

sels, also. There is a quirk in the law here that has brought about this situation. These vessels were covered by law while they were steam vessels, but they are no longer steam vessels. They are now diesel vessels or gas vessels or turbine vessels, so that they are no longer inspected for safety.

Mr. BLATNIK. The gentleman from Nebraska has a question.

ACT NOT CRIMINAL IN ABSENCE OF INTENT

Mr. DENNEY. I agree with you gentlemen. I think that we are talking around the bush here: I, as a former prosecutor, and I would like the record to show I object to this kind of language for two reasons. I do not think any act is criminal unless it is done with intent to cause harm or is done intentionally. Secondly, I believe the way this law is written that you are referring to the Senate bill and not this H.R. 15906; that it places the burden upon the accused to prove he is innocent, and that is not true in America.

Mr. CALHOON. Mr. Congressman, it is even worse than that. Under subsection (g) it says:

The Commandant of the Coast Guard may subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any vessel found violating the provisions of subsection (b) of this section.

Subsection (b) merely says:

Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary under this section, it is unlawful to discharge or permit the discharge of oil by any method. . . .

One drop of oil you lose your license and no proof whether the equipment broke down or not.

Mr. DENNEY. Mr. Chairman, I want the record to show that I absolutely disavow that provision in this law as I do not think it is enforceable because I think you must set forth the criminal intent if you are going to have a criminal penalty.

Mr. BLATNIK. Well I think Mr. Haddock and Mr. Calhoon have made a very strong case, for amendment of this bill. It seems to me to be discriminatory on its face not only against the personnel of the ship but also against American seamen as opposed to the seamen on these other vessels who would not be subject to licensing by our own Coast Guard, if I understand the situation on these foreign flag ships.

Mr. CALHOON. That is absolutely correct, Mr. Chairman.

Mr. BLATNIK. I think it is one item you can be quite sure will be worked over very thoroughly by this committee, gentlemen.

Mr. McCarthy.

Mr. McCARTHY. Mr. Chairman, I wonder if I could ask Mr. Haddock a question. Regardless of where the fault is placed you still have a tremendous problem here and the present law is not working. Now you have said, Mr. Haddock, that we should put the onus where it should be. Now, we have got to tackle this. Where do you suggest we move if it is not to the seamen?

SHIP DESIGN

Mr. CALHOON. May I address myself to that. I think the onus should be beginning on the American ships with the design of the ships.