

"(c) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(d) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

Whoever knowingly permits any telephone under his control to be used for any purpose prohibited by this section—

"Shall be fined not more than \$500 or imprisoned not more than six months, or both."

EXECUTIVE OFFICE OF THE PRESIDENT,

BUREAU OF THE BUDGET,

Washington, D.C., January 30, 1968.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on H.R. 611, a bill "To amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce." This report also represents our views on H.R. 1422; H.R. 5867, H.R. 6283, H.R. 7830, H.R. 13323 and S. 375, bills which are identical to H.R. 611.

H.R. 611 would prohibit the making of obscene, lewd, lascivious, filthy, or indecent telephone calls, or the making of anonymous calls which intend to annoy, abuse, threaten, or harass any person at the called number. In addition, it would prohibit the making of repeated calls to harass a person, either in interstate or foreign commerce or within the District of Columbia. The bill provides for a fine of \$500 or imprisonment up to six months, or both, for violations.

While the Bureau favors the objectives of H.R. 611, we believe that the comments and suggestions expressed by the Department of Justice in the report it is making to your Committee merit careful consideration.

Sincerely,

WILFRED H. ROMMEL,

Assistant Director for Legislative Reference.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,

Washington, D.C., February 9, 1968.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Commerce,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: This is in response to your request for the views of the Department of Justice on the several bills (H.R. 611, H.R. 1422, H.R. 5867, H.R. 6283, H.R. 7830, H.R. 13323 and S. 375, which we note passed the Senate on April 24, 1967) to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce or in the District of Columbia.

These bills each would add a new section 223 to make it a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than six months, or both, for any person by means of an interstate or foreign commerce or District of Columbia telephone communication, (1) to make a comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent, (2) to make an anonymous call with intent to annoy, abuse, threaten or harass another, (3) to make repeated calls solely to harass a person, or (4) to permit a telephone under his control to be used for a purpose prohibited by the proposed section.

The Department in its testimony on similar bills has agreed that the "obscene and harassing" phone call should properly be punishable as a criminal offense. It has been our position that enforcement of such a penal provision was primarily a matter of state concern and responsibility. We feel that it is significant for the Committee to note that there are thirty-eight States with statutes punishing such activity and that eleven of the remaining twelve are considering enactment of similar legislation. We have also stated that if a bill of this kind were enacted into law the Federal Bureau of Investigation would be obligated to investigate large numbers of complaints to determine in the first instance whether the offend-