MEMORIAL HONORS FALLEN VETERANS

HON. JOSEPH M. GAYDOS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 19, 1985

Mr. GAYDOS. Mr. Speaker, on September 7, 1985, a war memorial was dedicated to honor the memory of veterans from Swissvale, PA, who died in defense of our Nation during World War II, Korea, and Vietnam.

The unveiling of the monument, inscribed with the names of those who fell in those conflicts, climaxed a 5-year effort on the part of many individuals and groups to erect a permanent reminder of the price this community of 11,500 people paid to preserve America, its ideals and principles.

It would require far too much space to list all who contributed to the memorial or who dedicated time and effort to this dedication ceremony. But, I would like to mention a few names that did not make it into the monument.

Mr. Speaker, I ask the names of the fallen heroes from Swissvale be published in the RECORD for their service to be remembered by their community, their country, and the Congress of the United States.

HONORED ONCE AS FALLEN WARRIORS, DEEP IN OUR MEMORIES, NEVER TO BE FORGOTTEN

WORLD WAR II:

Callender, J. A., Caratzanos, John F., Christie, Matthew J., Cohn, Robert J., Cohen, Charles G., Conley, Raymond H., Cooke, John F., Creery, Edward J., Davis, Charles W., Davis, Evan, DeCesare, Thomas, Doylezal, Eugene, and Dumbar, Eugene F.


Huggins, James T., Hooper, John, Hooper, Edward, Isenberg, Robert T., Iles, Harry T., Iles, Peter, Jeremias, Albert M., Johnson, Charles W., Jones, Thomas L., and Joyce, Richard J.


Oasfa, George S., Pershke, Kenneth H., Petry, Robert T., Pullinelli, Joseph F., Ridley, Richard C., Russell, William, Seger,

EXTENSIONS OF REMARKS


Connelly, Charles K., Early, Lawrence, McDonough, Jerry, and Rudge, Frederick A.

VIETNAM

Abraham, James, Greesby, Dennis A., and Horvati, William F.

VA ELECTRONIC COMMUNICATION PRIVACY ACT OF 1985

HON. ROBERT W. KASTENMEIER
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 19, 1985

Mr. KASTENMEIER. Mr. Speaker, when Congress passed the wiretap law in 1968, there was a clear consensus that telephone calls should be private. Earlier Congresses had reached the same consensus regarding mail and telegrams.

But in the almost 20 years since Congress last addressed the issue of privacy of communications in a comprehensive fashion, the technologies of communication and interception have changed dramatically.

Today we have large-scale electronic mail operations, satellite communications, and cordless telephones, computers, e-mail, and instant messaging. The communications industry is sufficiently concerned about this issue to have begun the process of seeking protective legislation. This bill imperfectly affords legal protection provided under statutory definitions bound by old technologies. The unfortunate result is that the same technologies that hold such promise for the future pose the risk that our communications will be intercepted by either private parties or the Government.

Virtual every day the press reports on the unauthorized interception of electronic communications ranging from electronic mail and cellular telephones to data transmissions between computers. The communications industry is sufficiently concerned about this issue to have begun the process of seeking protective legislation. This bill is, in large part, a response to these legitimate business concerns.

Congress needs to act to ensure that the same protection provided to conventional telephone calls, telegrams and mail are afforded the same protection provided to electronic communications. The situation we face today was clearly foreseen by Justice Brandeis in 1928 when he said:

"Time works changes, brings into existence new conditions and purposes may be stifled. For example, recent court decisions concerning cellular and cordless telephones set a dangerous precedent of technology's threats to privacy concerns. As recent polls clearly show, Americans care about privacy interests. As one commentator put it:

"Privacy is not just one possible means among others to insure some other value. But... it is necessarily related to ends and relations of the most fundamental sort: respect, love, friendship and trust. Privacy is not merely a good technique for furthering communications."

1 According to a recent study of this question by the Office of Technology Assessment, Federal agencies are planning to use or already use electronic surveillance for 148 purposes; 131 of these purposes involve the interception of digitized information over a common carrier telephone line.

2 A recent poll of 1,000 adults, conducted by Louis Harris and Associates for the Los Angeles Times, found that 77 percent of Americans agree that businesses should be able to intercept electronic mail, an analog telephone line, a cellular phone or some other form of electronic communication system.

WHAT IS AT STAKE

ELECTRONIC COMMUNICATION PRIVACY ACT OF 1985

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OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 19, 1985

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Thus, the bill provides that a governmental authorized disclosure of third-party records will serve to minimize intrusiveness for both system users and service providers. This provision also assures that users of a system will have the right to contest allegedly unlawful Government actions. The approach taken in the bill is similar to the congressional reaction to the Supreme Court decision in United States v. Miller, 425 U.S. 435 (1976), when we enacted the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq.

Fifth, the interests of law enforcement are enhanced by updating the provisions of Federal law relating to wiretapping and bugging. Under current law an Assistant Attorney General must personally approve each interception application. The bill permits an Acting Assistant Attorney General to approve such applications. The bill also expands the list of crimes for which a tap or bug order may be obtained to include the crimes of escape, shop shop operation, murder for hire, and violent crimes in aid of racketeering.

Sixth, the basic provisions of the Federal wiretapping law are updated: First, require that the application for a court-ordered tap or bug disclose to the court the investigative objective to be achieved; second, the application must indicate the viability of alternative investigative techniques; third, authorizes the placement of certain mobile interception devices; fourth, authorizes physical entry into the premises to install the bug or tap consistent with Delta v. United States, 441 U.S. 238 (1979); and Fifth, rationalizes the Government's reporting obligations after a tap or bug has been obtained.

Seventh, the bill regulates the Government use of pen registers and tracking devices. Pen registers are devices used for recording which phone numbers have been dialed from a particular phone. Tracking devices are devices which permit the tracking of the movement of a person or object in circumstances where there exists reasonable expectation of privacy. Tracking devices, therefore, include "beepers" and other nonphone surveillance devices.

The bill requires the Government to obtain a court order based upon "reasonable cause" before it can use a "pen register." This standard resembles current administrative practice, Compare United States v. New York Telephone Co., 434 U.S. 159 (1977)—a title III order is not required for pen registers—Smith v. Maryland, 442 U.S. 735 (1979)—pen registers not regulated by the fourth amendment. The bill requires that the Government show probable cause to obtain a court order for a tracking device. This showing is consistent with the current law, United States v. Kran, 104 S. Ct. 3296 (1984).

EXTENSIONS OF REMARKS

SS "CITY OF FLINT:" A HISTORY

HON. BEVERLY B. BYRON
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1985

Mrs. BYRON. Mr. Speaker, on October 9, 1939, not long after the war in Europe began, the SS City of Flint, an American merchant ship, was seized by the German warship Duetchland, for carrying war contraband. Mr. Raymond F. Trumpe, a resident of Westminster, MD, was serving on the City of Flint and lost 114 days as a captive. Recently, Mr. Trumpe donated a diary of the incident to the Smithsonian Institution for the benefit of us all.

The reason for recognizing and recording accounts such as these is self-evident. It is through gifts such as these that we are able to preserve our history and our heritage, to the lasting benefit of our children and future Americans.

I would like, therefore, to insert in the RECORD the information which Mr. Trumpe so generously sent to me about the life of the SS City of Flint. The words that follow are an account of the incident as recorded by the second officer of the ship. I would like, finally, to express my deep appreciation to Mr. Trumpe for bringing this event to our attention, and for his donation of these materials to the Smithsonian Institution—he is an example for us all.


Sailed Norfolk, Va., Sept. 25, 1939.
Arrived New York, N.Y., Sept. 27, 1939.

Oct. 9, 1939 at 3:30 p.m. sighted German Pocket Battleship "Duetchland" in Lat. N. 46° 52' W. 6° 30'.
German officers boarded and examined cargo manifest and notified us we had war contraband aboard and will take us into Germany. 6:00 p.m. proceeded northward with German prize crew consisting of 3 officers, 1 petty officer and 14 enlisted men as guards equipped with hand grenades and bayonets. They also transferred 38 men to this ship from British ship "Stonegate" which they had sunk on Oct. 5-7. It passed through numerous icebergs and glaciers, some were in the straits of Denmark. They now had painted out American Flags and names on ships sides. Also life-boats and then named the vessel "Ali". During all this time we were running without a single light at night. Oct. 20, 1939 at 6:30 p.m. we anchored at Trondheim, Norway flying the German "Man of War" flag. After we had taken aboard fresh water we were ordered out by Norwegian Navy, after landing crew of "S.S. Stonegate" we heaved up anchor and sailed at 4:30 p.m. followed by naval vessel to see that we left Norwegian water. After putting out to sea we headed northward, destination unknown. Oct. 23 at 3:30 p.m. we anchored in Murmansk, Russia still flying the "Man of War" flag. We passed at 5:30 p.m. Russian officers came aboard and disarmed German crew and took them ashore telling us that we were now Russian water. As soon as our papers were returned. Oct. 25 hoisted signals asking permission to go ashore. Russian man anchored a stern of our vessel from our gunboat and had our papers examined to grant permission. Oct. 26—waiting for