

statute is clear on its face—would be a matter which would require the consideration of the Committee on Interstate and Foreign Commerce at any time they might have before them legislation which would amend the ICC Act. There is the problem of how to differentiate between their quasi-judicial role and their quasi-legislative role, and it is difficult to do so. The statute directs that they employ the same procedure in both areas.

Mr. COSTA. Mr. Chairman, we get down to the very thing we have been discussing about how people in government tend to make a rule and apply it to their own conceptions.

As I understand it, a letter written by Mr. Webb, who is Chairman of the ICC, directed to you on March 22, paragraph 4, he says that:

Policy does not permit television, sound recording of the hearing without special permission of the Chairman of the Commission.

I should think that in a case of New Haven Railroad it would be considered to be of sufficient importance that the Chairman would give his permission.

Mr. MOSS. Was that permission sought?

Mr. COSTA. I do not know.

Mr. MOSS. Because there we go back to a minute of the Commission dated December 22, 1961, which reads as follows:

Live, delayed, or recorded television or radio broadcasting of Commission hearings or the taking of pictures in the hearing rooms will not be permitted without special permission of the Chairman of the Commission.

So there the Commission has acted to authorize its Chairman to grant the permission, but it has to be requested.

Mr. COSTA. Yes, I really am not familiar, do not know the circumstances.

Mr. MOSS. The complaint the committee received in this instance did not indicate whether the Chairman had been contacted. We sought, as we always do preliminarily, the statutory basis for the denial of access, and in this instance the agency was able to cite a statute.

I thank the gentleman for yielding.

Mr. MACDONALD. I think it would be a good thing to have many of our hearings here in the House subjected, if you want to use that word, to the all-seeing eye of the camera.

Mr. COSTA. Thank you, sir.

Mr. MOSS. Are there further questions? Mr. KASS.

Mr. KASS. The problem of the photographer, the news photographer, is in many cases the problem of immediacy. The event is taking place, and he has to take the picture at that time or else the fire or whatever else that is happening is going to go out.

The court action, even given top priority, could not take place at the same time as the event is taking place. How would the bill, H.R. 5012, help solve the problem of the news photographer?

Mr. COSTA. H.R. 5012?

Mr. KASS. This bill, if enacted.

Mr. COSTA. I do not see that it would at all. I came here at the invitation of the committee to register our support for anything that furthers the cause of public information. In addition, I plead with the committee to think of the unity of the word and picture report in conveying public information, in all of its deliberations in the future.