson College. The youth and young adults of North Carolina believe in Sam Ervin. We trust you, have faith in you, and are proud that you are our senator.

SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: In today's paper I find many things that disturb me greatly. For some reason our country's government has turned to lawless means to produce a beneficial end. I am referring to certain tactics used by law enforcement agencies. Two families' in Collinsville, Illinois, were threatened and beaten by federal drug agents. These were innocent people—the agents made a mistake. They crashed into these families' houses without warrants, but more distressing they were brutal to these people.

I am the first one to admit that the drug problem is a menace to America; however, only communist societies justify their ends by harsh and unjustified means. History has shown that countries with these policies are alienated from their citizens.

I am not a law breaker of any kind and most Americans are the same way. Has the day come when these Americans will have to barricade their homes and arm themselves in fear of their government?

WINSTON-SALEM, N.C.

HON. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR ERVIN: Attached is a copy of a news article appearing in the Winston-Salem Journal and Sentinel for Sunday, April 29, 1973.

If this story is true and correctly reported, it represents an alarming situation. Even one's home is no longer safe.

When did our Government assume it could invade the privacy of the home without proper warrants? When did our Government assume it could treat people the way the people in the article were treated?

What are you as a representative of the people going to do about this kind of business? What steps are you going to take?

Watergate by comparison with this invasion of privacy of the home is an old maid's

tea party. We are getting pretty sick and tired of you politicians making such a big issue of Watergate. Let's protect the people in their homes first, then clean up Watergate.

NEW BERN, N.C.

DEAR SENATOR: I'm very concerned over the incidents described in the attached articles. If my memory is correct, we had similar mistakes made months ago.

Is there any way to provide some stiff penalties for such mistakes? It seems to me that law enforcement officers should really have to do their "homework" or have absolute facts before they go busting into someone's home or suffer severe consequences for not being absolutely sure on who they're busting in on.

APRIL 30, 1973.

Senator SAM J. ERVIN Jr.,
Senate Office Building,
Washington, D.C.

DEAR SIR: The incidents in the enclosed clipping show a striking parallel to the "Bellevue incident" which occurred at Silver Springs Maryland in 1971.

The three incidents should illustrate that the "No Knock" law is a bad piece of legislation.

None of the top officials or their immediate aides are sensitive to the voting public. This seems to me to be a dangerous abuse of authority.

What can you as a member of the United States Senate do about this situation

WINSTON-SALEM, N.C.

Senator SAM ERVIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: Please allow me to take a few minutes from your busy schedule so that you may read the enclosed article that appeared on P. 1. *Sunday Journal and Sentinel*, Winston-Salem, N.C., 29 April 1973. Realizing you to be the leading authority of our Constitution and a person who dearly loves the principles that our country symbolizes, I am certain that you will be as shocked as I.

Before you get the impression that I am a "radical" bent on destroying the police image allow me to tell you something about myself. I am a disabled veteran of the Viet Nam war who is completing his first year of Law School at Wake Forest University. Although I have never fully understood why I left part of my physical body in the mud of Viet Nam, I have tried to insulate myself from stark reality by fantasizing that the effort was to support principles that founded our Nation almost two hundred years ago. What has happened to these principles in our Nation? Daily, I am appalled at the increasing "Gestapo" tactics and hunger for power shown by the current Administration. President Nixon seems to stereotype anyone who dissents from his policy as a "radical" bent on destroying the country. If the principles exemplified by the current Administration are indicative of this Country's future, I suppose I am a "radical". I am a radical who wishes to see that individual freedom and security are protected by the Constitution. I only hope that we can survive long enough to re-establish these forgotten principles.

Changing the subject somewhat; Senator Ervin, I am extremely pleased with the work that you are doing for the people of this Nation. I can honestly say that you make me proud to be a North Carolinian. Let us hope that more representatives will show the courage and leadership that you have while in office.

BIG SPRING, TEXAS.

DEAR SENATOR ERVIN: As a permanent resident of North Carolina (I am stationed in Texas in the USAF), I would like to voice my feelings to you, my Senator, concerning the "drug" raids on private citizens (innocent) in Collinsville, Ill., carried on illegally by federal agents from the Office for Drug Abuse Law Enforcement. These raids are an outrage and those responsible should be punished. This certainly is not a good example of law and order, is it? Please do what you can.

P.S. My wife and I think you are an outstanding congressman.

Thank you,

HIGH POINT, N.C.

DEAR SENATOR ERVIN: Yesterday morning before going to Church, I started to read the Greensboro paper and while reading the main headline article I was aghast at what it contained. This kind of thing done by our own government is wrong and to me a very serious matter.

I have always been a strong Law and Order man, and I did approve of the No-Knock provision in enforcement of Narcotics Laws, but this is a clear abuse and in a callous manner, of such laws.

Does it take something like this to show how our federal agents operate with suspects? I am not one for coddling criminals at any time, but even they have some rights to be treated decently when being apprehended. I would not approve of this kind of treatment even if they had been at the right houses.

How could the Narcotics Agents have been so stupid to have hit two wrong houses in the same town? I would like to know if they had a Warrant for each house. The attached articles does not say.

This is the kind of thing that I wish something would be done to correct this kind of treatment of people. I know the Watergate thing is serious, but in my opinion it is political, whereas this kind of treatment of people, especially innocent people, is something much more dangerous to our way of life than Watergate.

This is not the first instance I have read about, but this is the first I am writing to the Congress about. I believe the ATF Agents have had similar instances in the past in enforcing firearms laws. Such action is not right either. Like the man in the article said this is Gestapo tactics, or SS Stormtrooper action. Such should not be allowed to continue and I do hope you will do something about it. May I hear from you on this?

I have always supported you in the past and will do so next year. Almost all the time I agree with your views, but I know you are fair and interested in individual rights. This is such a case.

PEEKSKILL, N.Y.

DEAR SENATOR ERVIN: I wish to call your attention to the brutal and unconstitutional tactics employed by the Office of Drug Abuse Law Enforcement. According to an article in the New York Times of April 29, agents of that office recently terrorized two families in Collinsville, Illinois, after breaking into their homes without warrants.

The frightening thing is not that it happened to two innocent families, but that it happened at all. It is alarming that agents of the Federal government even contemplate the use of such measures against its own citizens. There is no legal or moral justification whatever for Gestapo tactics in the United States of America. Even the effort to rid ourselves of the scourge of hard drugs does not justify and is not well served by this horrible abuse of authority.

To say that violent raids conducted without warrants are unconstitutional is to understate the case by several orders of magni-

tude. These particular raids, and the training programs for the agents who participated in them, ought to be subject to immediate Congressional investigation. It is clearly in order to introduce corrective legislation to prevent and punish such abuses in the future.

GREENSBORO, N.C.

HON. SAM ERWIN,
U.S. Senate, Washington, D.C.

DEAR SIR: I have today read about federal narcotics agents breaking and entering without warrant and seemingly by mistake into two families' private residences in Collinsville, Illinois, terrifying these families, threatening to kill them, assaulting and abusing them without cause or provocation.

I am shocked; I am appalled! If this could happen there, it could happen in Greensboro to me or to you. Of course drug abuse, especially at the distribution level, is a severe problem and menace to us all and must be uncovered and prosecuted as best it can be. However, if disregard for innocent citizens such as in this case is more common than by accident, other means must be used; federal and state agents may not abridge our rights to safety and privacy within the home.

Please look into this situation to see if it is becoming a common practice. I feel that the supervisors of these federal agents should be checked on and reprimanded as necessary and if it be that this entrance without warrant and forcibly accomplished has become federal policy that those in charge be brought to public account.

I look forward also to your continued efforts investigating the Watergate Scandal. It appears that the end justifies the means in certain parts of the Executive Branch and it is imperative that such actions be brought to the surface for the public view.

Thank you for your efforts.

BRYN MAWR, PA.

Senator SAM ERWIN,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR ERWIN: I wish to applaud your conduct of the Watergate investigation. While this subject certainly deserves complete investigation, I believe an even larger danger lies in the recent actions of Federal Narcotics agents in Collinsville, Ill.

You are probably aware that these agents broke into two homes without warrants or authority. Gestapo tactics such as this deserve a thorough Congressional investigation. I earnestly hope that you will pursue this matter.

COMMITTEE ON THE JUDICIARY,
Washington, D.C., May 7, 1973.

MR. MYLES J. AMBROSE,
Special Assistant Attorney General, Drug
Abuse Law Enforcement Office, Department
of Justice, Washington, D.C.

DEAR MR. AMBROSE: I have just read of a recent incident involving the search by agents of the Office of Drug Abuse Law Enforcement (DALE) of the homes of Mr. and Mrs. Herbert Gigliotto and Mr. and Mrs. Donald Askew of Collinsville, Illinois. My knowledge of the situation is limited to the information reported in the *Washington Post* on April 30th.

I am particularly concerned about the manner in which the search was conducted. According to the *Post* story the agents of DALE entered the two houses without warrants, kicked in the doors without warning, shouting obscenities and threatened the inhabitants with guns. The Gigliottos and Askews were terrified and only temporarily relieved when the agents left after discovering they had entered the wrong house.

Please answer the following specific questions concerning these incidents:

(1) To what extent is the account in the *Post* article accurate?

(2) Along with a specific description of any inaccuracies in the *Post* story, please also provide me with the factual background which lead the DALE agents to resort to a warrantless, no-knock search?

(3) I assume that this search was conducted pursuant to section 879 of Title 21 of the United States Code. If not, please provide me with the correct statutory authority.

(4) Please provide me with the DALE rules, regulations, orders, directives or policy statements governing the conduct of its agents while engaging in search and seizure with or without warrants. Please also provide me with any information on disciplinary action taken by DALE against the agents involved in these incidents.

(5) How many no-knock warrants have been requested by DALE and the Bureau of Narcotics and Dangerous Drugs since the passage of section 879? How many such warrants have been granted? How many were executed? If you do not have precise figures please provide estimates of the total numbers and estimates of the frequency with which requests for such warrants are granted.

(6) How many warrantless, no-knock searches have been conducted since the passage of section 879? If no precise figures exist please provide estimates.

(7) Of the total number of no-knock searches both with and without warrants, how many have resulted in complaints by citizens such as the Askews and Gigliottos? Please provide a list of such complaints as well as a brief description of the factual circumstances surrounding each complaint.

Your prompt personal attention to this matter will be much appreciated. With all kind wishes,

Sincerely yours,

SAM J. ERWIN, Jr.,
Chairman.

THE PROPOSED DEMOLITION OF THE WAR MEMORIAL NATATORIUM IN HONOLULU

MR. INOUE. Mr. President, I would like to bring to the attention of the Senate a matter of grave concern to the people of Hawaii. It involves the War Memorial Natatorium in Honolulu, Hawaii. There has been a proposal to demolish this historic structure as part of the Waikiki Beach improvement project.

I firmly support efforts to preserve the War Memorial Natatorium from falling prey to the current demolition project. As I believe we have destroyed enough of pre-World War II Hawaii, I am fully supportive to current efforts to preserve, restore, and improve this historic landmark. The War Memorial Natatorium was dedicated on August 24, 1927, in memory of those individuals who lost their lives during World War I. Over the years, the Natatorium became a popular and unique saltwater swimming facility. The public swimming pool was more than just a place for competitive swimming. It was utilized for informal recreation as well as for swimming instruction and organized athletic competition for both young and old in Hawaii. The Natatorium has been placed on the Hawaii Register of Historic Structures and an application is being processed to have it placed in the National Register of Historic Structures.

In 1949, the State of Hawaii turned the Natatorium over to the city and

county department of parks and recreation for maintenance and upkeep. Unfortunately, this historic and unique structure was grossly neglected over the years and is badly in need of repairs. The State of Hawaii, the city and county of Honolulu and the U.S. Army Corps of Engineers are in favor of demolishing the structure to expand the beach space on Waikiki Beach. However, I do not believe that destruction of the Natatorium is the only alternative to resolving this problem. Proponents of the movement to preserve the Natatorium include the Natatorium Preservation Committee, the Engineering Association of Hawaii, and various veterans groups. The supporters of this movement believe that if properly restored, the Natatorium could be utilized for aquacade shows, musical concerts, or theatrical plays, as well as maintain its swimming facilities for public use.

Many of the historic structures that were constructed when Hawaii was still a territory of the United States have been destroyed to make way for commercial ventures and other development projects. If we continue to permit such adverse changes to occur, we stand to lose much of the heritage and history of old Hawaii. I hope that this never becomes a reality.

THE TIMBER EXPORT ADMINISTRATION ACT

MR. CRANSTON. Mr. President, on February 28, Senator CHURCH and I joined Senator PACKWOOD in introducing the Timber Export Administration Act of 1973. S. 1033 puts an immediate ban on the export of Federal timber and phases out log exports from State and private lands over 3 years. Senators ABOUREZK, DOMENICI, HARTKE, McGOVERN, MONDALE, and TUNNEY have since become cosponsors of S. 1033.

I believe this legislation is essential to cool down lumber prices and protect American jobs and businesses. Recently on May 5, the *New York Times* came out in support of S. 1033. This editorial marks a departure for the *Times* which traditionally opposes trade restrictions. The reasons why the *Times* supports a ban on log exports are succinctly put and I believe they should be shared with the entire Senate. I ask unanimous consent that the *Times* editorial of May 5, be printed in the *RECORD*.

There being no objection, the editorial was ordered to be printed in the *RECORD*, as follows:

TIMBER!

The skyrocketing price of lumber has induced the Nixon Administration to appoint a task force whose job will be to plan an increase in the timber cut of the national forests; and it is all too predictable that any increased timber cut will be at the expense of the forests themselves. Such a course would be indefensible and unnecessary.

The United States is currently exporting some 5.5 billion board feet of softwood logs and lumber, 85 per cent of it to Japan. It need only curtail that practice sharply to ease the supply for Americans.

Senator Packwood of Oregon is pressing for a measure that could at the same time increase the supply of wood for domestic needs and prevent the national forests from being raped. He wants a restriction not only on the