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Because coal must play an increasing role in meeting the energy needs of this country and because great capital investment will be required if coal production is to be doubled or tripled in the next decade, as our experts tell us it must be, it is important that companies such as Kennecott which are willing to commit substantial capital for coal expansion remain in that industry. Unlike many of the other recent new entrants into the coal business such as the oil and utility companies, Kennecott has no other connection with energy production. It would seem, therefore, that it would be a positive advantage for competition and for increased coal production to have Kennecott continue in the coal business.

I find it particularly noteworthy that Mr. I. W. Abel, president of the United Steelworkers of America, AFL–CIO, has filed a statement with the Commission urging it to reexamine the appropriateness of requiring Kennecott to divest Peabody in light of the vast changes that have accurred in the coal business. The Steelworkers Union originally urged the Commission to issue a complaint against the Peabody acquisition and, subsequently, it actually intervened against Kennecott when the case was before the Commission on appeal from the initial decision dismissing the complaint. Now, the Steelworkers have taken the position that in light of recent events, including the vast increase in the cost of imported fuel oil, the need for greater domestic coal production and the large number of new entrants into the coal business—

The Commission might well find that Kennecott's willingness to invest capital in the expansion of domestic coal production through Peabody, is beneficial rather than detrimental to the public interest.

In this fast changing world of energy developments, the future of Peabody Coal Co. should be determined only after the fullest consideration is given to all of the changed conditions during the past 5 years as they have affected the coal industry and the broader energy field. The final action must be justified on the basis of the competitive conditions and the public interest as they exist in 1974, not on the basis of the conditions of an earlier period when the coal industry appeared to face a different future and the Nation was not confronted with a permanent energy shortage.

Mr. President, I ask unanimous consent to have a list of new entrants into the coal business during the past few years printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PARTIAL LIST OF RECENT NEW ENTRANTS INTO THE COAL BUSINESS

American Metal Climax, Inc.
Ashland Oil Co. (and the Hunt Group).
Atlantic Richfield Co.
Belco Petroleum Corp.
Chessie System, Inc.
Exxon Corporation.
Falcon Seaboard, Inc.
Gulf Resources & Chemical Co.
Houston Natural Gas Corp.
Jim Walter Corp.
Kaneb Services, Inc.
Kerr-McGee Corp.
Kewanee Oil Company, Morrison-Knudson Company and Penn Virginia Corp. (joint venture).
Montana Power Co.
Moore McCormack Resources, Inc.
Mapco Inc.
Pacific Power & Light Co.
Union Pacific Corp.
U.S. Natural Resources, Inc.

APPROPRIATIONS FOR FOLLOW THROUGH CLASSES

Mr. MONDALE. Mr. President, Congress has passed the supplemental appropriations bill and it has been signed into law. Among other things, the bill provides funds which are greatly needed to continue the highly successful education program, Follow Through. Without the $12 million allocated through supplemental appropriations, the phaseout of Follow Through would begin in September. By providing this very necessary appropriation, Congress has now expressed its intention to maintain Follow Through at its present level.

It has been brought to my attention that the Office of Education, Department of Health, Education, and Welfare is planning to obligate an important share of this Follow Through appropriation to program aspects other than the entry level class. These rumors are particularly distressing to me. Such a course of action is directly opposed to our purpose in proposing and passing a supplemental appropriation for Follow Through. The amendment in the Senate version of the bill would have restored $20 million to Follow Through, enough to fund a new entry level grade class and other components of the program cut back by the phaseout. However, when the bill was considered in conference, the compromise figure of $12 million was agreed to as the basic amount necessary to keep the program alive for the benefit of schoolchildren entering Follow Through kindergarten classes next school year.

I have had an exchange of correspondence with Senator MAGNUSON, chairman of the Labor-HEW Appropriations Subcommittee, emphasizing our intention in restoring these funds to Follow Through, and I ask unanimous consent that these letters be printed in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 18, 1974.

Hon. WARREN G. MAGNUSON,
Chairman, Labor, Health, Education, and Welfare Committee, Senate Appropriations Committee, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: I am distressed by information recently brought to my attention concerning the allocation and obligation of the $12,000,000 to the Follow Through program included in the Supplemental Appropriations Bill.

It is rumored that the Office of Education, Department of Health, Education, and Welfare does not plan to spend the full $12,000,000 on new entering classes for each of the Follow Through projects. In fact, I understand that HEW plans to designate a considerable portion of the appropriation for research activities connected with Follow Through and only a remainder of the amount to fund entering kindergarten and first grade classes next school year.

I am sure you will agree with me that such a course of action is directly contrary to our intention in proposing and passing the Follow Through amendment to the supplemental appropriation legislation. The amount stipulated in the Senate version of the bill, $20,000,000, was sufficient to provide for a new entering class of students as well as retain the research component of Follow Through. Regrettably, a compromise was necessary before reporting the bill out of the committee of conference, and $12,000,000 was agreed to as the least amount needed to maintain the present level of students minus funding for additional research. This amount at least fulfills our basic intention to prevent the planned phaseout of the program by continuing Follow Through for the benefit of those children who would be entering the program this Fall.

It is necessary that the full appropriation of $12,000,000 be allocated to the entering classes in all Follow Through programs. It is important too that the money be obligated before the end of the fiscal year 1974. Follow Through grantees have been notified that the supplemental funds were appropriated, and the Division of Follow Through in HEW is prepared to process the funding applications as soon as possible. It is imperative that all other divisions of HEW involved in the funding procedure obligate the appropriated money as expeditiously as possible. The intention of all divisions should not be otherwise.

Mr. Chairman, I am grateful for the support and leadership you have given to this matter, and I urge you now to reiterate the purpose of the Follow Through supplemental appropriations to assure the prompt restoration of funds to keep the programs alive in the local schools.

With warm regards,
Sincerely,

WALTER F. MONDALE.

JUNE 19, 1974.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is to reiterate the position of our committee in recommending additional funds for Follow Through.

As you know, the Second Supplemental Appropriations Act (P.L. 93–305) provides $12 million for Follow Through. From the outset I believe the Committee made quite clear our intention that ongoing Follow Through projects be allowed to admit a new entering class this fall.

I have been informed by the Office of Education that all Follow Through projects have been notified and that negotiations on the allocation of funds will be completed by next week. I certainly hope the Grants and Contracts Office in HEW will act expeditiously to obligate the entire amount provided for Follow Through.

Sincerely,

WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor-Health, Education, and Welfare.

Mr. MONDALE. Mr. President, Follow Through was created 7 years ago to sustain through the early years of elementary school the gains children had made in Head Start. The intent of Congress at that time was to establish a comprehensive service program that would enhance the educational opportunities of disadvantaged children. Now, Congress has reiterated its original intention and perception of Follow Through as an ongoing program by appropriating the money needed to provide for a new class of beginning students.

Since its inception, Follow Through has proven itself a valuable component in moving toward the goal of equal educational opportunities for all children.

Follow Through provides an innovative educational experience to low-income children from a variety of backgrounds. There are Follow Through classrooms in big city schools and poor rural areas. A bilingual approach extends the Follow Through experience to schoolchildren in predominately Spanish-speaking classrooms. Schools on several Indian reservations have Follow Through classes.

The national evaluation of Follow Through provides solid evidence in favor of continuing the program. The impact on pupil development, and parent and teacher attitudes is positive. When the reading and math test scores of Follow Through children are compared with those of children from similar backgrounds in non-Follow Through classrooms, the achievement of Follow Through students is regularly higher. The strong results of the study reinforce the need to continue Follow Through.

The $12 million appropriated by Congress is needed now to continue extending the benefits of Follow Through to children who should be entering kindergarten classes in each of the Follow Through programs next fall. The intention of Congress in appropriating this money was to allow each program to continue with an entry level grade class next school year. The purpose of the supplemental appropriations legislation is clear and the funds should be allocated accordingly.

CONTINUANCE OF AUTHORIZATION FOR DRUG ENFORCEMENT ADMINISTRATION

Mr. HRUSKA. Mr. President, it has come to my attention that two of my distinguished colleagues, Senators ERVIN and NELSON, have introduced an amendment to S. 3355, a bill which is presently on the calendar.

The purpose of S. 3355, introduced by Senators COOK and BAYH, is to continue the authorization for appropriations to the Drug Enforcement Administration. The bill was favorably reported by Senator COOK from the Judiciary Committee on June 12, 1974, and initially passed the Senate by unanimous consent on June 17, 1974. This action, however, was later vitiated when it became apparent that an amendment would be offered.

I understand that the purpose of this amendment No. 1487 is to repeal certain provisions of Federal law and the District of Columbia Code pertaining to authorization and execution of "no-knock" warrants utilized in the enforcement of drug statutes.

This matter was extensively debated by both the House and Senate during consideration of the District of Columbia Court Reform and Criminal Procedure Act of 1970 and the Comprehensive Drug Abuse Prevention and Control Act of 1970. A majority of both bodies supported the "no-knock" provisions at that time as a useful law enforcement tool.

Unfortunately, we have not had an opportunity to adequately review the operation and effect of the no-knock provisions since enactment of this legislation. The Judiciary Committee has held no hearings on this particular subject matter since that time. If we are to legislate on this matter we should do so on the basis of a complete record.

I am concerned with the recent comments made by my distinguished colleague from Illinois (Mr. PERCY) about the abuses that has resulted from enforcement of these statutes. The mistaken raids conducted by drug abuse law enforcement officers in Collinsville, Ill. during April 1973, have been proposed as sufficient justification for repeal of the "no-knock" authority. Unlike Senator PERCY and my colleagues sponsoring this amendment, I do not regard the Collinsville incidents as pertinent to the issue of whether "no-knock" statutes have led to excessive abuses and creation of a police state.

Contrary to popular belief, the unfortunate Collinsville drug raids were not situations in which the Federal or any State "no-knock" statute was utilized. The facts clearly indicate that no warrant was obtained at all. Furthermore, the agents announced their identity in each instance. No such announcement is necessary in executing Federal "no-knock" warrants.

Federal "no-knock" warrants must be obtained by Drug Enforcement Administration agents from a Federal judge or magistrate. Probable cause must be shown that announcement or knocking would result in the easy and quick destruction of property sought or would endanger human life or safety. The provisions in the D.C. Code are comparable although slightly different in certain particulars.

I believe that it would be useful for me and I ask unanimous consent to print in the RECORD a brief memorandum reciting the pertinent facts surrounding the Collinsville incident and other materials. I trust that this information will answer some questions that may have been raised about the relationship claimed to exist between "no-knock" statutes and these highly publicized drug raids.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON COLLINSVILLE DRUG RAIDS

On September 19, 1972, the Office of Drug Abuse Law Enforcement St. Louis initiated an investigation of a violation of the Controlled Substances Act. The investigation resulted in the arrest of four persons on April 18, 1973. ODALE attorneys authorized complaints for the arrest of three others in connection with this same investigation, on April 23, 1973 but the U.S. Magistrate was unavailable at that time. The ODALE attorney stated that he authorized the arrest of the defendants on sight without warrants, but did not authorize entry without warrants.

ODALE agents and officers divided into two groups to look for and arrest the three remaining suspects. ODALE agents and officers were joined by Illinois Bureau of Investigation investigators.

After completing a number of unsuccessful checks, the two groups went to 1003 Arrowhead Drive, Collinsville, Illinois, where they believed one of the suspects still resided. They selected an incorrect townhouse unit apparently because of inadequate identification on the front of the unit. A car and truck behind the building were similar to what the suspect drove. As agents and officers approached, lights in the unit went off. The officers and agents knocked at the door and called to the occupants inside. No one answered. Entry was forced and a bookcase knocked over. Herbert Giglotto, a resident of the unit, was handcuffed, held at gun point and released when an undercover agent stated that he was not the suspect. Giglotto's wife was present at that time. Giglotto has stated that the agent threatened to shoot him, cursed him, called his wife a "broad," searched the house and caused extensive damage. Mrs. Giglotto stated she was handcuffed. Agents and officers deny anyone threatened to shoot Giglotto, cursed, called his wife a "broad," searched his house or did any damage other than to the door and bookcase.

Upon leaving the Giglottos, the agents and officers went from the Arrowhead address to 313 West Washington Street, Collinsville, Illinois, looking for one of the other suspects. The suspect's address was actually 313 West Washington, *Belleville*, Illinois. The agents were referred by the tenants of 313 West Washington to 312 Garner Street, a house supposedly frequented by "hippie-looking individuals." Agents and officers identified themselves to the owner of the 312 Garnet Street house, Donald Askew, at the front door. Other agents heard loud shouting in the house. One agent saw someone moving to the back of the house and called out to fellow officers to alert them. An officer stationed at the side door, thinking there was trouble, forced entry into the house. Upon determining that they were at the wrong house, the officers and agents departed.

On March 12, 1974, a jury trial commenced in the U.S. District Court at Alton, Illinois. Ten federal and local officers were charged in a 17-count indictment with conspiring and depriving 11 persons of their civil rights during and after the raids on April 23, 1973. On April 4, 1974, the jury in the case returned a verdict of not guilty on all 17 counts, after deliberating for three hours.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: Your communication of April 30, 1974, which had attached a letter you received from Bobbie Carter of Houston, Texas, has been referred to us for reply.

The entries of the residences mentioned by your constituent took place in April 1973, and the entries were made without search warrants. Hence, this was not a case where the "no-knock" authority, applicable to search warrants in drug cases, contained in 21 U.S.C. 879(b), was utilized. Rather, the agents were attempting to arrest a defendant in a drug case, and the mistaken entries resulted from their efforts.

On August 24, 1973, a Federal Grand Jury indicted the narcotic officers involved in a number of raids in the Collinsville area and charged them with depriving those raided of their constitutional rights. The six DEA agents named in the indictments were immediately suspended without pay, and permanent action against the agents was held in abeyance. The trial of the agents concluded on April 2, 1974, and all of the officers were acquitted of civil rights violations. Subsequently, the agents involved were reinstated as a result of their acquittal.

The occupants of the residences involved have each filed suit against the United States. If they have been unjustly injured, those lawsuits will result in the awarding of appropriate damages. Public Law 93-253, which was approved by the President on March 16, 1974, precludes the Government pleading "immunity" or the "assault exception" in cases of this type when the Government is sued under the Federal Tort Claims Act.

I have issued a statement of policy to each DEA agent concerning searches, seizures and arrests, which is designed to limit the use of