

In 1965 I first introduced a bill to raise the penalties for obscene phone calls made in the District of Columbia. There still now exists a wide disparity between the penalties in force in Maryland and Virginia and the usual \$10 disorderly conduct fine in Washington. Considering the large number of single women living in the District, these penalties are woefully inadequate. I understand that there were over 14,000 obscene and harassing calls in the Washington metropolitan area in 1967. As you remember, Mr. Chairman, that bill passed the House twice, but died in the Senate. In 1965 I also introduced legislation to stiffen the penalty for harassing calls made to families of servicemen in Vietnam. At the time I introduced that bill there had been a rash of instances of perverted calls to wives and families of servicemen either falsely reporting a man's death or openly gloating over an actual death in Vietnam. We can only imagine the horror of such an experience.

This bill, H.R. 611, which I introduced in the 89th Congress and again last year would raise the penalty for calls made within the District of Columbia and impose a similar penalty of a \$500 fine and/or 6 months in jail for interstate calls.

Mr. Chairman, I think we should make it clear in the legislative history that we intend this legislation to cover those harassing calls directed to the families of servicemen, as I mentioned above. I might note here that the Defense Department informed me recently that reports of such instances have decreased during the last year.

I would like to suggest to the committee an amendment to this bill. Although many obscene and harassing calls originate from teenage pranksters, the hardcore obscene telephone callers are victims of perverted, sick minds. They are victims of mental illness. I suggest an amendment to allow the judge to substitute commitment to a mental hospital for treatment in the place of a fine or jail. We must look with compassion on those who cannot help themselves.

Mr. Chairman, one of the leading forces working to protect the citizen from obscene and harassing calls has been the telephone companies. Enforcement of laws dealing with these calls would be impossible without the assistance, time and efforts of the telephone industry.

There is one aspect of the effort to track down these obscene telephone callers which I would like to discuss briefly this morning. As I mentioned, the communications industry has done an excellent job and contributed a great public service by research into new and more efficient ways of tracking down and prosecuting those who abuse the telephone. I have noticed in the testimony of telephone company officials and from various newspaper articles that among the devices used to trace these callers is the pen-register and the use of the central computer to record in a permanent record the caller number, called number, time and date for all calls, regardless of whether they are local or long distance.

The problem that this raises in my mind is one with which I have been concerned since I first came to Congress. My concern is individual privacy.

Whenever the incident of a private conversation is recorded, there is a corresponding duty to protect the confidentiality of the information recorded. Should the practice of recording all calling and called numbers become widespread, these trails of old telephone calls could