

Mr. MACDONALD. What prevented them?

Mr. COSTA. Well, according to Jack Chase he talked to Mr. Lester Conley, the hearing examiner, who said, and I am reading from Jack Chase's memorandum to Ed Fouhy, who signed his letter to me as news director, and he said, "that Mr. Conley told him stating it was ICC policy based on previous experience when sound film excerpts which he said were used out of context had been misleading and had caused some embarrassment."

Mr. MOSS. Would you yield again? I can clarify this. This, I think, illustrates the very complex nature of the problem the photographer has. It is a matter which I doubt can be reached by this subcommittee.

The subcommittee received a complaint and followed its usual procedure in attempting to develop the facts. The Interstate Commerce Commission cites statutory authority for exclusion of photographers. Let me read it:

The applicable provisions of the Interstate Commerce Act appear in section 17 and read as follows:

"The Commission shall conduct its proceedings under any provision of law in such a manner as will best conduce to the proper dispatch of a business and to the ends of justice. The Commission may from time to time make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it shall conform as nearly as may be to those in use in the courts of the United States. All hearings before the Commission, a division, individual Commission or Board shall be public upon request of any party interested."

Now, the section of the portion of the statute which says that the Commission's hearings or proceedings, whatever their nature, shall conform as nearly as may be to those in use in the courts of the United States is, in the judgment of the Chairman of the Commission, the basis for their exclusion of photographers from those proceedings. I would say, reading the statute, that they appear to be acting in keeping with their authority. Canon 35 is their authority.

Mr. COSTA. Is their authority, that is right. And that is an example of a rule of a private organization that has the effect of law, which is a thing that we have been protesting for all these years.

Now, I do not know, I am not a legislator nor an attorney, but I appeal to this committee regarding this statute, if anything can be done about it, the ICC hearing is not a judicial proceeding. Whether anything can be done about it, I do not know. But I do think, when the public has an interest in a hearing such as is going on now about the New Haven Railroad, and they are deprived of seeing the faces of the people who are concerned with this problem and how they are carrying on their investigations and discussions, that it is an infringement of the people's right to know.

Mr. MOSS. If the gentleman from Massachusetts will yield further, I would say that there are three items raised by your testimony that involve the jurisdiction of three other committees of the House. I believe that the Committee on the Judiciary would have to deal with any question of the Canon 35. I believe that the Committee on House Administration would have to deal with the matter of housekeeping here on the Hill unless that has been given to the Capitol Buildings Commission. I think it probably would be the Committee on House Administration.

The item we have just discussed, the action of the Interstate Commerce Commission, where they rely upon statute—and I think the