islation, 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 capabilities of Government.

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; and 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 insure that citizens may receive an 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 citizenry.

At present, the requirements apply mainly to the regulatory agencies. The time has come to extend these APA procedures to social programs and other aspects of "positive 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 public notice opportunity to comment requirements. First, the present exemption for military and foreign affairs functions would not diminish the power of the agencies to omit APA rulemaking procedures when their observance is found to be inappropriate because of a need for secrecy in the interest of national defense or foreign policy. This exemption should be on the same basis now applied in the Freedom of Information provision. It contains an exemption for rulemaking involving matters specifically required by Executive order to be kept secret in 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 administrative process, either by defending rights that Congress has sought to protect—the "privacy attorney general" concept already recognized by the courts—or by providing information and perspectives that the bureaucracy would not have the resources to discover. When this private participation aids in vindiction public policy, the citizen should not be penalized by excessive financial burdens. Costs of participation should be kept at a minimum, and the agency should have the option of subsidizing those who otherwise would not be able to make a contribution.

Section 301—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 removal of this doctrine 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, all grant decisions are made 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 in 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 given less disruptive ways of enforcing 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 RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in recent months a number of press 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 multiude of interests.

In Poland the protest that has become audible centers on the rights of workers to express their dissatisfaction with their economic condition 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 reference the protesters themselves make to 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 the Soviet Union it gave rise to the creation of a remarkably courageous organization, headed by Prof. Yuri Orlov in Moscow, the Public Group to Promote Implementation of the Helsinki Accords in the U.S.S.R. In East Germany 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 concern for 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 formation this 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 one 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 Ornest, 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 formed the Commission on Security and Cooperation in Europe to evaluate—the campaign against freedom and human rights amounts to a breach of a crucial promise. If this aspect of the pledges given at Helsinki 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

international security and cooperation. All the signatories agreed that all the principles governing their behavior, including that of "respect for 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 can judge for themselves how basic are the issues raised by the human rights advocates in Czechoslovakia, I include a full translation of the Charter 77 manifesto 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 laws of Czechoslovakia (Issue No. 120), both having been signed on behalf of our republic in 1968, confirmed in Helsinki in 1975, and put into force in our country on 23 March 1976. Since then our citizens too, have had the right, and our state the duty, to abide by them. The liberties and rights of man guaranteed by these two agreements are important values of civilization which have been the aim of the endeavors of many progressive forces in history and whose codification can significantly promote the human development of our society. 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 many basic rights of the citizen for the time being are valid only on paper, unfortunately. Completely illusory, for example, is the right to freely voice one's opinion which 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; being deprived of any possibility of defense they practically become the victims of an apartheid. Hundreds of thousands of other citizens are refused the "freedom from fear" (preamble of the first agreement) because they are forced to live under the constant danger of losing their job opportunities and other opportunities if they voice their opinion.

At odds with Article 13 of the second agreement, which guarantees the right of education to all, countless young people are not admitted to higher learning establishments just because of their views or because of the views advocated by their parents. Countless citizens are forced to live in fear that they themselves or their children might be deprived of the right to education if they speak out in line with their conviction.

The insistence on the right "to ascertain, adopt and disseminate information and ideas of all kinds without regard for borders, be it by word of mouth, in writing, or in printed form" or "by means of art" (Item 2, Article 13 of the first agreement) is being persecuted not only out of court but also in court, often under the cloak of criminal charges (to which testify, among other things, the trials against young musicians now in progress).

The central administration of all means of communication and of publications and cultural institutions suppresses the freedom of voicing one's opinion in public. No political, philosophical or scientific opinion which only slightly deviates from the narrow framework of the official ideology or esthetics can be published; public criticism against phenomena of social crises is made impossible; the possibility of public defense against false and offending contentions by official propaganda is out of the question (there is no legal protection in practice against "attacks against honor and reputation" which is unequivocally guaranteed by Article 17 of the first agreement); mendacious accusations cannot be refuted, and any attempt at obtaining rectification or correction by legal action is to no avail; an open discussion in the sphere of intellectual and cultural work is out of the question. Many people working in science and culture and other citizens are discriminated against only because years ago they had published or publicly uttered views which are condemned by the current political powers.

The freedom of religion, expressly guaranteed in Article 18 of the first agreement, is being systematically curtailed by dictatorial arbitrariness; by the curtailment of the activities of clergymen over whom constantly looms the threat of withdrawal or loss of state approval for the execution of their function; by substantial reprisals or other reprisals against people who manifest their religious creed by word or deed; by the suppression of religious instruction and similar measures.

The instrument for the curtailment and often also the complete suppression of a number of civil rights is a system of de facto subordination of all institutions and organizations in the state to the political directives of the apparatus of the ruling party and to the decisions of dictatorially influential individuals. The Constitution of Czechoslovakia, other laws and legal norms regulate neither content and form nor preparation and application of such decisions; they are primarily adopted behind the scenes, often only orally; on the whole are unknown to the citizens and beyond their control; their authors are responsible to nobody but themselves and their own hierarchy, though they are thus decisively influencing the activities of legislative and executive organs of the state administration, the judiciary, trade union organizations, interest groups, and all other social organizations, other political parties, enterprises, plants, institutes, authorities, schools, and other facilities, their orders have priority over laws. If organizations or citizens are plunged into a position at odds with the directive in their interpretation of their rights and duties, they have no opportunity to call upon a neutral institution because there is none. All this seriously tends to curtail those rights which emerge from Articles 21 and 22 of the first agreement (freedom of assembly and the prohibition of any limitation in its exercising) as well as from Article 25 (equality before the law). This state of affairs also prohibits workers and other people engaged in their vocations from establishing trade union and other organizations for the protection of 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 the life of 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 interferes in decisions of employers, inspiring discriminating actions of authorities and organizations, influencing organs of justice, and guiding propaganda campaigns of communication means. This activity does not take place according to law. It is secret and the citizen can in no way defend himself against it.

In cases of politically motivated prosecution, investigation and justice organs are violating the rights of the accused granted by Article 14 of the first agreement and by Czechoslovak law. People sentenced for such things are being treated in prisons 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 relations with persons who have been discriminated against in our country.

Some citizens point out—be it privately at the place of employment or publicly, which is possible only in foreign communication means—the systematic violation of human rights and democratic freedom, demanding to stop it in concrete cases. But usually there is no reaction or they become the subject of investigation.

Responsibility for maintaining civil rights in the country certainly is mainly held by the political and state powers; but not by them alone. Everybody bears partial responsibility for general conditions and thus for adhering to codified agreements, which is not up 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 a free, informal and open community of people of different convictions, different religions and different professions, united by the will of acting individually or jointly for the respect of civil and human rights in our country and in the world—those rights which have been granted to the people by both codified international pacts, the final document of the Helsinki conference and numerous other documents against war, and which have been summarized in the UN General Declaration of Human Rights.

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

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

Charter 77 is no basis for opposition political activity. It wants to serve joint interests as do many similar initiatives of citizens in various countries of the West and the East. It does not want to establish its own programs aimed at political or social 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 have been violated. It wants to prepare the documentation of this, suggest solutions, make various general suggestions aimed at intensifying these rights and their guarantees, and it wants to act as mediator in conflict situations which might be created by illegal action.