

but unfortunately creates a situation that invites unnecessary legal challenges of minor cases. Therefore, while the Department fully supports and endorses the intent of S. 2711, we suggest that further language be incorporated to allow a notice of discontinuance, when not investigated, to become final without judicial challenge. It should be understood that the Department does not oppose judicial review of those proceedings which are subjected to investigation and hearings and in which a record is established.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report for consideration of the Committee.

Sincerely yours,

JOHN L. SWEENEY,
Assistant Secretary for Public Affairs.

The CHAIRMAN. We have as our first witness this morning the Honorable Paul J. Tierney, Chairman of the Interstate Commerce Commission.

We are happy to have you with us, Mr. Tierney. You may proceed

STATEMENT OF HON. PAUL J. TIERNEY, CHAIRMAN, INTERSTATE COMMERCE COMMISSION; ACCOMPANIED BY COMMISSIONER DALE W. HARDIN; BERTRAM E. STILLWELL, DIRECTOR, BUREAU OF PROCEEDINGS; THADDEUS W. FORBES, DEPUTY DIRECTOR, BUREAU OF PROCEEDINGS; AND FRITZ KAHN, DEPUTY GENERAL COUNSEL

Mr. TIERNEY. Thank you, Mr. Chairman.

Mr. Chairman, my name is Paul J. Tierney. I am the Chairman of the Interstate Commerce Commission and have served in that capacity since January 1, 1968.

With me is Commissioner Dale Hardin. I also have with me, Mr. Chairman, Mr. Bertram Stillwell, who is Director of our Bureau of Proceedings.

The CHAIRMAN. Would you each identify yourselves?

Mr. STILLWELL. I am Mr. Stillwell.

Mr. TIERNEY. Mr. Thaddeus Forbes is Deputy Director of the Bureau of Proceedings, and Mr. Fritz Kahn is Deputy General Counsel.

I have a prepared statement, Mr. Chairman, that I would like to present.

The CHAIRMAN. If you can summarize your statement, it would be appreciated.

Mr. TIERNEY. I will, Mr. Chairman.

Generally, I might say, Mr. Chairman, that the Commission is in agreement with the objectives of the bill. In my statement, I have gone to some length to explain the procedures we follow at the Commission in implementing section 13a(1), which we thought would be helpful.

The CHAIRMAN. Do you think those proceedings were followed correctly in this case?

Mr. TIERNEY. I think we followed the procedures; yes, sir.

The CHAIRMAN. That answers my question.

Mr. TIERNEY. If I may, I would like to turn to a portion of my statement. As I say, we do agree wholeheartedly, Mr. Chairman, with the objectives of the bill. But the Commission would like a different