

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION ON S. 2825 (89TH CONG.), A BILL TO AMEND THE COMMUNICATIONS ACT OF 1934 WITH RESPECT TO OBSCENE OR HARASSING TELEPHONE CALLS IN INTERSTATE OR FOREIGN COMMERCE

S. 2825 would add a new section 223 to the Communications Act of 1934, to prohibit, in substance, the making of obscene, lewd, lascivious, filthy, or indecent telephone calls or those intended to annoy, abuse, threaten, or harass, either in interstate or foreign commerce or within the District of Columbia.

Obscene and harassing telephone calls have become a matter of serious concern, for the dimensions of the problem are already large and are apparently growing. While the Bell Telephone System, which provides more than 80 percent of the Nation's telephones, have only recently begun to compile statistics concerning the number of calls as to which it receives complaints, it estimates it receives approximately 375,000 complaints a year concerning abusive telephone calls that threaten or harass the recipients. Figures provided the Commission by the Bell System show almost 43,000 abusive calls in April of this year, and about 46,000 in May.

S. 2825 would deal not only with obscene calls, but also the anonymous call made with intent to harass, and repeated calls made solely for the same purpose. The bill thus covers certain types of anonymous calls which have been of increasing concern. The telephone may ring at any hour of the day or night, to produce only a dead line when answered. Sometimes the caller will merely breathe heavily and then hang up. Sometimes he will utter obscenities. Recently a new and most offensive form of harassment has been devised. Families of servicemen are called and given false reports of death or injury, or even, hard as it is to believe, are gloatingly reminded of the death of a son or husband in the service. S. 2825 reaches all of these vicious practices.

Some remedies do exist at the present time. Thirty-eight States have statutes generally prohibiting the making of various types of obscene, harassing, or annoying telephone calls. These laws, many of which are of recent origin, appear to be helping to check intrastate abusive calling. In addition, telephone company tariffs prohibit obscene language over the telephone or the use of telephone service in such a manner as to harass or frighten others.

The Bell Telephone System has developed improved equipment to determine the source of anonymous abusive calls, and has issued instructions to operating companies for close cooperation with subscribers who complain of obscene or harassing telephone calls. It is to be hoped that telephone company publicity recently given to the problem and the manner in which they will serve customers who receive such calls will have a beneficial effect.

However, no Federal law deals with any part of the problem, except for 18 U.S.C. 875 (c), which prohibits interstate communications containing a threat of personal injury. S. 2825 would apply to all interstate calls and those calls made within the District of Columbia. Its enactment would facilitate prosecutions for interstate calls by permitting prosecution where it may be convenient for the witnesses, since section 3237 of Title 18, U.S. Code, permits prosecution of offenses in any district in which the offense is begun, is continued, or is completed.

While enforcement of a federal criminal statute dealing with obscene and harassing calls would appropriately be the responsibility of the Department of Justice, the Commission is fully in accord with the effort to deal with this problem which is embodied in S. 2825, and we support its enactment.

Mr. KORNEGAY. Our first witness this morning will be Congressman Cornelius E. Gallagher, of the State of New Jersey. Mr. Gallagher is the sponsor of H.R. 611, on which we are holding today's hearing. Please proceed Mr. Gallagher.

STATEMENT OF HON. CORNELIUS E. GALLAGHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. GALLAGHER. Mr. Chairman, the abusive, harassing or obscene telephone call looms very large in the life of the single working girl, the housewife, and, the ugliest instance, the wife or mother of a serviceman stationed in Vietnam.