

I understand we are meeting on Tuesday, are we not?

I would like to suggest that as a first order of business, the bill referred to that subcommittee, and that no permit be issued until this actually is heard. I make that request of you as Secretary at this point.

Secretary UDALL. Congressman, I am not in position to make a commitment to you, because I am not the sole person to make the decision. There are other agencies involved, committees handling the matter.

I spent an hour and a half last week before Senator McClellan's committee discussing this matter. This is the special subcommittee on the urban situation.

I certainly say to you that we are aware of all the grave implications.

We have not issued a permit to anyone at this point, and I am aware of the sensitivity of this subject, and I am aware of the responsibility we have to the people of the country with regard to the use of the parklands that belong to the Nation. And so we are certainly not going to be making any quick snap judgments, I can assure you of that.

Mr. CRAMER. Well, I trust, Mr. Secretary, that no objection will be taken until we hold these hearings, starting hopefully, next Tuesday.

Secretary UDALL. If the committee is holding hearings next week, I think it is quite likely that this does not present any problem, holding it up until then.

THE OIL AND HAZARDOUS SUBSTANCE POLLUTION CONTROL ACT OF 1968

Mr. CRAMER. Thank you very much.

I would like to discuss briefly some of the questions that have been raised by the witnesses, and what have you, in the first instance relating to the oil pollution control bill 15906.

BURDEN OF PROOF

The first is that it appears in the criminal section and, as some of the witnesses have testified, that the burden of proof appears to have been shifted to the shipowner to prove affirmatively that the damage or oil discharge was caused without his fault in a criminal case. Now, has any consideration been given to that problem?

Normally a person is presumed innocent until proven guilty. The burden is on the Government. This seems to shift the burden.

Secretary UDALL. This is a technical legal question. I would like to ask Mr. Finnegan to answer.

Mr. FINNEGAN. Mr. Cramer, the bill does provide a scheme of absolute liability whereby the burden of proof is shifted to the shipowner, the vessel owner, or owner-operator, in the case of cleanup; that is, the removal of the oil.

Mr. CRAMER. I am talking about criminal liability.

Mr. FINNEGAN. No, sir; the criminal provisions require that there be a willful discharge on the part of the owner-operator, and the burden of proof would be on the Government to prove that there is a willful discharge.

Mr. CRAMER. Let's get the civil question, then we will get back to the criminal in just a moment.