

to the U.S. District Court for the District of Columbia for a preliminary injunction and a permanent injunction to restrain the sale, gift, exhibition, distribution, production, disposition, or removal of any obscene, lewd, or indecent matter described in subsection (a) of this section. A hearing on the preliminary injunction shall be had not more than five days, excluding Sundays and holidays, after service upon the defendant of a copy of such application. After such hearing the said court may issue a preliminary injunction which shall remain in effect until final determination of the application for the permanent injunction, but in no case for more than thirty calendar days from issuance of the preliminary injunction.

"(d) If, after a trial of the issues, the court shall order a permanent injunction, such injunction shall include a provision for the immediate seizure and destruction of the obscene, lewd, or indecent matter, and forbidding its reproduction or duplication.

"(e) For the purpose of proceeding under subsection (c) or (d) of this section, it shall not be necessary for the U.S. attorney to allege or prove that an adequate remedy at law does not exist or that substantial and irreparable damage would result from the violations alleged.

"(f) Proceedings pursuant to this section shall be governed by the Federal Rules of Civil Procedure, except as they may be inconsistent with the provisions and purpose of this section."

If section 506 be amended in the manner suggested by the Commissioners, they would have no objection to it. However, should the section not be so amended, the Commissioners recommend against its enactment.

Section 507 amends existing law (act of Mar. 3, 1901, as amended; sec. 22-3105, District of Columbia Code, 1961 edition) making it an offense to place explosives or cause them to be placed at certain specified locations, with the intent to cause damage, so as to provide a mandatory minimum sentence of not less than 5 years' imprisonment upon conviction of the offense. Again the Commissioners question the efficacy of mandatory minimum penalties for the reason set forth below.

Section 508 provides it shall be an offense to make a false or fictitious report to the Metropolitan Police Department of the commission of any criminal offense, knowing such report to be false or fictitious, or to communicate or cause to be communicated to such Department any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such Department is required to receive reports or conduct an investigation, knowing such information to be false. This section is substantially similar to section 5 of article 19 of the police regulations of the District of Columbia except for the penalty to be imposed for the commission of any such offense. The existing police regulation, which has been in effect for many years, provides for the penalty of a fine not exceeding \$300 or imprisonment not exceeding 10 days. Section 508 provides for a penalty of a fine not exceeding \$100 or imprisonment not exceeding 6 months, or both. The Commissioners consider the proposed change in existing law both unnecessary and undesirable. They believe that increasing the penalty for this type of offense is unnecessary, in that the present penalty imposed under the authority of section 5 of article 19 of the police regulations is considered adequate to deal with this type of offense, generally relatively minor in nature. The Commissioners consider the proposed change in penalty undesirable in that it has the effect of permitting persons accused of making false reports to demand trial by jury for what all too often is an offense of relatively little significance, such as reporting a robbery to cover a gambling loss, or reporting that an assault was by an "unknown" person, in order to shield another member of the reporter's family, or a friend. The Commissioners believe that in cases of this kind, it is undesirable that the time of the courts be taken up in conducting jury trials whenever demanded by accused persons. Accordingly, the Commissioners recommend against the enactment of section 508.

MISCELLANEOUS COMMENTS

In the event the Congress should enact H.R. 7525 despite the objections and deficiencies discussed above, the Commissioners desire to point out that the bill in their view is also deficient in that it fails to contain a separability provision, a provision for an effective date, and a provision coordinating the proposed act with Reorganization Plan No. 5 of 1952. To correct these deficiencies, the Com-