

of freedom of speech and press. In such an area, there should be the greatest care taken to avoid having constitutional rights abrogated on the basis of individual whim or caprice.

Under the present District law, the sale or exhibition of obscene or indecent material is subject to criminal penalties of fine and imprisonment which are imposed after a trial. Section 507 of this bill, however, would impose censorship through the technique of ex parte restraining orders, issued without a hearing. Moreover, these ex parte orders would apply not only to the materials themselves alleged to be obscene or indecent, but to all personal and real property used in connection therewith. Thus, a bookseller, or newspaper publisher, or theater owner, or anyone having any materials alleged to be obscene or indecent, could be entirely shut down and deprived of the use of his property prior to a trial. We think this procedure would violate the constitutional guarantees of due process of law.

We think these provisions of section 507 are too drastic to be used in the delicate area of speech and press which is specially protected under our Constitution. In trying to eliminate household vermin, we should not burn down the house. There are other ways to combat obscenity and indecency than by the draconian sanctions of section 507 which would destroy essential constitutional protections and choke off freedom of expression, speech, and press. We therefore urge that section 507 be rejected.

Thank you for permitting us to present these views on H.R. 7525.

Our next witness is Mr. Alexander Benton. Is Mr. Benton here?

(No response.)

The CHAIRMAN. Is Mrs. Fischer here?

(No response.)

The CHAIRMAN. Do we have other witnesses who want to be heard?

(No response.)

The CHAIRMAN. We have three more witnesses listed. They were not due until 11 o'clock, and this was done purposely because we have an appropriation markup session this morning at 10:30, and I must attend that session, at least for the purposes of providing a quorum, and we will stand in recess then until 11 o'clock when we will continue.

We have four more listed witnesses and we will complete them at that time. We will stand in recess until 11 o'clock.

(At this point a recess was taken.)

The CHAIRMAN. The committee will come to order.

First, my apologies for being gone for so long, but we had the District of Columbia appropriation bill up for a markup. It is a very important piece of legislation.

It detained both Senator McIntyre and me. My apologies to you, Mr. Bennett. We will hear you now.

STATEMENT OF JAMES V. BENNETT, DIRECTOR, U.S. BUREAU OF PRISONS

The CHAIRMAN. Just be seated there, Mr. Bennett. It is always good to welcome you to this committee.

I would like to make a statement which, I think, somewhat indicates the present posture of the bill which is before us.

It is my hope that the committee may today close its hearings on all of the major provisions of H.R. 7525, with the exception of section 506 of title 5 dealing with indecent publications.

I believe it might be appropriate at this time to review the activities of this committee in its examination during this Congress of the need for strengthening the criminal justice code in the District of Columbia. It was my announced purpose when these hearings on the omni-