

Mr. HYDE. My information on this is very general, I must say. They have been working on this problem ever since it became a matter of public concern, and I know they have made extensive efforts. I believe a representative of the telephone company is here and will be able to give you a more satisfactory answer to your question.

Mr. BROYHILL. Mr. Chairman, one other question: If this bill, S. 375, becomes law, it will be up to the Federal Communications Commission to enforce it. Is that correct?

Mr. HYDE. No, we take the position that it will be the responsibility of the Attorney General to enforce it. However, I would wish you to know that in this area of our regulatory interest, and in which we would claim some expertise, we would certainly cooperate. I think we could be of substantial help in the enforcement of it, but prosecution as such would be the responsibility of the Attorney General.

Mr. BROYHILL. Would the Federal Communications Commission recommend prosecution?

Mr. HYDE. Yes, in instances coming to our attention we certainly would.

Mr. BROYHILL. Would you make investigations?

Mr. HYDE. We would assist in investigations where our expertise would be helpful.

Mr. BROYHILL. I have no further questions.

Mr. KORNEGAY. Mr. Brotzman?

Mr. BROTZMAN. Thank you, Mr. Chairman.

Just one question, really. I think there is a lot to be said for this particular measure. I was wondering about the enforcement, Mr. Chairman. This is a difficult problem, and may be a difficult statute to enforce. I am rereading your fine statement. I was wondering, for example, how you would really catch a person who was breathing into a telephone in an effort to harass somebody.

Mr. HYDE. It would be difficult. We believe that just the existence of a Federal statute would be a deterrent. Also I would add this, that oftentimes there will be a pattern of this type of call, and through the cooperation of the person who is being harassed, the telephone company can get information which, in a number of instances, has led to the apprehension of the person instigating the difficulty. There have been a number of successful prosecutions in State courts.

Mr. BROTZMAN. I was going to ask you that question next. You are quite correct that the States do have laws. Do you have anything in your files relative to successful prosecutions across the country for this type of statute?

Mr. HYDE. I notice in the statement which the representative of the telephone company is going to present to the committee, which they were good enough to bring to our attention, there are some statistics on this.

In 1965, there were convictions in 358 cases.

Mr. BROTZMAN. That was 1965?

Mr. HYDE. Yes, and I believe the telephone company witness will be able to give you a later figure.

Mr. BROTZMAN. Mr. Chairman, I would suggest to our chairman that I think something like that would be valuable in the record. We would like you to supply that to us. I would request that you do so.

Mr. HYDE. Yes.