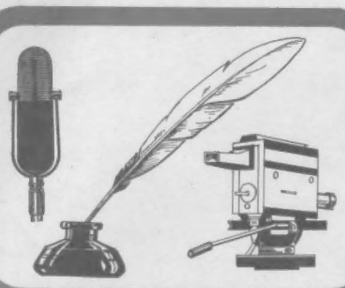

CONGRESSMAN
GERALD R. FORD
HOUSE REPUBLICAN LEADER

NEWS RELEASE

--Release in PMs of August 3--

Remarks by Rep. Gerald R. Ford, R-Mich., prepared for delivery on the floor of the House on Thursday, August 3, 1967.

Mr. Speaker, America today is shaken by a deep national crisis--a near-breakdown of law and order made even more severe by civil disorders in which criminal elements are heavily engaged.

The law-abiding citizens of America who have suffered at the hands of the lawless and the extremists are anxiously awaiting a remedy.

This is a time for swift and decisive action. It is a time for early-effect measures, and a time for longrange solutions which not only repair but greatly strengthen the fabric of our society. It is long past the time when we should launch an all-out assault on the criminal in our midst and on the social conditions which tend to breed crime and civil disorder.

We have before us legislation which we hope will stiffen the will and the way of local law enforcement. I trust all of us here today will work together to shape this legislation into the best possible law enforcement aid for our states and local communities.

I personally feel that in this bill as in other measures needed to rebuild a badly torn and bleeding America we must take a new approach and in some instances a bold and imaginative approach.

We must abandon the idea of direct Federal intervention in the cities, with a Federal administrator deciding arbitrarily who will get what and how much. In the field of law enforcement as in others we must provide the incentive for strong state and local action with federal dollar help. That dollar help should be channeled through the states, through a designated state agency which would implement a statewide plan for stronger law enforcement as approved by our Justice Department.

If the legislation now before us is amended to provide for such block grants to the states to bolster state and local law enforcement, I believe we should double the authorization requested by the President for fiscal 1968. I also want an equitable allocation formula written into the bill. I don't want law enforcement grants left solely to the discretion of the attorney general of the United States.

What is Congress doing about crime in the streets...about the arson, looting

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and murder that have made American cities from coast to coast places of horror, suffering and shame?

This House has passed an Anti-Riot Act, legislation which has received the silent treatment by the President and has been labeled unnecessary by the Attorney General.

We are about to pass landmark legislation to be known as the Law Enforcement and Criminal Justice Assistance Act of 1967.

What has the President of the United States done to assist the Congress in meeting the crime and civil disorders crisis of 1967?

Before the most recent outbreaks, he sent the Congress a so-called Safe Streets Bill which has been amended in more than 20 instances in the House Judiciary Committee. After the Detroit riot, he appointed a presidential study commission on civil disorders.

Has there been a flow of proposals from the White House to the Congress in a move to deal vigorously with the crime-in-the-streets crisis, which occupies a national priority second only to the War in Vietnam and has eclipsed even the war in the minds of the American people?

There have not been any new proposals from the White House. There has been "business as usual." There has been a fresh push by the President for more of the same, more millions for his Great Society programs, and charges by the President, the vice-president and the Secretary of Agriculture that you people here in the House have been inactive.

I submit that the Johnson Administration has delivered itself of a self-indictment in blaming the 1967 riots on the Congress. I submit that this attempt to fasten the blame on the Congress indicates a bankruptcy of ideas within the Administration.

This is "the game of switch," a move by the Administration to divert the blame from itself by pinning it on the Congress. The Administration is using the Congress as a scapegoat for its own troubles. The President is asking the American people to believe that the proposals he has advanced since he assumed the Presidency in November, 1963, contained all the answers and Congress just hasn't given him enough money. My friend, George Mahon, answered that argument beautifully here on the floor last Monday when he cited the tremendous sums that Democratic Congresses have voted since 1960 and declared that "Spending is not the answer to these problems."

All of this should tell us that something is bascially wrong with the Johnson Administration's approach to the prcblems of our cities, the evils that

help to spawn crime and civil disorder. Yet the President has spurned every new approach offered by the Loyal Opposition, has refused to seriously entertain any new proposals.

I challenge him to take a fresh look at the ideas set forth in the Republican State of the Union Message of last January 19--particularly those of tax credits as an incentive to industry to attack urban problems, a proposed Industry Youth Corps to provide private, productive employment for young people as part of a revamped War on Poverty, the Human Investment Act which would trigger a nationwide on-the-job training program by industry, and the Percy-Widnall plan to set up a National Home Ownership Foundation for slum dwellers.

The Washington Post, one of the country's great newspapers, called editorially last Monday for a "great departure" in domestic policy, a "different direction." Republicans proposed a "New Direction" in our State of the Union Message last January.

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Mr. Humphrey obviously is saying that the $25.6 billion which President Johnson's 1968 budget message lists as earmarked for the poverty fight this fiscal year is not enough. Is he proposing that we spend an additional $20 billion this fiscal year, to be added to the $20 to $30 billion deficit the Johnson-Humphrey Administration already is running?

Mr. Humphrey appears to be calling the Democratic majority in the Congress a bunch of pikers, although the President proudly declares in his 1968 budget message that LBJ spending on "federal aid to the poor" not only has gone up nearly $16 billion since 1960 but is nearly double the amount spent by John F. Kennedy in 1963.

Where are all the blessings from this outpouring of federal aid? George Mahon said on Monday, "The more we have appropriated for these programs, the more violence we have had." He added, "This refutes the idea that money alone is the answer to this problem."

I say we need new imaginative proposals, not more of the same. If the

President's trial balloon domestic Marshall Plan is simply a dollar-fattening of his old ideas, then the President is failing to help the Congress meet the great crisis that confronts the American people.

I challenge the President to cast off his blinders, to open his eyes to fresh new approaches to our slum sickness. I challenge him to re-think America's problems, for the sands of time are flowing fast.

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THE REPUBLICAN LEADERSHIP OF THE CONGRESS

Press Release

Issued following a Leadership Meeting

August 3, 1967

STATEMENT BY SENATOR DIRKSEN — RELEASE ON DELIVERY

No person has a right to act against the public safety, anywhere, any time. There is no excuse -- ever -- for riot, arson and murder. On this Americans are agreed.

Americans also agree that:

When near-anarchy exists in this nation --

When trouble-makers defy the law, incite rioting, burning, pillaging and murder --

There must be action. Its urgency is extreme.

Punishment of those who break the law must be swift and decisive -- no matter who they may be.

The protection of life and property must be primary and total.

The re-enforcement of every arm of the law everywhere must be maximum. There can be no compromise with crime -- and crime is exactly what this is.

Republicans in Congress and across America call for firm, certain action at all levels and in total strength.

Explanations for this war in America's streets are many. Some may be well-founded. Others are not. To find the right answers is our first duty.

The Administration has named a "blue ribbon" commission to work to this end. This is not enough -- not nearly enough. Congress itself must act to determine promptly the causes and the cures of this frightful situation. The Congress -- for the people -- must provide the solutions.

(con't)

Room S-124 U.S. Capitol—(202) 225-3700
Consultant to the Leadership—John B. Fisher

Our people must be made safe in their homes, at their jobs and on the streets.

Mr. Ford and I, with many of our colleagues, have filed a resolution calling for immediate creation of a Joint Committee of the Congress to investigate riots and violent civil disorder, with full powers necessary to this purpose.

Additional measures having similar objectives have been filed by others in Congress. The Government Operations Committee of the Senate may be named to take initial investigative action. Whatever is done must be done promptly, without partisanship. We are all in this boat together and the winds are raging.

We repeat, punishment must be swift for those who break the law -- whoever they may be. There must be no reward for those who riot and destroy.

BUT --

There must be found workable solutions to this unrest and violence that will permanently assure eradication of these evils.

There must be achieved a restoration of that strength-in-unity that has made America great and will keep America free.

STATEMENT BY REPRESENTATIVE FORD: August 3, 1967

The statements just made by Senator Dirksen have my complete and wholehearted support.

This war in our streets must be brought to the earliest possible end for the safety and benefit of every American citizen.

I am wholly confident that the Congress and, hopefully, the Administration, will promptly and accurately determine the root causes and enduring cures for this malignant social cancer.

The Republican Leadership of the Congress believes that there are immediate steps to be taken by all of us -- now. In our January appraisal of the State of the Union we urged several of these:

A total re-vamping and re-direction of the Poverty War -- where waste has been astronomical and administration ineffective. We said then and we repeat:

> "We want an Opportunity Crusade that will enlist private enterprise and the States as effective partners of the Federal Government in this fight. We would give the children of poverty the very highest priority they deserve. As Republicans have urged for two years, Head Start requires follow-through in the early grades."

Creation of a new Industry Youth Corps "to provide private productive employment and training on the job".

The passage of a Human Investment Act "to induce employers to expand job opportunities for the unskilled".

The enlargment of "opportunities of low-income Americans for private home ownership".

Support for a system of tax sharing to return to the States and local governments a fixed percentage of personal income taxes without Federal control.

The elimination of the poverty of realistic ideas among Poverty War officials.

We believe that in vastly expanded educational opportunities and productive job training the earliest and best of these solutions will be found. A closer application of Federal resources to local needs is clearly necessary.

In help -- and self-help -- for this generation of Americans, in help -- and opportunity -- for the next generation -- we will find the answers we seek and must have.

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U. S. HOUSE OF REPRESENTATIVES **REPUBLICAN POLICY** COMMITTEE

REP. JOHN J. RHODES, (R.-ARIZ.) CHAIRMAN • 140 CANNON HOUSE OFFICE BUILDING • TELEPHONE 225-6168

10

HOUSE REPUBLICAN POLICY COMMITTEE STATEMENT ON THE DEPLOYMENT OF AN ANTI-BALLISTIC MISSILE SYSTEM

The House Republican Policy Committee urges the Johnson-Humphrey Administration to provide the American people with an effective Anti-Ballistic Missile system. The Soviets have been building and deploying their ABM system for some time. The Joint Chiefs of Staff unanimously support the position that this country should now proceed to deploy. Congress has appropriated sufficient funds for this purpose. The Joint Committee on Atomic Energy has warned, "A low order of magnitude attack could possibly be launched by the Chinese Communists against the United States by the early 1970's. At present we do not have an effective anti-ballistic missile system which could repel such a suicidal (for the Chinese) but nevertheless possible strike." Time and the rush of events demand action.

As early as 1963 there were rumors that the Russians were developing an ABM defense. However, Secretary McNamara when questioned about this, engaged in a dialogue of evasion that appeared to deny that the Soviets had such a system. It was not until November 10, 1966, two days after the 1966 election, that McNamara announced there was considerable evidence of the existence of a Soviet ABM system. Moreover, information from the intelligence community now indicates that the Soviets are indeed deploying one and possibly two ABM systems. Also, the Soviets probably will extend and improve their defenses over the coming year and they have accelerated the deployment of hardened offensive intercontinental ballistic missiles.

It is significant that in response to a news conference question about the Soviet anti-ballistic missile system, General Paul G. Kurochin, head of the Soviet Frunze Military Academy, stated that missiles fired at the Soviet Union would not hit their targets. He also stated that, "Detecting missiles in time and destroying them

(over)

in flight is no problem." Under the circumstances, it is little wonder that Soviet Premier Kosygin has given no encouragement to hopes for a moratorium on anti-ballistic missile defense development as a means of limiting the arms race between the great powers.

There is a continuing split between Secretary McNamara and the entire Joint Chiefs of Staff on the anti-ballistic missile defense question. For years the Joint Chiefs of Staff have unanimously supported the position that this country should deploy Nike X. The Chairman of the Joint Chiefs of Staff, General Wheeler, testified that he had gone to President Johnson on his own initiative to present the Joint Chiefs' case. According to General Wheeler, "the Soviets will undoubtedly improve the Moscow system as time goes on and extend ABM defense to other high priority areas of the Soviet Union." In his opinion, the Soviet objective is "to achieve an exploitable capability, permitting them freedom to pursue their national aims at conflict levels less than general nuclear war."

On March 10, 1967, General Harold Johnson, the Chief of Staff of the U. S. Army, in his testimony before the House Appropriations Committee, clearly expressed the position of the prefessional military leaders when he stated, "When do we stop discussing and when do we reach a decision point?"

With the shock of the recent Chinese thermonuclear explosion on June 17, 1967, efforts to downgrade the potential menace of Communist China have disappeared. It took the United States 8 years to move from the atomic bomb to the hydrogen bomb. It took the Soviet Union 4 years to accomplish the same result. In just 2 years and 8 months, Red China has joined the H-bomb club. In a recent report on the Red Chinese threat, the Joint Committee on Atomic Energy stated:

> "We believe that the Chinese will continue to place a high priority on thermonuclear weapon development. With continued testing, we believe they will be able to develop a thermonuclear warhead in the ICBM weight class with a yield in the megaton range by about 1970. We believe that the Chinese can have an ICBM system ready for deployment in the early 1970's. On the basis of our present knowledge, we believe that the Chinese probably will achieve an operational ICBM capability before 1972. Conceivably, it could be ready as early as 1970-71.

It has been estimated that from 5 to 7 years, from the time the go-ahead is given, would be needed to deploy even a thin U. S. anti-ballistic missile defense. Any lingering doubt over whether or not such a system should be developed has been dispelled by China's amazing progress with nuclear weapons. In a report dated August 4, 1967, the Senate Committee on Appropriations noted that during fiscal year 1968, there will be approximately $970 million available for an ABM defense system. The Committee also stated, "The Congress has met its constitutional responsibilities in this matter, and the responsibility for further delaying this system clearly rests with the executive branch of the government."

These funds must be put to use without further delay. The secret of mass destruction is now in the hands of those who may be tempted to use it. Our defenses must be prepared to meet this challenge.

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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

Vol. 113 WASHINGTON, TUESDAY, AUGUST 8, 1967 No. 124

REPUBLICAN TASK FORCE ON CRIME

(Mr. GERALD R. FORD (at the request of Mr. EDWARDS of Alabama) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, at a time when law and order are of prime concern to all Americans, I think it is incumbent on all of us to contribute what we can to improving our criminal laws and procedures. To this end, Republicans have created a task force on crime to study problems in this complex area and to propose legislation to improve law enforcement. The task force is not concerned with any partisan advantage. Rather, it hopes to act as a catalyst in the legislative process to produce more effective tools to fight our Nation's grave crime problem.

For this reason, I believe it might be of interest to Members to read the policy statements issued to date by the task force on crime.

Under leave to extend my remarks, I include the statements of May 11, May 22, May 31, and June 5, 1967:

FIRST INTERIM REPORT OF THE REPUBLICAN TASK FORCE ON CRIME, MAY 11, 1967

The Republican Task Force on Crime believes that one small, yet positive and significant step in enhancing the status of local police officials would be the passage of a federal survivorship and disability compensation bill. This law would benefit officers totally disabled or the survivors of officers killed in action taken by them to assist in the enforcement of federal laws.

The President's Commission on Law Enforcement and Administration of Justice in its comprehensive survey of crime in the United States, gave considerable attention to the problems of the police. In a special report on the police the Commission reached the conclusion, that "widespread improvement in the strength and caliber of police manpower, supported by radical revision of personnel practices, is the basic essential for achieving more effective and fairer law enforcement."

The foundation for a successful attack upon the problem of crime is better law enforcement. Better law enforcement requires the best police officers. Many police are not provided with a salary level and the fringe benefits that are now prevalent in our society among most occupational groups.

The Commission reports that in 1967 alone there will be 50,000 vacancies in police departments throughout the Nation. The Commission also reports that the average starting salary for a patrolman in small cities is $4,600. In large cities the average is $5,300. Moreover, typical maximum pay is less than $1000 over the starting salary.

Nor is this the only problem. The fringe benefits customary to most jobs today—life insurance and survivors benefits—are frequently not available to local law officers. Moreover, because police work is considered a hazardous occupation, insurance premiums are high and difficult to meet with a low salary.

At this time there are no comprehensive statistics on the existing state and local compensation programs established for police officers injured or disabled in the line of duty. Recent testimony before the House Judiciary Committee revealed, however, that the survivors of an officer killed in Richmond, Virginia, would receive the sum of $75.00 per month for one year from the Police Benevolent Association. Other testimony revealed that in many states not even this pittance was provided.

The policeman, just as the soldier, frequently lays his life on the line in carrying out his duties. The Congress has provided generous fringe benefits to the military in recognition of hazards associated with military life. There is a need for similar recognition of the hazards faced by local law enforcement officers.

However, it is obvious that the federal government cannot inject itself directly into the correction of this manifestly unjust situation confronting the local policeman. But the Congress can and often has stimulated local and state authorities by example. The Congress can provide compensation to the local police officer who is killed or injured in enforcing federal law.

There are between 16,000 and 20,00 federal law enforcement officials in the United States. These officers rely daily upon the more than 420,000 local and state officials for support. For example, local police may accompany postmasters to banks with large sums of money. FBI, Secret Service, Postal Inspectors, Immigration officials and many others use the assistance of local departments in carrying out their duties. Local officers swear in their oaths of office to uphold the United States Constitution and all Federal laws. The responsibility should be reciprocal.

A well-written law of disability and survivorship compensation could stimulate state and local governments to develop state laws for analogous local circumstances.

Under existing law, federal officers are provided for in a number of compensatory programs, including the Federal Employees Compensation Act which is administered by the Department of Labor for the benefit of disabled officers and their surviving spouses and dependent children. The Republican Task Force on Crime believes that we should guarantee equal treatment to local police who risk their lives to assist federal officers protected by this program in such activities as apprehension of bank robbers, kidnappers, and "AWOL" military personnel.

Although the details as to how this program would operate vary to some degree among proponents, all evidence suggests that the cost to the federal government would not be substantial. However, the dividends to the Nation from such a program would be significant.

This proposal is a beginning of recognition of the debt that society owes those officers who daily risk their lives for our safety. It is a way of showing public support of these men while reducing the concern they experience for the future well-being of their wives and children. The proposal would be a first step in improving the financial situation of the police officer and provide a precedent. The Republican Task Force on Crime believes that this measure would make a true contribution to police morale and serve as an inducement to others to consider police work as a profession.

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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

Vol. 113 WASHINGTON, TUESDAY, AUGUST 8, 1967 *No. 124*

REPUBLICAN TASK FORCE ON CRIME PRESS RELEASE, MAY 22, 1967

Congressman Richard H. Poff, Chairman of the House Republican Task Force on Crime, deplored the attempt to create a conflict between the FBI and the President's Crime Commission on the proper treatment of criminals.

Congressman Poff told the House of Representatives today, "Those trying to conjure up a conflict between the FBI and the President's Crime Commission ill serve the cause of law and order. The FBI says that the right way to fight crime is to strengthen deterrence. The Commission says that the right way to fight crime is to strengthen rehabilitation. Neither disputes the other. Both are right.

"Recidivism statistics reported by the FBI illuminates a tragic truth. Most of the crime in this country is committed by repeaters. Some 57% of those released from Federal custody in 1963 had been arrested again before June 1966. For those paroled, the figure was 82%.

"These statistics do not prove that rehabilitation is unworkable. Nor do they prove that deterrence is obsolete. All they prove is that both are inadequate in their present form.

"While we must not 'coddle criminals,' we must not be afraid to experiment with new techniques of criminal rehabilitation. While we must not impose cruel or unusual punishment, we must not be timid in fixing penalties commensurate with the offense. Successful rehabilitation saves society the burden of a second offense and serves a humane function as well. Proper punishment not only attacks the problem of recidivism; if it is swift and certain, it helps to spare society the burden of the first offense by others."

REPUBLICAN TASK FORCE ON CRIME PRESS RELEASE, MAY 31, 1967

Congressman Richard H. Poff, Chairman of the House Republican Task Force on Crime, took issue today with Attorney General Clark's effort to minimize the national crime problem.

"The Attorney General says 'there is no wave of crime in the country,'" Mr. Poff reported. He went on to say, "That he should say so is part of the crime problem in this country. The Attorney General of the United States is the chief law enforcement officer of the nation. If he thinks, as he is quoted as saying, that 'the level of crime has risen a little bit', then he is either misinformed about the statistics or badly mistaken about the size of a 'bit.'"

Mr. Poff pointed out, "Webster says that a 'bit' is a 'mite' or a 'whit.' Those who contend that the level of crime has risen only a mite are more than a little bit wrong. In the decade of the sixties, the growth rate of crime has outpaced the growth rate of the population by more than 6 times. To me, that sounds more like a wave than a whit."

Congressman Poff said, "The Attorney General was also quoted as saying that organized crime is only a 'tiny part' of the picture. President Johnson last year, following a meeting with former Attorney General Katzenbach, said that organized crime 'constitutes nothing less than a guerrilla war against society.' The Katzenbach Crime Commission said that the estimates of illegal gambling profits alone, not counting profits from narcotics, prostitution and racketeering, run as high as $50 billion a year. That may sound tiny to some; it sounds titanic to me."

Congressman Poff concluded: "The crime problem in America will never be solved by miniaturizing it with timid little words. The chief law enforcement officer must acknowledge it in its full dimensions and thereby set the atmosphere of urgency essential to its solution."

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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

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REPUBLICAN TASK FORCE ON CRIME CALLS FOR APPEALS AUTHORITY

(Mr. GERALD R. FORD (at the request of Mr. SCHADEBERG) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks I include policy statements of the Republican Task Force on Crime dated June 7, 1967:

TASK FORCE CALLS FOR APPEALS AUTHORITY

The House Republican Task Force on Crime today called for early passage of a bill granting Government prosecutors general authority to appeal a court ruling to suppress evidence.

Task Force Chairman Richard H. Poff (R-Va.) urged positive action on the bill introduced by Rep. Tom Railsback (R-Ill.) which would permit Federal prosecutors to appeal an adverse ruling on a defendant's motion to suppress evidence collected by law enforcement officials. "When some traditional methods of police work are restricted by court decisions, new tools must be developed to ensure that violations of the law are met with swift and sure punishment," commented Poff. *"But to remain consistent with the Supreme Court's interpretation of the Constitution, and to assure fairness to all defendants, any action to provide additional grounds for appeal by the Government in criminal trials must be carefully drawn."*

The Task Force notes that while no one condones unreasonable and illegal searches, there is confusion as to what is unreasonable and illegal. Recent court rulings emphasize the right of the accused to raise this issue but the prosecution has no such privilege. The President's Crime Commission called for legislation in this area. Its Committee on Organized Crime argued that the right of the prosecution to appeal is particularly important. *The Department of Justice and the Judicial Conference of the United States had recommended legislation of this nature.*

"Assistant Attorney General Fred M. Vinson, Jr., sums up the argument for this legislation by stating that it 'would be most helpful to the Government since an adverse ruling at the preliminary stage of the proceedings may effectively halt the Government's ability to go forward with the prosecution when materials suppresed are a substantial portion of the Government's case'," concluded Rep. Poff.

STATEMENT ON BILL TO ALLOW APPEALS OF MOTIONS TO SUPPRESS EVIDENCE

The Republican Task Force on Crime asks for early passage of legislation currently before the House of Representatives to grant Federal prosecutors general authority to appeal a court ruling to suppress evidence.

The Task Force believes that effective law enforcement demands effective tools. When some traditional methods of police work are restricted by court decisions, new tools must be developed to ensure that violations of the law are met with swift and sure punishment.

One such tool which can expedite the task of prosecuting law breakers has been introduced by Congressman Tom Railsback (R.-Ill.). This bill (H.R. 8654) would permit Federal prosecutors to appeal an adverse ruling on a defendant's motion to suppress evidence collected by law enforcement officials.

No one condones unreasonable and illegal searches. But there is confusion as to what is an unreasonable and illegal search. Recent court rulings emphasize the right of the accused to raise this issue and to test whether evidence used against him has been illegally acquired. The accused may move to suppress evidence which he believes has been unreasonably or illegally acquired. But the prosecution has no privilege to test any adverse court ruling regarding unreasonable search and seizure.

After thorough study of this problem in the 85th Congress, the Senate Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary concluded that authorization of the Government to appeal motions to suppress evidence was badly needed:

"The subcommittee is convinced that the district courts are entitled to appellate guidance in the admittedly difficult field of search and seizure. If they cannot obtain such guidance, the result will be an increasingly chaotic condition, with some judges in a single district consistently adhering to one view of the law, and others to another, incompatible view." [1]

The Subcommittee in 1956 had successfully recommended that this authority be granted in crimes involving narcotics, and after two years experience with this enactment (Title 18, U.S. Code, Sec. 1404) it was concluded that there was no reason to limit this authority to narcotics. The Subcommittee noted that the Department of Justice and the Judicial Conference of the United States had recommended legislation of this nature.

The President's Crime Commission, in calling for the same authority, points out an additional reason for such authority. The Commission found that officials, in reviewing existing situations, can deal with conflicting rulings in two ways, both undesirable. Faced with an adverse ruling law enforcement officials believe to be unfair, they can abandon the form of search or examination attacked in the motion to suppress. Of course, this has the effect of denying their use of what many judges as well as law enforcement officials may consider to be legitimate, proper techniques. The alternative is that they can continue the practice, hoping that in some future case a trial judge will sustain the practice, and a defendant by objecting and appealing will give a higher court an opportunity to rule upon it. The first course of action results in the denial of use of proper police methods simply because an appellate test is unavailable. The alternative places law enforcement officials" . . . in the position of deciding which lower court decisions they will accept and which they will not." (The President's Commission on Law Enforcement and Administration of Justice"; Task Force Report: The Courts. p. 40)

The Commission's Organized Crime Task Force states the case even more strongly. The report argues that the right of the prosecution to appeal is particularly important in organized crime cases, where so much investigative and prosecuting time has been expended, and where evidence gathering is extremely difficult. The report further notes that:

"Allowing appeals would also help overcome corrupt judicial actions. In gambling cases, particularly, arbitrary rejection of evidence uncovered in a search is one method by which corrupt judges perform their services for organized crime." (p. 19)

The Commission Report on the Courts discusses the need for appellate authority in more detail and points out that in many cases the prosecution is stymied by a pretrial order suppressing seized evidence or a statement by the accused. As stated by the Commission's Report on the Courts:

"In many cases the prosecution cannot proceed to trial without the suppressed evidence. And even where it has other evidence for trial, the chances of obtaining a conviction may be severely weakened by the suppression order." (p. 47)

A letter from Mr. Fred M. Vinson, Jr., Assistant Attorney General, addressed to the author of H.R. 8654, Mr. Railsback, sums up the argument for this legislation by stating simply that:

"(This bill) would be most helpful to the Government since an adverse ruling at the preliminary stage of the proceedings may effectively halt the Government's ability to go forward with the prosecution when the materials suppressed are a substantial portion of the Government's case." (Letter of May 10, 1967)

This legislation is not without precedent. Section 3731 of Title 18, United States Code, originally enacted as the Criminal Appeals Act of 1907, authorized appeal by the prosecution in certain specified procedural instances. This authority was expanded in 1942, and, as mentioned above, the Narcotic Control Act of 1956 gave the United States the right to appeal in narcotics cases from motions to suppress evidence. This is directly analogous to those circumstances described more generally in the bill (H.R. 8654) now before the House.

The Supreme Court recognized that Congress has the power to authorize such appeals, provided that they are limited by the Sixth Amendment provisions of right to a speedy trial and the Fifth Amendment protection against double jeopardy.

The Supreme Court has stated:

"If there is serious need for appeals by the Government from suppression orders, or unfairness to the interests of effective criminal law enforcement . . . it is the function of the Congress to decide whether to initiate a departure from the historical pattern of restricted appellate jurisdiction in criminal cases." [2]

Obviously, to remain consistent with the Court's interpretation of the Constitution, and to assure fairness to all defendants, any action by the Congress to provide additional grounds for appeal by the Government in criminal trials must be carefully drawn.

The necessity to give government prosecutors the authority to appeal motions to suppress is widely recognized and supported. The House Republican Task Force on Crime concurs with these views and urges the Congress to give early and favorable attention to this request for new legislation in this vital area.

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[1] Senate Report No. 1478, 85th Congress, 2nd Session, p. 16.

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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

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POLICY STATEMENT OF REPUBLICAN TASK FORCE ON CRIME—SOME COURT-AUTHORIZED "BUGGING" NEEDED

(Mr. GERALD R. FORD (at the request of Mr. HALL) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks, I include a policy statement of the Republican Task Force on Crime dated June 11, 1967:

STATEMENT OF THE REPUBLICAN TASK FORCE ON CRIME, JUNE 11, 1967

SOME COURT-AUTHORIZED "BUGGING" NEEDED, SAYS TASK FORCE

The House Republican Task Force on Crime today urged passage of legislation to prohibit wiretapping and electronic bugging except by court authorized Federal, State and local law enforcement officers engaged in the investigation and prevention of organized and certain specified crimes.

The proposal is contained in a bill introduced by Rep. William McCulloch (R.–Ohio), House Minority Leader Gerald R. Ford (R.–Mich.), Task Force Chairman Richard Poff (R.–Va.) and some 20 other Republicans.

"A free society must have powers to identify, arrest, search, indict, prosecute, and punish the criminal," stated Rep. Poff. "When these powers are properly and wisely exercised, they serve in themselves to maintain and to protect the freedoms we cherish. The measure represents a realistic balancing of the protection of individual privacy with the needs of law enforcement to combat organized crime.

"The President's Crime Commission noted that law enforcement officials consider electronic surveillance 'necessary' in attacking the nation's spiraling crime rate," Poff continued. "The Task Force finds the Administration's proposal, which bans all wiretapping and electronic bugging except in an undefined area of 'national security', a dangerous threat to individual privacy, and an unwise limitation on law enforcement. It is illogical to claim that electronic bugging equipment is effective for national security cases but ineffective in cases involving serious and organized crimes, which threaten our local, State and Federal Governments."

Today's Task Force Report follows Monday's call for a Joint Congressional Committee on Organized Crime and Wednesday's Crime Task Force statement supporting early passage of legislation granting Government prosecutors general authority to appeal a court ruling to suppress evidence.

REPORT OF THE HOUSE REPUBLICAN TASK FORCE ON CRIME ON H.R. 10037, THE ELECTRONIC SURVEILLANCE CONTROL ACT OF 1967

The House Republican Task Force on Crime endorses and urges enactment of H.R 10037, a bill introduced by Mr. William McCulloch, Mr. Gerald R. Ford, Mr. Richard Poff, and 20 other Republicans.[1] This proposed legislation would prohibit all wiretapping and electronic bugging except by court authorized Federal, State and local law enforcement officers engaged in the investigation and prevention of organized and certain other specified crimes. The Task Force finds the Administration's proposal (H.R. 5386), which bans all wiretapping and electronic bugging except in an undefined and unreviewable area of "national security" cases, to be both a dangerous threat to individual privacy and an unwise limitation on law enforcement officials who need such equipment to combat the growing problem of crime in the nation.

The Task Force believes that the Congress must act—and act quickly—to preserve the privacy of all Americans. New and sophisticated electronic bugging devices are used today with few restrictions and little restraint. The Federal statutory law is silent on electronic bugging. All who have examined the existing law on wiretapping agree that it is inadequate, confused and often self-defeating. The Federal wiretapping statute—enacted in 1934—neither protects privacy nor promotes effective law enforcement.

Privacy, appropriately described by Justice Brandeis as "the most comprehensive of the rights and the right most valued by civilized men", is nothing less than the foundation of freedom. Freedom is less than complete, however, when society is victimized by the criminal. A free society must protect its freedom. It must have powers to identify, arrest, search, indict, prosecute and punish the criminal, and when these powers are properly and wisely exercised they serve in themselves to maintain freedom. As Judge Learned Hand once reminded us:

"The protection of the individual from oppression and abuse by the police and other enforcing officers is indeed a major interest in a free society; but *so is the effective prosecution of crime*, an interest which at times seems to be forgotten. . . ." [2]

The Attorney General, when presenting his formal testimony to the House Judiciary Committee on March 16, 1967, in support of the Administration's proposal to ban all electronic surveillance except in cases of "national security" declared, as the predicate for his position, that "the legitimate needs of law enforcement can be met without the use of such abhorrent devices (i.e., electronic surveillance devices)",[3] and concluded:

"All of my experience indicates that it (electronic surveillance) is not necessary for the public safety. It is not a desirable (or effective police investigative technique, and that it should only be used in the national security field, where there is a direct threat to the welfare of the country." [4]

The President's Crime Commission, after an intensive study of the existing uses of electronic surveillance equipment by law enforcement in combating organized crime reported:

"The great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques. They maintain these techniques are indispensable to develop adequate strategic intelligence concerning organized crime, to set up specific investigations, to develop witnesses, to corroborate their testimony, and to serve as substitutes for them—each a necessary step in the evidence-gathering process in organized crime investigations and prosecutions." [5]

The Task Force believes that the Attorney General's position is untenable and inconsistent. It is untenable to contend that electronic surveillance equipment would be effective for national security cases but ineffective in cases involving serious and organized crimes. It is inconsistent to hold that the use of these extraordinary devices is justified in national security cases but not justified when used in major criminal cases. Surely, the Attorney General does not believe our nation is endangered only by enemies whose crimes undermine the Federal government by sabotage, espionage, treason, or the like, when—in fact—our local, State and national governments are seriously threatened by the ravages of organized criminal activity. The President's Crime Commission has thoroughly and irrefutably documented the dangers to our society, government and economy from the activities of organized crime. A few examples from the Commission's report are illustrative of this documentation:

"Organized crime affects the lives of millions of Americans, but because it desperately preserves its invisibility many, perhaps most, Americans are not aware how they are affected, or even that they are affected at all.

[1] The co-sponsors of H.R. 10037 are Mr. McCulloch, Mr. Gerald R. Ford, Mr. Poff, Mr. Moore, Mr. Cahill, Mr. MacGregor, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Roth, Mr. Meskill, Mr. Railsback, Mr. Biester, Mr. Wiggins, Mr. Betts, Mr. Cramer, Mr. Conable, Mr. King of New York, Mr. Price of Texas, Mr. Wyman, Mr. Shriver, Mr. Wylie, and Mr. Mathias of California.

[2] *In re Fried*, 161 F. 2d 453 at 465 (1947).

[3] *Hearing before Subcommittee No. 5 of the House Judiciary on H.R. 5386*, 90th Congress, 1st Session (1967) at 209.

[4] *Ibid.* at 319.

The price of a loaf of bread may go up one cent as the result of an organized crime conspiracy, but a housewife has no way of knowing why she is paying more. If organized criminals paid income tax on every cent of their vast earnings everybody's tax bill would go down, but no one knows how much.[6]

"The purpose of organized crime is not competition with visible, legal government but nullification of it. When organized crime places an official in public office, it nullifies the political process. When it bribes a police official, it nullifies law enforcement.[7]

"It is organized crime's accumulation of money, not the individual transactions by which the money is accumulated, that has a great and threatening impact on America. . . . The millions of dollars it can throw into the legitimate economic system give it power to manipulate the price of shares on the stock market, to raise or lower the price of retail merchandise, to determine whether entire industries are union or nonunion, to make it easier or harder for businessmen to continue in business." [8]

The Task Force concurs with the majority of the President's Crime Commission in urging that "legislation should be enacted granting carefully circumscribed authority for electronic surveillance to law enforcement officers." H.R. 10037 would implement this recommendation and is patterned after the statutory scheme suggested by the Commission and discussed in detail in the Report of the Commission's Organized Crime Task Force.[9]

Those who have studied or experienced the needs of law enforcement in combating organized criminal activity are convinced of the necessity of electronic surveillance. The Chairman of the Michigan Commission on Crime, Delinquency and Criminal Administration—Mr. John B. Martin—reports that the Michigan Crime Commission has concluded "that organized crime presents such overriding public consideration, the use of electronic surveillance should be permitted . . .".[10] The Attorney General of the State of Massachusetts—Mr. Elliot Richardson—told the House Judiciary Committee that ". . . it seems clear to me, as it has to virtually every law enforcement authority concerned with the problem, that electronic surveillance is a key weapon if we really are effectively to be able to do anything about this very far-reaching and very serious problem (of organized crime).[11] Mr. Elliot Lumbard—Special Counsel to Governor Rockefeller and former counsel to the Special Commission on Crime in New York—has said that "wiretaps strike right at the heart of the relationship between organized crime and political corruption." [12]

Professor G. Robert Blakey of Notre Dame Law School, Special Consultant to the President's Crime Commission, who is responsible for developing the statutory scheme contained in the appendix of the Commission's Report on Organized Crime and the statutory scheme adopted by H.R. 10037, presents a compelling case for the propriety and wisdom of this proposal.[13]

The principal sponsor of H.R. 10037—William McCulloch—has received a strong letter of endorsement for this proposal from one of the country's foremost authorities on organized crime—Mr. Frank Hogan, District Attorney of New York County. Mr. Hogan's letter notes that:

"The bill, introduced by you, the Minority Leader and 21 other Congressmen, provides for most stringent restrictions on the use of wiretapping and oral communication. But that fact should be no barrier to its passage! Law enforcement knows that telephonic interception is the most valuable weapon in its fight against organized crime. It appreciates that, where it is legally authorized, it must be used fairly, sparingly and with highly selective discrimination. It asks for and welcomes judicial examination of the need for wiretapping in every proposed investigation, and judicial authorization, supervision and review of its use. These factors and considerations are faithfully reflected in your bill. I endorse and support it enthusiastically."

Mr. William Cahn, District Attorney of Nassau County of New York State, similarly endorses such legislation. Mr. Cahn strongly urges "that the Congress enact legislation banning wiretapping by private persons and permitting wiretapping by officials pursuant to court approval and control." [14]

The Task Force believes that H.R. 10037 represents a realistic balancing of the protection of individual privacy with the needs of law enforcement to combat organized crime. The Electronic Surveillance Control Act of 1967 as proposed in H.R. 10037 contains the following important features: *Private use of wiretapping and electronic eavesdropping devices would be absolutely prohibited.*

The Task Force believes that wiretapping and electronic bugging by private citizens is repugnant to a free society. Private uses of these techniques cannot be justified. H.R. 10037 would prohibit all such uses and impose meaningful criminal sanctions.

Federal law enforcement authorities would be permitted to seek court authority to use electronic surveillance devices in the investigation of crimes involving national security, criminal offenses involving organized crime, and certain other specified crimes (e.g., murder and kidnapping).

The Task Force believes that the use of this extraordinary tool is justified by the extraordinary activities of the underworld and the dangers that exist to our national security from would-be conquerors. H.R. 10037 minimizes potential instrusion of privacy by employing case by case judicial judgment as to whether such investigative devices should be used at all, even for investigation of the offenses specified under the statute. H.R. 10037 adopts the well tested approach of the search warrant which, like electronic surveillance, represents a potential threat to individual privacy but under proper judicial controls has served society in protecting its freedom by bringing the criminal offender to justice.

State law enforcement authorities could similarly seek court authority to use electronic surveillance devices, but only if the State has enacted legislation specifically establishing such procedures.

The Task Force believes that each State should make an independent determination regarding its needs for electronic surveillance techniques. H.R. 10037 reposes the determination of the need for these investigative techniques with each State, and would prevent any State from abusing this option by setting forth the categories of crimes and general procedures that are to be included in a statutory scheme.

The Task Force notes that the Administration's proposal would repeal the laws of all States which authorize court approved electronic surveillance by law enforcement (e.g., New York, Massachusetts, Maryland, Nevada and Oregon).

A comprehensive system of checks and safeguards would be established to minimize threats to the privacy of innocent citizens, prevent abuses of such investigative techniques and assure that the rights and liberties of the suspects are not infringed. For example—under H.R. 10037—

Information obtained from an authorized surveillance could be disclosed and used only by law enforcement and criminal justice officials in discharging official duties when investigating or prosecuting a crime. Any other use must be authorized by the court.

No information obtained from an authorized surveillance could be used in any Federal or State criminal court proceeding unless the defendant had been furnished a copy of the authorization not less than 10 days before the trial.

Information disclosed in violation of the statute could *not* be used as evidence in any Federal, State or local court, grand jury or other proceeding.

No court authorization for the use of such devices could exceed 45 days. Renewals could not exceed 20 days and would be issued only if the requirement for the original authorization remains. Thus the court must continually review the need and wisdom of the electronic surveillance.

All information obtained by electronic surveillance would have to be recorded by the law enforcement officer and then sealed by the authorizing judge. This would serve to verify the continuing accuracy of the information so obtained.

All persons subject to electronic surveillance would have to be notified of that fact within a year of the termination of the authorization.

Any aggrieved person who had been the direct or indirect object of an authorized surveillance could make a "motion to suppress" the use of such information in any proceeding on the ground that it was unlawful or obtained contrary to the court authorization.

Any person whose communications were intercepted, disclosed or used in violation of the statute could bring a civil suit and recover actual damages (minimum of $1000), punitive damages, attorney's fees and court costs.

Additional safeguards would be erected to protect the privacy of privileged communications between husband and wife, doctor and patient and clergyman and confidant and communications employing public telephones, even when interceptions are attempted by law enforcement authorities.

The Task Force believes that electronic surveillance authority, even when granted by court order to law enforcement personnel, should not be used to violate unnecessarily the sanctity of those relationships to which the law has always given special privilege. H.R. 10037 imposes additional limitations in such cases. The same is true in cases involving public telephones.

Congress would receive complete statistics from different sources regarding all authorized uses of electronic surveillance equipment by Federal and State officials.

The Task Force believes that the mandatory reporting requirements are essential for continued review of the operation of this statute. The reporting requirement would not only prevent abuses but would also indicate the usefulness of the statute itself in that the reports must include the number of arrests, trials and convicitions resulting from the authorized interception.

The Task Force also believes that the provisions of the statute providing for independent study of its effectiveness by a "Council of Advisers" appointed by the Attorney General are very commendable. Such information today is unavailable.

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[6] *The Challenge of Crime in a Free Society,* a Report by the President's Commission on Law Enforcement and Administration of Justice (1967) at 201.

[7] *Ibid.* at 187.

[8] *Ibid.* at 188.

[9] *Ibid.* at 187.

[10] *Task Force Report: Organized Crime,* Task Force on Organized Crime, The President's Commission on Law Enforcement and Administration of Justice at 80-113.

[11] *Hearings,* op. cit, note 3, at 916.

[12] *Ibid.* at 930.

[13] *Ibid.* at 940.

[14] *Ibid.* at 1023–1393.

The statute would be self-terminating eight years after its enactment into law.

The Task Force believes that this would allow an opportunity to test in the crucible of time and application the wisdom and efficacy of the statute.

The Task Force has concluded that this comprehensive—and necessarily complex—proposal merits serious and immediate consideration. H.R. 10037 in balancing the rights of privacy with the needs of law enforcements would increase the protection of privacy and enhance the effectiveness of law enforcement.

(Attached to this report is a detailed analysis of this important legislative proposal.)

ANALYSIS OF THE ELECTRONIC SURVEILLANCE CONTROL ACT OF 1967 (H.R. 10037)

Section 1. Title.

Section 2. Findings.

Section 3. Contains the following amendments to Title 18 of the United States Code:

PROHIBITIONS

Sec. 2511. *Interception and disclosure of wire or oral communications exhibited.*

(a) Prohibits all interceptions (wiretapping and bugging) and uses or disclosures of information so obtained, unless specifically permitted by the provisions of this bill. Penalty for violation $10,000 or 5 years, or both.

(b)(1) Exempts telephone company employees when servicing or protecting lines.

(2) Exempts Federal Communications Commission employees when monitoring pursuant to their regulatory duties.

(c) Exempts the powers of the President to obtain necessary information in protecting the United States from international threats. Such information may be used as evidence.

(NOTE.—Internal security threats from espionage, sabotage, treason and other similar offenses specified in Federal criminal statutes are treated under Sec. 2516 of the bill.)

Sec. 2512. *Distribution, manufacture, and advertising of wire or oral communication intercepting devices prohibited.*

(a) Prohibits the—

(1) mailing or sending through interstate commerce of electronic surveillance equipment,

(2) manufacture of the electronic surveillance equipment, or

(3) advertising of electronic surveillance equipment. Penalty for violation of $10,000 or 5 years, or both.

(b) Exempted from the above prohibitions (with the exception of advertising) are—

(1) common carriers in the normal course of business or persons under contract to common carriers,

(2) Federal, State and local governments or persons under contract with such units of government.

Sec. 2513. *Confiscation of wire or oral communication intercepting devices.* Authorizes the Federal government to confiscate any electronic surveillance equipment used, mailed, sent or manufactured in violation of the above provisions.

Sec. 2514. *Immunity of witnesses.* Provides that United States Attorneys—with the approval of the Attorney General—may seek and the Federal Court may authorize the granting of immunity from prosecution to witnesses in cases involving violations of the provisions of this bill.

Sec. 2515. *Prohibition of use as evidence of intercepted wire or oral communications.* Prohibits the use of information as evidence in any proceeding before any Federal, State or local court grand jury, department, officer, agency, regulatory body, or legislative committee, if the disclosure of that information would be in violation of the provisions of the bill.

AUTHORIZATIONS

Sec. 2516. *Authorizations for interception of wire or oral communications.*

Federal

(a) The Attorney General of the United States (or his designee) may authorize the making of an application to the Chief Judge of a United States District Court (or his designee), the Chief Judge of a United States Court of Appeals (or his designee) or the Chief Justice of the United States (or his designee), and such judge may under certain circumstances authorize the FBI or the Federal agency having responsibility for the investigation of the offense for which the application was made, to intercept communications when such interception may provide evidence of—

(1) offenses relating to enforcement of the Atomic Energy Act (misuses of restricted data), espionage, sabotage, or treason, where the offense is punishable by death or imprisonment for more than one year;

(2) Federal offenses involving murder, kidnapping, or extortion;

(3) Federal offenses relating to bribery, sports bribery, transmission of gambling information, obstruction of justice, injury to the President, racketeering, or welfare fund bribery;

(4) Federal offenses involving counterfeiting;

(5) Federal offenses involving bankruptcy fraud or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs or marihuana; or

(6) any conspiracy to commit any of the foregoing offenses.

State

(b) When specifically authorized by a State statute to make application to specified State court judges, the attorney general of any State or the principal prosecuting attorney of any political subdivision of a State, may make application and the judge may authorize under certain circumstances the use of electronic surveillance devices for the purpose of gathering evidence of the commission of the State offenses of murder, kidnapping, gambling (if punishable as a felony), bribery, extortion or dealing in narcotic drugs or marihuana, or any conspiracy involving the foregoing offenses.

Sec. 2517. *Authorization for disclosure and use of intercepted wire or oral communications.*

(a) and (b) Law enforcement officers who obtain information by means of interceptions authorized under the bill may disclose such information to another law enforcement officer or use the information, if necessary and proper in performing and discharging of official duties.

(c) Any person who has obtained information by means of an interception authorized under the bill may disclose such information while testifying under oath in any Federal or State criminal court proceeding or grand jury proceeding.

(d) Intercepted information otherwise may be disclosed only upon a showing of good cause before a judge with authority to authorize such an interception.

SEC. 2518. Procedure for interception of wire or oral communications.

Contents of Application

(a) Applications of authorizations to intercept must be in writing, sworn, state the applicants authority (e.g., State statute) and include—

(1) Identity of person authorizing the application;

(2) A full statement of the facts relied upon by the applicant;

(3) The nature and location of the interception;

(4) A statement of the facts concerning all previous applications to intercept the same facilities, place or person and the action taken by the judge on each such application; and

(5) If the application seeks authorization on the grounds set forth in paragraph 1 of subsection (c) below (strategic intelligence gathering) the applicant must state the number of outstanding authorizations based on such grounds.

Additional Support for Application

(b) The judge may require additional material to support the application.

Grounds for Issuance

(c) Ex parte orders authorizing interceptions may be made by a judge in his sole discretion on a showing that—

Strategic Intelligence Gathering re Organized Crime

(1)(A) An individual has been convicted of an offense involving moral turpitude which is punishable as a felony; and

(B) There is reliable information to believe that this individual is presently engaged in one of the offenses enumerated in Sec. 2516 (above); and

(C) This individual presently has two or more close associates who meet the requirements of paragraphs (a) and (b) above; and

(D) The facilities or places to be intercepted are being used or about to be used by this individual; or

Tactical Evidence Re Specific Crimes

(2)(A) One of the offenses enumerated in Sec. 2516 is being, has been, or is about to be committed; and

(B) Facts concerning that offense may be obtained through an interception; and

(C) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed as tried; and

(D) The facilities or place to be intercepted are being used or about to be used by a person who has committed, is committing or is about to commit such an offense.

LIMITATIONS

Number orders for strategic intelligence

(d)(1) Judges issuing orders on the grounds set forth in paragraph (1) above are limited by the following table:

Federal officers: 2 per 1 million national population.

State officers: 5 per 1 million State population.

Local officers: 10 per 1 million local population.

(NOTE.—This limitation as to number of orders applies only to applications filed under paragraph (1) above—strategic intelligence re organized crime.)

Public telephone

(2) No public telephone may be intercepted, unless in addition to satisfying all the foregoing requirements the judge also determines that—

(A) The interception will be conducted in a way that minimizes or eliminates intercepting communications of other users of the facility, and

(B) There is a "special need" to authorize such an interception.

Privileged communications

(3) Conversations between a husband and wife, doctor and patient, lawyer and client or clergyman and confidant may *not* be intercepted unless in addition to satisfying all the foregoing requirements, the judge also determines that—

(A) The interception will be conducted in a way that minimizes or eliminates intercepting "privileged communications," and

(B) There is a "special need" to authorize such an interception.

Contents of order

(e) Orders authorizing or approving an interception must specify—

(1) The nature and location of the authorized interception,

(2) Offense(s) for which information is being sought,

(3) The name of the agency authorized to intercept, and

(4) The period of time during which such interception is authorized.

Time Limit and Extensions of Order

(f) No order may authorize an interception for a period exceeding 45 days. Extensions of the order may be granted for periods of not more than 20 days, but all extensions must satisfy the requirements of Sec. 2518(a) and (c), i.e., a complete application and the same grounds as originally justified the authorization continue to justify the authorization.

Emergency interception

(g) In emergency situations law enforcement officers may temporarily waive the formal requirements for authorization so long as—

(1) The emergency situation requires such a waiver, and

(2) Such an authorization would be available absent the waiver.

Formal application must be made within 48 hours after the emergency interception. If the application for approval is denied, no information obtained by the interception may be used or disclosed and the person whose conversation was intercepted must be notified of the interception.

Precautions for accuracy

(h) Information obtained by interception shall be recorded, sealed by the authorizing judge and be retained for a period of 10 years. Unless under seal (or no satisfactory explanation of its absence) the information contained in such a recording may not be used in any court or other proceeding. Applications for interceptions must also be sealed by the judge and shall be retained for a period of not less than 10 years.

Inventory—Disclosure

(i) Not later than one year after the termination of an authorized interception, the authorizing judge shall notify the person subject to the interception of—

(1) the fact of the order authorizing the interception,

(2) The date and period of the authorization, and

(3) Whether information was or was not obtained and recorded during the period of the interception. The issuance of this inventory may be postponed by the judge on a showing of good cause to delay or temporarily withhold such notice.

(j) Information obtained by an interception may not be used in any Federal or State criminal court proceeding unless each defendant has been furnished a copy of the court order authorization not less than 10 days before the trial. This 10 day period may be waived only if the judge finds it was not possible to furnish the defendant with the information 10 days before trial and the defendant will not be prejudiced in the delay of receiving such information.

Motion to suppress

(k)(1) Any "aggrieved person" (a person who is the direct or indirect object of the interception) in a proceeding may move to suppress the contents of the interception, or evidence derived therefrom, on the grounds that—

(A) The interception was unlawful,

(B) The order authorizing the interception is insufficient on its face, or

(C) The interception was not made in conformity with the order of authorization.

If the motion is granted, the contents of the interception or the evidence derived therefrom may not be used.

(2) The United States is given the right to appeal from an unfavorable ruling on a motion to suppress under paragraph (1) above so long as such appeal is not taken for purposes of delay.

Sec. 2519. *Reports concerning intercepted wire or oral communications.*

(a) Within 30 days after the expiration of an authorization order (or any extensions thereof), the issuing judge must report the following information to the Administrative Office of the United States Courts—

(1) The fact that the order was applied for,

(2) The kind of order applied for,

(3) Whether the order was granted as applied for or as modified,

(4) The period of time, including the extensions, of the authorization,

(5) The offense(s) specified in the order, and

(6) The identity of the applicant and who authorized the application.

(b) Within 30 days after the termination of an investigation or trial using authorized interceptions, the Attorney General of the United States (or his designee) or the attorney general of the State or the principal prosecuting attorney of a political subdivision thereof, as the case may be, shall also report the above information to the Administrative Office of the United States Courts and the number of arrests, trials, and motions to suppress and convictions resulting from authorized interceptions.

(c) In March of each year the Administrative Office shall report the aforementioned information to the Congress.

Sec. 2520. *Recovery of civil damages authorized.* An individual whose communication is intercepted, disclosed or used in violation of this bill, is given (1) a civil cause of action against the person making the interception, disclosure or use and (2) is entitled to recover—

(A) Actual damages (but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

(B) Punitive damages, and

(C) Reasonable attorneys fees and litigation costs.

STUDY AND REVIEW

Section 3(a). One year prior to termination of this bill, the Attorney General shall have a study of its operations conducted by competent "social scientists." Upon completion of this study the Attorney General shall appoint a *Council of Advisers* to be composed of 15 members representing various interests and professions to review the study. Following this review the Attorney General shall report to the President and the Congress the results of the study and review, together with his recommendations and the recommendations of the Council of Advisers.

(b), (c) and (d) contain technical provisions regarding the staff, compensation, and appointments to the Council of Advisers.

Section 4. Amendments to Section 605 of the Communications Act of 1934 to bring it in conformance with the provisions of this bill.

EXPIRATION

Section 5. This bill shall expire and have no force and effect on the 8th year following its enactment (except some provisions are necessarily extended for a period of 18 months to enable the phasing out of cases affected by the termination).

Section 6. Severability clause.

REPUBLICAN TASK FORCE ON CRIME

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PRESS RELEASE

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ARTICLES DRAMATIZE NEED FOR WIRETAP LAW - REP. POFF

Washington, D. C. - Rep. Richard H. Poff (R.-Va.) Monday charged that a recent magazine series on Organized Crime dramatizes the need for legislation legalizing court authorized electronic surveillance of Organized Crime conspiracies.

Rep. Poff, Chairman of the House Republican Task Force on Crime, told his House colleagues that he wrote Attorney General Ramsey Clark, "A constituent called me to ask if I have read the articles in the September 1 and September 8 issues of Life Magazine. I have done so," Poff reported. He asked the Attorney General, "If you have not, I urge you to do so."

He stated that the constituent wanted to know whether the magazine articles were factual "and if so, why something hasn't been done..."

Anticipating a possible Justice Department response, Poff explained that much of the information appears to come from electronic surveillance. Under present law, wiretap evidence and evidence traceable thereto is tainted..."

"If this is your answer," Rep. Poff wrote, "and if the wiretap tapes and log entries in the possession of Federal investigators do in fact document the crimes charged in the magazine articles, then I have a question of my own. Does this not fully justify legislation legalizing electronic surveillance of organized crime conspiracies by law enforcement officers acting under court orders in the nature of a search warrant?" He concluded, "Your reply will be helpful in answering the mail I am beginning to receive on the same subject."

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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

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BILLS FILLS VOID SAYS TASK FORCE CHAIRMAN

(Mr. GERALD R. FORD (at the request of Mr. STEIGER of Wisconsin) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks, I include policy statements of the Republican Task Force on Crime dated June 13, June 19, and June 23, 1967:

REPUBLICAN TASK FORCE ON CRIME, JUNE 13, 1967

BILL FILLS VOID SAYS TASK FORCE CHAIRMAN

U.S. Representative Richard H. Poff (R.-Va.), Chairman of the House Republican Task Force on Crime, today called the Task Force endorsed bill authorizing limited court supervised bugging "necessary to fill the void created by Monday's Supreme Court decision in the Burger Case."

Poff stated that the McCulloch proposal "reflects the foresight and planning" needed in Congress today. "While the Supreme Court knocked out New York's wiretap provisions," Poff continued, "the Justice did not rule out court authorized wiretapping. Rather, the majority opinion calls for legislative guidelines similar to those contained in the Task Force Report of Sunday, June 11.

"We will be able to adjust the bill with little difficulty," Poff stated. "Some language adjustments are needed but we have stayed within the limits of the 4th Amendment and do not conflict with yesterday's ruling."

On Sunday, the House Republican Task Force on Crime urged passage of legislation "to prohibit wiretapping and electronic bugging except by court authorized Federal, State, and local law enforcement officers engaged in the investigation and prevention of organized and certain specified crimes."

REPUBLICAN TASK FORCE ON CRIME, JUNE 19, 1967

Congressman Richard H. Poff (R.-Va.) Chairman of the House Republican Task Force on Crime, said in a speech on the floor of the House today that the latest FBI Uniform Crime Report "presents a disgraceful picture . . . and calls for new laws, better laws, stronger laws, laws which make crime unattractive and unprofitable."

Poff also said that those who shrug off the increase in major crime by saying that the crime rate is not higher but crime reporting is better are not facing the facts. "Perhaps crime reporting is better today than it was a generation ago," said Poff, "but surely crime reporting is not measurably better today than it was a year ago. Accordingly, a comparison of crime statistics within that time frame is a reasonably reliable indicator of the growth in crime."

Poff in his floor speech said, "The latest FBI Uniform Crime Reports compare crime in the first three months of 1966 with that in the first three months of 1967. That comparison shows an increase of 20% in the 7 major crimes. These 7 include 4 crimes of violence against the person and 3 property crimes. Personal crimes increased more than property crimes. The largest increase, 42%, was in the crime of robbery as reported in cities with populations ranging between 250,000 and 500,000.

"With respect to all 7 crimes, cities with a population of 100,000 or more registered a total increase of 20%. However, it is a mistake to assume that crime growth is only a city problem. Rural areas reported an increase of only 4 percentage points less, and the crime growth rate of 22% in suburban communities was even higher than that in cities.

"Neither is there any remarkable difference in the reports by geographical region. The Northeast, North Central, Southern and Western regions ranged between 18% and 21%. But the District of Columbia sustained its inglorious record. Crime in the Nation's Capitol jumped nearly 42%, or more than twice the national rate. In the first three months of this year 8,957 major crimes were committed here. That amounts to more than 99 crimes per day, 4 each hour, one every 15 minutes."

Congressman Poff said that these figures and the facts they dramatize "are disgraceful" and that "society needs new laws, better laws, stronger laws, laws which make crime unattractive and unprofitable. Congress must act."

REPUBLICAN TASK FORCE ON CRIME, JUNE 23, 1967

TASK FORCE WELCOMES "MOVING FORCE" ROLE

The House Republican Task Force on Crime today welcomed bi-partisan support for its June 5, 1967, Task Force Report urging immediate establishment of a Joint Committee on Crime.

Rep. Richard H. Poff (R-Va.), Task Force Chairman, offered support for a Resolution introduced Friday by Senators Frank Moss (D-Utah) and Joseph Tydings (D-Md.). Their proposal calls for establishment of a Joint Committee on Crime to attack the problems of the nation's spiralling crime rate. It is similar to a Resolution introduced in February by Rep. William C. Cramer (R-Fla.).

"We're not concerned with whose name appears on a particular Resolution," Poff stated. "Crime slashes through party lines. It is obviously a bi-partisan problem requiring immediate action. The June 5 Task Force Report called for establishment of a Joint Committee on Organized Crime to devote 'full time to the development of information and legislative proposals to control organized crime, its effects and impact.' If our House Republican Task Force on Crime can serve as the moving force behind Administration proposals, we welcome that role," Rep. Poff concluded.

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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

Vol. 113 WASHINGTON, TUESDAY, AUGUST 15, 1967 *No. 129*

POLICY STATEMENTS OF THE REPUBLICAN TASK FORCE ON CRIME—POFF AND HRUSKA JOIN IN FIGHT ON CRIME

(Mr. GERALD R. FORD (at the request of Mr. ZION) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks, I include policy statements of the Republican Task Force on Crime dated June 30 and July 11, 1967.

[From the Republican Task Force on Crime, June 30, 1967]

POFF AND HRUSKA JOIN IN FIGHT ON CRIME

U.S. Representative Richard H. Poff (R–Va.), Chairman of the House Republican Task Force on Crime, and Senator Roman Hruska (R–Neb.) today proposed to combat the nation's spiraling crime rate through new anti-trust legislation and an omnibus "Criminal Procedure" Act. Several House Republicans joined them in introducing a three-bill legislative package.

The two anti-trust measures would prohibit the use of illegally acquired funds or those deliberately unreported for income tax purposes in legitimate concerns. "Trafficking in vice and greed, organized crime has a gigantic earning power," Poff stated. "This earning power has created a reservoir of wealth unmatched by any legitimate financial institution in the nation. Receipts from illegal gambling alone have been estimated at up to $50 billion a year," Poff noted.

"The Omnibus Bill embraces a number of important criminal procedure improvements," continued Poff. "By defining the limits of police investigative powers, the bill makes it plain that a police officer, while ~~making a lawful arrest, can search both the~~ person and the immediate presence of the suspect for the purpose of preventing escape; protecting the officer from attack; capturing stolen property; or seizing propperty used in commission of the crime. The omnibus bill contains a new law enforcement tool called the 'obstruction of investigation' law. It would make it a Federal crime for a person to obstruct a Federal criminal investigator engaged in the lawful investigation of a Federal offense. The measure attempts to better define witness immunity laws, perjury laws, and several other procedural areas."

Both Poff and Hruska noted that the "package of bills is intended to give law enforcement authorities new and sharper tools" for their tasks "without sacrificing any of the cherished rights which mark us as free men. The people expect the Congress to act," Poff concluded.

[From the Republican Task Force on Crime, June 30, 1967]

NEW AND SHARPER TOOLS FOR LAW ENFORCEMENT

(Statement by Hon. RICHARD H. POFF, chairman of the Republican Task Force on Crime)

The war on crime to be successful must be planned both long-range and short-range. My concern is that action begin *now*.

To that end, the able Senator from Nebraska and I are introducing today in our respective Houses a package of bills designed to modernize old criminal statutes and adapt them to the new challenge which crime poses. The package will not only sharpen old tools but forge new tools of law enforcement.

My package contains three bills:

(1) A bill prohibiting the investment of funds illegally acquired from specified criminal activities in a legitimate business concern;

(2) A bill prohibiting the investment in such concerns of funds legally acquired but deliberately unreported for Federal income tax purposes; and

(3) An omnibus bill to improve criminal procedures in such areas as searches and seizures, gathering of evidence, no-knock entries for capture of perishable evidence, appeals for suppression orders, witness immunity, perjury definition, and obstruction of investigations.

ORGANIZED CRIME

The first two bills in the package are aimed at organized crime. Organized crime, which crosses state lines and employs the resources, vehicles and paraphernalia of interstate commerce, is a national problem. As such, Federal jurisdiction is unchallenged and Federal responsibility is undisputed.

Organized crime is a threat to the American free enterprise system. Trafficking in vice and greed and all the ignoble human frailties, syndicated crime has a gigantic ~~earning power. Receipts from illegal gam~~bling alone have been estimated at up to 50 billion dollars a year. This earning power has created a reservoir of wealth unmatched by any legitimate financial institution in the nation. As the President's Crime Commission elaborately documented, organized crime's overlords have tapped this reservoir and invested its funds in wholly legitimate business activity. Because resources are practically unlimited, the crime syndicate has the power not only to acquire and control an individual business establishment, but, by massive purchases and sales on the stock market, to manipulate capital values and influence price structures. By careful, methodical, clandestine infiltration of several segments of a particular industry, organized crime can use its vast concentration of dollars to create monopolies and, by coercive methods, to restrain commerce among the states and with foreign nations.

Clearly, the investment in a legitimate business of funds illegally acquired or funds legally acquired but unreported for tax purposes constitutes an act of unfair competition and an unconscionable trade practice against others engaged in that business.

The first two bills in my package are new. They are intended to activate the antitrust laws in a more vital way and focus their application upon the problem or organized crime.

As indicated earlier, the first bill would outlaw the investment of income derived from specified criminal activities in legitimate business. The activities specified are those typical of syndicate conduct. They include gambling, bribery, extortion, counterfeiting, narcotics traffic, and white-slavery. This bill would bring to bear upon organized crime the criminal penalties and civil sanctions currently defined in the Sherman Act. Equally as important, if not more so, this bill would give Federal investigators broader and more certain jurisdiction to investigate the activities of syndicated crime and identify its illegal revenue sources.

The second bill would outlaw the investment in legitimate business concerns of income derived by organized crime from other legitimate enterprises if such income has not been reported for Federal income tax purposes. This bill would furnish the predictae for investigation of the myriad ramifications of organized crime's infiltration into the many compartments and echelons of American business. Moreover, in addition to requiring payment of the tax on the unreported earnings, the crime syndicate would be subjected to payment of multiple damages authorized under the Sherman Act.

In addition to the other wholesome aspects these two bills would have, jointly they would allow organized criminal activities to be attacked before their anti-competitive impact can destroy legitimate business. They would siphon off a large part of organized crime's dollar reservoir, and this could do as much to control this problem as sending a few crime chiefs to the penitentiary for a temporary season.

I have said these two bills are new. They are; however, there is some precedent in practice. The existing antitrust laws have been used by law enforcement authorities in the criminal field. The Sherman Act makes every combination or trust and every conspiracy in restraint of interstate commerce an illegal enterprise. The penalty structure permits fines up to $50,000 and confinement up to one year, or both. The existing antitrust laws also make provision for pretrial discovery and investigation by grand juries for criminal prosecutions. In addition to criminal penalties, the Act permits an injured party to bring a civil suit for injunction or recovery of civil demages and attorney's fees.

In the case of *United States* v. *Bitz*, 282 F. 2d 465 (2d Cir. 1960), racketeers had been indicted under the criminal provisions of the antitrust laws for conspiring and threatening to strike against the distributors of newspapers to coerce money from them. The

Circuit Court of Appeals upheld the indictment as an appropriate use of the antitrust laws, and convictions were subsequently obtained.

In the case of *United States* v. *Pennsylvania Refuse Removal Ass'n.*, 357 F. 2d 806 (3d Cir. 1966), *Cert. Denied*, 384 U.S. 96L (1966), the defendant was charged under the antitrust laws with a conspiracy to restrain trade by coercive methods in the garbage collection business. He was convicted and the courts sustained the conviction.

The civil injunction provisions of the antitrust laws were used to enjoin a conspiracy to sell yellow grease by coercive methods, and the use of the law for this purpose was upheld by the Supreme Court in the case of *Los Angeles Meat & Provision Driver's Union* v. *United States*, 371 U.S. 94 (1962).

Only last March the Department of Justice filed a civil antitrust action against the National Farmers Organization alleging violence and coercion in attempting to monopolize the interstate sale of milk. Clearly, if the present antitrust statutes can be used for such a purpose, they can be used against criminal combinations by organized crime in restraint of trade.

Indeed, it may be that the present antitrust laws are sufficient without amendment as a tool in the war against organized crime. If so, the two bills I have introduced aren't necessary. If not, they should be refined and passed. In their present form, even if imperfect, they can serve as a vehicle for hearings to enable the Judiciary Committee to make a determination on this point.

CHANGES IN CRIMINAL PROCEDURE

The third bill in my package is an omnibus measure embracing a number of important criminal procedure improvements. Court decisions defining the limits of the powers of investigative officers in the field of searches and seizures need to be clarified and codified. This bill makes it plain that a police officer, while making a lawful arrest, can search both the person and the immediate presence of the suspect for the purpose of preventing the suspect from escaping, protecting the officer from attack, capturing property which is the fruit of the crime or seizing property used in the commission of the crime. It would also translate into statutory law the recent ruling of the Supreme Court in the *Hayden* case, which held that officers armed with an appropriate search warrant can seize and impound personal property to be used as so-called "mere evidence" in the prosecution's case. Heretofore, the law has permitted seizure only of fruits of the crime and contraband. Mere evidence, no matter how probative, was exempt from seizure.

The omnibus bill contains what has come to be known as the "no-knock" proposal. Under present law the officer with a search warrant is required before entering the premises to knock, request admission, and divulge his authority and purpose under the warrant. The bill would permit forcible entry against the will of the occupant if the magistrate has made a determination—and has registered that determination in the warrant—that the property sought is perishable or that danger to the life or limb of the officer might result without such authority. Such an entry may be made even without express authority in the warrant if this is necessary to his protection in executing the warrant or if it is virtually certain that the occupant already knows the officer's authority and purpose.

Another part of the omnibus bill is the language of H.R. 8654 introduced earlier by the Gentleman from Illinois, Mr. Railsback, and recently endorsed by the Republican Task Force on Crime. This language, following the precedent in the Narcotics Control Act of 1956, permits the prosecutor to appeal orders suppressing evidence or granting a motion for return of seized property before the prosecution proceeds to trial. This proposal enjoys the support of the President's Crime Commission, the Judicial Conference of the United States, and the Department of Justice.

The omnibus bill creates a new law enforcement tool which has long been needed. For the sake of brevity, it is called the "Obstruction of Investigation" law. Patterned after the concept of the obstruction of justice statute which has been on the books for many years, the new law would make it a new Federal crime for a person to obstruct a Federal criminal investigator engaged in the lawful investigation of a Federal offense.

The omnibus bill undertakes to write a better witness immunity law than the nation now has. Indeed, the nation now has some 41 immunity laws. These are too many, too imprecise and too awkward. The language of the new bill represents an improvement without perfection. It is intended principally to be a working paper rather than the final product. Refinements can be made and some efforts must be made to work out a system of coordination and liaison with state and local law enforcement personnel. Until those who have special information necessary to convict others can be assured that they will enjoy immunity from prosecution at all levels of government, no federal immunity statute will function properly.

The omnibus bill comes to grips with a problem which has plagued law enforcement people from the beginning. Our perjury laws retain today the old common law requirements of direct evidence and corroborative testimony. The omnibus bill, while preserving the requirement for proving falsity, eliminates the direct evidence rule and the so-called two-witness rule. Such legislation was warmly recommended by the President's Crime Commission, and most legal scholars agree that there is no longer any justification for the cumbersome procedures which the common law required.

In context with this package of bills, I consider it appropriate to identify once again the electronic surveillance bill, H.R. 10037, introduced recently by the ranking Minority Member of the Committee on the Judiciary, the Gentleman from Ohio, Mr. McCulloch; the distinguished Minority Leader, the Gentleman from Michigan, Mr. Gerald Ford; myself and a score of other Republican Members of the House.

The principle thrust of H.R. 10037 is to protect the right of privacy of the individual citizen. For that purpose, it outlaws all wiretapping or bugging by private citizens. At the same time, the individual's right of privacy is carefully balanced against society's right of security. The bill authorizes society to protect itself by discovering the criminal plans and practices of those who have no proper regard for society's security. It authorizes law enforcement authorities to acquire from a judge of competent jurisdiction a warrant (in the nature of a search warrant), authorizing the officer under carefully proscribed conditions to conduct electronic surveillance against named individuals in identified locations.

H.R. 10037 implements the recommendation of and is patterned after the statutory scheme discussed in the Organized Crime Task Force report published by the President's Crime Commission.

The bill contains the following significant features:

Private use of wiretapping and electronic eavesdropping devices would be absolutely prohibited.

Federal law enforcement officials could obtain court authorized electronic surveillance orders for investigation of certain specified offenses, including national security and organized crime.

State authorities could engage in similar activities pursuant to proper state statutory authorization. (The President's proposal would not only ban all wiretapping and bugging but also repeal existing state laws.)

An elaborate and comprehensive system of checks and safeguards would be established to protect individual privacy, curb abuses by law enforcement officers and assure the rights and liberties of the criminal. Such safeguards include provisions for the suppression of evidence when gathered improperly, advance notice to the defendant of intent to use such evidence prior to trial, notice to persons subject to such electronic surveillance within one year after the authorization, limited periods for such authorization, civil remedies to aggreived parties, and limitation on certain privileged communications such as those between lawyer-client, husband-wife and clergyman-confidant. Public telephones would also be subject to similar stringent restrictions.

All officials, state and Federal, engaged in electronic surveillance would be required to report annually through the Administrative Office of U.S. Courts to the Congress on their activities to allow for continuing Congressional overview, and the legislation itself would be self-terminating in eight years.

It is thus apparent that the most careful thought and consideration has gone into the drafting of this bill in order to protect the privacy of the individual against both trespass by his neighbor and unreasonable intrusion by the policeman. And yet society's interest in investigating and controlling criminal activity is incorporated as an essential element of the equation of law and order.

Mr. Speaker, I am proud to announce that I have been joined in the sponsorship of this package of bills by the following Members of Congress: John Rhodes, Melvin Laird, Bob Wilson, Leslie Arends, Barber Conable, Carleton King, Clark MacGregor, Robert Price, Arch Moore, Edward Hutchinson, Robert McClory, Robert Taft, Henry P. Smith III, and Chalmers Wylie.

I repeat, as I began, this package of bills is intended to give law enforcement authorities new and sharper tools for this task. It is well and good to attack the causes of crime at the environmental level. It is useful to treat with socioeconomic conditions which breed crime. We need to improve the methodology of rehabilitation to help control recidivism. It is helpful to modernize and expand physical equipment and facilities used by policemen.

Yet, we must understand that these are gradual, long-range techniques. Something needs to be done now. Our old laws are not adequate to the new need. They must be modernized. This is the province of the Congress. The people expect the Congress to deal with this duty.

[From the Republican Task Force on Crime, July 11, 1967]

"IT TAKES MORE THAN LAWS," SAYS POFF

Rep. Richard H. Poff (R.–Va.) today called for greater cooperation between the Legislative, Judicial, and Executive Branches of Government in an effort to combat the problems of crime and organized criminal activity nationwide.

The Chairman of the House Republican Task Force on Crime stated, "The people are demanding that Congress prepare new and stronger laws to deal with the nation's unprecedented crime rate. *But no matter how strong, no matter how carefully drawn, no matter how well developed new laws may be, Congress only legislates.* Law enforcement," Poff continued, "requires more than laws, studies, or commissions. Effective law enforcement demands enthusiasm, dedication, determination, and a continuing effort to enforce the laws."

Poff expressed dismay at the Attorney General's recent memorandum banning almost all wiretapping and eavesdropping. "That leaves, as the next logical step, an order instructing Federal law enforcement officers to wear blinders and stuff cotton in their ears," Poff commented.

"The battle against crime has not been won. The problems are still with us in even greater number," Rep. Poff told his House colleagues.

REPUBLICAN TASK FORCE ON CRIME

142 Cannon Bldg., 225-5107 House of Representatives Washington, D. C. 20515

PRESS RELEASE

For Release: AM's Monday
Contact: 8/28/67
Ext. 5107

RULES "HAM STRINGING" AGENTS SAYS CRIME TASK FORCE

The House Republican Task Force on Crime today called on the Attorney General "to utilize every legal investigative tool available" to combat the nation's spiraling crime rate.

The Task Force charged that the Attorney General's June 1967, regulations "strictly limiting legal electronic surveillance" have no other effect than the "ham-stringing of Federal agents in their day-to-day conduct of organized crime investigations. No need for the Attorney General's regulations has been shown. They are, in fact, further evidence that the Attorney General is fighting a war of retreat against organized crime," the group charged in a prepared statement.

"We view his regulations as inevitably discouraging the use of sound, acceptable, and legal investigative techniques in combating organized crime. He now sits in judgment as to what may or may not be necessary in an investigation thousands of miles from his Washington office. An agent in the field places his life or personal safety in jeopardy during investigations...Time, obviously, may be vital -- delay deadly," the Task Force asserted.

"The cumbersome, time-consuming, inter-agency procedural structure the new regulations erect is likely to intimidate and frustrate the most diligent investigator. So long as adequate safeguards against illegal practices exist, investigating ought to be left to investigators."

The Task Force declared, "We urge the Attorney General to reexamine and revise what is to us an incredible retreat in the war against criminal activity."

August 28, 1967

STATEMENT OF THE HOUSE REPUBLICAN TASK FORCE ON CRIME

The House Republican Task Force on Crime believes that it is a necessary and proper function of the Attorney General and the Department of Justice to operate within the framework of existing law in conducting its investigations into and prosecutions of criminal matters, be it organized crime or any other type of crime. By this we mean they should not go beyond the law but at the same time they should utilize every effective investigative tool available to them inside the law.

In June, the Attorney General promulgated and issued to the Department of Justice and to other departments and agencies of the federal government (for example, the Bureau of Narcotics of the Treasury Department) a set of regulations expressly designed to, in the language of the regulations, "strictly limit legal electronic surveillance." These regulations have no other practical effect than the "ham-stringing" of Federal agents in their day-to-day conduct of organized crime investigations. We view them as yet another manifestation of the fact that the Attorney General is fighting a war of retreat against organized crime and that it is only a matter of time before his federal forces will be in a full scale rout.

The limitations in his regulations go far beyond wiretap and third-party bugging. They go far beyond the strict limitations placed upon these practices by the Supreme Court in the Berger case. They reach even transmitters and recording devices used by one of the parties to a conversation, a Narcotics agent who is about to make a purchase or a Treasury agent who is about to be bribed. This technique was specifically sanctioned by the Supreme Court as recently as last November in the Osborn case, and it is a technique most frequently employed in organized crime investigations. To be sure, these regulations do not actually forbid the use of transmitters and recorders under those circumstances, but they do create a labyrinth of procedure, inventory control and just plain red tape which culminates in the obtaining of advance approval from the Attorney General before any use may be made of such devices. And if that advance written approval has been or will be denied or simply delayed in just one single instance, then that is just one less case the government may be able to bring.

Frequently an agent in the field places his life or personal safety in jeopardy during the investigation of organized crime cases. Necessarily, he must deal clandestinely with people who are armed and dangerous. Under those circumstances it is usually mandatory -- from a safety consideration alone -- that what transpires be overheard instantly by other agents nearby. The same thing may be said of informants, particularly narcotics informants, for whose protection there ought to be at least some concern. Informants are even now difficult enough to find and cultivate;

they will be altogether unavailable if they are to be abandoned to their own wits in dangerous situations. Further, potential witnesses in organized crime cases are, for a variety of reasons, sometimes difficult to corroborate. What is overheard by a transmitter may be preserved by a recorder and later become probative, competent and, most important, accurate corroborative evidence in the prosecution.

Quite apart from the fact that we seriously question the authority of the Attorney General to meddle in this fashion in the purely investigative affairs of other departments and agencies of the federal government, we view his regulations as inevitably discouraging the use of sound, acceptable and legal investigative techniques in combating organized crime. It is proper, of course, for him to advise other departments and agencies of the federal government as to the existing law with respect to the use of investigative tools. But as the ultimate authority, under his own regulations, he now sits in judgment as to what may or may not be necessary in an investigation thousands of miles from his Washington office. Time may be vital -- delay deadly. He cannot possibly know the facts better than the agent in the field, even after he has required the agent to justify his request in considerable written detail. The cumbersome, time-consuming, inter-agency procedural structure the new regulations erect is likely to intimidate and frustrate the most diligent investigator. And where authority to employ a device is denied, agents may understandably decline to expose themselves to danger, informants will refuse to cooperate, and crime will go unpunished because witnesses are not corroborated.

No need for the Attorney General's regulations has been shown. On the contrary, he has himself informed us that as far as federal agencies are concerned, electronic surveillance by all <u>illegal</u> means has been a thing of the past since July 1965. If that is true, then the regulations are without a logical purpose. Where <u>legal</u> investigative techniques are available, their use ought to be encouraged and the decision to use them ought not be subjected to unwarranted inter-agency interference. In short, this Task Force believes that, so long as adequate safeguards against illegal practices exist, investigating ought to be left to the investigators. In the war against crime they are the people on the firing line; they are doing the work; they are taking the risks.

We call upon the Attorney General to reexamine and revise what is to us an incredible retreat in the war on criminal activity. As the chief law enforcement officer of this country he should move vigorously by all means within the law to enforce the law.

THE REPUBLICAN LEADERSHIP OF THE CONGRESS

Press Release

Issued following a Leadership Meeting

August 29, 1967

REPRESENTATIVE FORD: IMMEDIATE RELEASE

The War at home -- the war against crime -- is being lost. The Administration appears to be in full retreat. The homes and the streets of America are no longer safe for our people. This is a frightful situation. Our people will no longer tolerate it. In the past six years the population of the United States has increased by 9% while crime has risen by 62%. The end is not in sight.

The Republicans in Congress demand that this Administration take the action required to protect our people in their homes, on the streets, at their jobs. To this end, we have proposed--and vigorously pushed -- bills which will provide the Administration with whatever tools it needs to do the job. We will continue to press this Administration and its top-heavy majority in Congress relentlessly, day after day after day. There can be no further Administration excuse for indecision, delay or evasion.

When a Rap Brown and a Stokely Carmichael are allowed to run loose, to threaten law-abiding Americans with injury and death, it's time to slam the door on them and any like them -- and slam it hard!

In the 89th Congress, Republican efforts produced:

Reasonable extension and improvement of the Law Enforcement Assistance Act, to assist local and state law enforcement officers;

New thinking regarding means to improve probation and parole service and defeat of Administration efforts to remove supervision of probation officers by Federal judges;

Creation of a Commission to fully revise and reform our Federal criminal laws.

Room S-124 U.S. Capitol—(202) 225-3700
Consultant to the Leadership—John B. Fisher

Mr. Ford:

In the 90th Congress, Republican efforts have resulted in:

The rewriting through imperative amendments of the Administration's crime control bill, to further strengthen the hand of state and local governments in crime prevention, detection and prosecution;

Passage by the House of an Anti-Riot Bill, for prosecution of those who use the facilities of interstate commerce with intent to incite a riot;

Passage in the Senate of a bill to strengthen and clarify the review by Courts of Appeal of criminal sentences of Federal courts;

Introduction of a bill, the Criminal Activities Profits Act, to prohibit the use of illegal funds in legitimate business;

Introduction of a bill providing for electronic surveillance control, in order that the right of individaul privacy might be fully protected while the national security is equally preserved;

Introduction of an Omnibus Criminal Procedures bill, to strengthen the hand of law enforcement officers and judges;

Introduction of a bill to establish in Congress a Joint Committee on Organized Crime.

These are only a few of the actions already taken by the Republicans in Congress for the protection of our people against organized crime, group violence, and individual crime.

In addition, there has been created a House Republican Task Force on Crime and a Republican Coordinating Committee Task Force on Crime. Each has been hard at work.

Finally, the 25 Republican governors across the nation have activated their "Action Plan", to inaugurate a new era of creative state leadership to meet the national crisis of social injustice and lawlessness.

No one has a right to shout "Fire!" in a theatre. No one has a right to incite riot, looting, destruction and murder. There is no such thing as the right to act against the public safety by any one, anywhere, any time.

Our people are frightened by the rampant crime of all types that is overwhelming the nation. The Congress can, if it follows Republican leadership, provide the tools for fighting crime that the Administration must use. We demand that the Congress and the Administration act -- now!

STATEMENT BY SENATOR DIRKSEN August 29, 1967

Not a day passes without hundreds of reports of individual crimes against our people. Not a week passes without evidence of the vicious successes of organized crime from coast to coast. Never in our history have our people been so threatened. Never before has civil discipline been so lax. Never before has leadership been so lacking.

The law must be enforced. The law must be obeyed. The law must be respected. The great failure of our society is its inability to maintain law and order.

Respect for the law is the duty of the people. The enforcement of the law is the responsibility of the Administration. The means it requires for the purpose is the responsibility of the Congress.

We demand that this Congress, with its overwhelming Democratic majority, take immediately the steps we have proposed for Administration use.

We demand also that the Administration:

Apply without further delay the major recommendations of its own, hand-picked Crime Commission;

Cease to restrict our law enforcement officers in their proper use of the investigative tools they have at hand;

Furnish our law enforcement officers with the investigative tools they still require and which Republican-proposed legislation would provide;

Establish, as Republicans have long urged, a National Law Enforcement Institute, for research and training in prevention and prosecution of organized and individual crime and for the dissemination of the latest techniques in police science.

Sen. Dirksen

Finally, as presented in our Appraisal of the State of the Union in January of this year and earlier, we remind America's judges to uphold the rights of the law-abiding citizen with the same fervor as it upholds the rights of the accused.

By unanimous resolution, the recent Conference of Chief Justices, attended by jurists from 45 states, reasserted this principle and necessity. We applaud their action and commend it without reservation to every judge in the land. The protection of the good citizen is paramount and compelling. I submit that the strengthening of a good society is more important than the creation of a so-called "Great Society".

On an earlier day, in his war against an international criminal, a redoubtable Englishman besought the United States to "Give us the tools and we'll finish the job". In this hour, the Republicans in Congress are prepared to provide this Administration with whatever tools it now needs to grind organized and individual crime into the dust that our people might be safe.

We demand that it delay no longer.

We demand that it finish the job.

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Press Release

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REPUBLICAN TASK FORCE ON CRIME

142 Cannon Bldg., 225-5107 House of Representatives Washington, D. C. 20515

PRESS RELEASE

END DEBATE, WITHDRAW OPPOSITION
GOP TASK FORCE ON CRIME URGES

For Release: PM's Mon. 10/2/67
Contact: Ext. 5107

Washington, D. C. - The House Republican Task Force on Crime today introduced legislation which would amend the McCulloch Electronic Surveillance Act to bring it within the framework outlined by the Supreme Court in the Berger case, and recently supported by the Judicial Conference of the United States. The Task Force credited Notre Dame University Professor G. Robert Blakey with drafting the amendments.

The GOP crime group called upon the President to instruct the Attorney General "to withdraw his opposition" to use of court approved electronic surveillance in the investigation of organized crime by federal and state law enforcement officers. Calling the Judicial Conference of the United States support for wiretap legislation "most significant", they stated, "There is no longer a basis for reasonable controversy over the necessity or Constitutionality of this legislation.

"The time has come to end the debate. Now it is time for action," the Task Force declared.

With respect to the Judicial Conference, the Task Force noted that it "is a body of unparalleled prestige" headed by the Chief Justice of the United States Supreme Court. Judicial Conference membership includes the chief judges of all the Federal Circuit Courts and selected judges of certain Federal District Courts. Their report "represents the considered judgment of a purely judicial body" whose members are "in no way spokesmen for law enforcement."

The GOP statement continued, "Their stated position, volunteered and unsolicited, can only be interpreted in one way. They recognize the need for electronic surveillance in order to effectively fight crime. Moreover, they recognize that law enforcement can be given this tool within the limitations of the Constitution."

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On Tuesday, September 26, the Judicial Conference of the United States formally proclaimed its approval of legislation which would authorize court-approved electronic surveillance during both Federal and State criminal investigations involving organized crime.

The House Republican Task Force on Crime believes that this is one of the most significant statements that has ever been issued on the subject during the many years that it has been debated. The Conference is a body of unparalleled prestige. It is headed by the Chief Justice of the United States Supreme Court. Its membership includes the chief judges of all the Federal Circuit Courts and selected judges of certain federal District Courts.

The Conference report represents the considered judgment of a purely judicial body. The members are in no way spokesmen for law enforcement. Their stated position, volunteered and unsolicited, can only be interpreted in one way. They recognize the need for electronic surveillance in order effectively to fight crime. Moreover, they recognize that law enforcement can be given this vital tool within the limitations of the Constitution.

The impact of this report is staggering. As the totally voluntary act of an eminently responsible group, it undoubtedly reflects the deep concern with which its members view the menace of organized crime and the problems of combatting it. It utterly destroys whatever was left of the Administration's position against the court supervised use of electronic surveillance. It underscores anew the virtual unanimity of knowledgeable opposition to that position.

It is our understanding that the Judicial Conference had some reservations about some of the technical aspects of bills that have already been introduced. The point to be made is simply that they are clearly in accord with the spirit and purpose of such legislation.

Early in this session of Congress, Rep. William McCulloch (R.-Ohio) introduced legislation designed to strike the delicate balance between the individual right to privacy and the legitimate need for society as a whole to be protected from criminal acts. The McCulloch bill was essentially

prohibitory; yet at the same time it preserved to law enforcement carefully limited authority to employ effective and proven investigative techniques with court approval and supervision. This Task Force has been most active in urging the enactment of this legislation.

In June, the Supreme Court decided the now famous case of Berger v. New York. At the time we felt the language of Berger was a blueprint for a statute which would meet Constitutional demands and an invitation to the Congress to fashion such a statute. It appears that we were correct.

It is the suggestion of the Judicial Conference that such electronic surveillance legislation be drafted with a specific eye towards the Berger decision. This has been done. Today Rep. McCulloch and Rep. Richard H. Poff (R.-Va.), Chairman of this Task Force, introduced in the House legislation incorporating amendments to the McCulloch bill which we feel accomplish precisely what the Judicial Conference suggests is Constitutionally attainable.

In large part, the amendments are the work product of a highly qualified and respected legal scholar, Professor G. Robert Blakey of the faculty of Notre Dame University Law School. Professor Blakey's credentials in this field of the law are unquestioned. He was a consultant on organized crime to the President's Crime Commission. He has practical knowledge of the legitimate needs of law enforcement; he is nonetheless abundantly sensitive to individual rights and liberties.

There is no longer a basis for reasonable controversy over the necessity or Constitutionality of this legislation. The time has come to end the debate. Now is time for action. We call upon the President to instruct the Attorney General to withdraw his opposition. It is not too late for this. If that is done, there will be no basis for partisan conflict and we predict that Republicans and Democrats alike, in both Houses of Congress, will unite to speedily enact legislation which is both eminently reasonable and vitally necessary.

THE REPUBLICAN LEADERSHIP OF THE CONGRESS

Press Release

Issued following a
Leadership Meeting

October 26, 1967

BY THE REPUBLICAN LEADERSHIP: IMMEDIATE RELEASE

The demonstrations that have taken place in Washington and across the nation in recent months have given the American people increasing and even frightening concern for the future. We share that concern, since never before in our history has lack of confidence in America's leadership been so evident.

We believe, very strongly, that the hour has now passed when firmness must continue to yield to tolerance in dealing with these violent few. They are unwilling to demonstrate peacefully. They are unwilling to debate without violence. They are permitted, nevertheless, to disturb the public peace, to endanger their fellow-citizens in their lives and property, and to undermine the very well-being of the nation itself by giving aid and comfort to our enemies.

We are well aware, as all Americans must be, of the Constitutional rights of freedom of speech and peaceable assembly which are so great a part of our treasured heritage. We are equally aware, however, that there is no right to act against the public safety by anyone, anywhere, any time -- for any reason.

This nation had its origin in dissent. We have always believed in unlimited criticism -- in time of war and in time of peace. Free speech -- without violence -- must always be permitted and approved. But law-breaking and violence can never be condoned. Our country has prospered and survived as a democracy, in great part through peaceful, even if at times heated, discussion among men of good-will. Its future will be equally dependent upon the maintenance of this great tradition.

(con't)

Room S-124 U.S. Capitol—(202) 225-3700
Consultant to the Leadership—John B. Fisher

It is our conviction that it is the malcontent, the misguided and, yes, the malicious, who form the greatest part of these demonstrations. Fortunately, they represent only a very small fraction of our population. That there may be many others who share their views on particular issues is very possible. But it is these, and these alone, who see fit to breach the public peace, break the nation's laws, defy established authority, and destroy public property.

These wretched few can no longer be tolerated. They must be held in check hereafter and, when necessary, be brought to justice, legally but firmly by the scruff of their collective necks. The safety and the peace of mind of all decent, hard-working, law-abiding millions of other Americans must be preserved.

The first duty of those in authority -- in Washington and in every community throughout the land--is the preservation of public order and the firm enforcement of the law. The rights and the privileges of those countless millions of good Americans who obey the law and keep the peace must be given priority above all others, at all times. Tolerance of marchers and demonstrators is all very well -- up to the point at which they defy the law and endanger the public safety. We call upon those in authority everywhere to enforce the law, with our full backing, in the public interest. We urge them to do so without undue concern hereafter as to the protests and whinings of these law-breakers, who have no regard whatever for the good of the community and who in our view, seek only publicity and selfish personal privilege.

We repeat, there is no right to act against the public safety by anyone, anywhere, any time -- for any reason.

It is the conviction of the Republican Leadership of the Congress -- and, we believe, of all good Americans everywhere -- that the law must be enforced and the safety of our people preserved. We pledge our utmost efforts to this end.

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E X C E R P T S from an

Address of Rep. Carl Albert, Majority Leader, U.S. House of Representatives, before the annual meeting of the Cotton Producers Association in Atlanta, Georgia, November 20, 1967

W H Y V I E T N A M ?

Undoubtedly, two weeks ago, most of you through your newspaper or television became aware of the so-called Peace March whose participants erupted in violence in our national Capitol while attempting to close down the Pentagon. These people were ostensibly expressing their right to dissent---a right our Republic does not question. No doubt, there were many well-meaning citizens among them who have honest differences of opinion with the Administration, but in my judgment, we would be naive to think that these marchers included only those who have a distaste for war. The group certainly was basically organized by international communism, and the marchers included every communist and communist sympathizer in the United States who was able to make the trip. It is passing strange that on the very day this protest was made in Washington, similar demonstrations took place in all communist countries, in Latin America, Europe, and even in Australia whose troops are in battle in Vietnam. Of course, the common denominator, the common organizer of all these events is the communist world wide apparatus. It is a strange coincidence that counter demonstrations in support of the struggle for liberty in South Vietnam did not occur in various countries as they did in the United States.

CONGRESSMAN
GERALD R. FORD
HOUSE REPUBLICAN LEADER

NEWS RELEASE

--FOR IMMEDIATE RELEASE--
November 22, 1967

Remarks by Rep. Gerald R. Ford, R-Mich., on The Floor of The House, Wednesday, November 22, 1967.

Mr. Speaker: The distinguished majority leader of the House, Mr. Albert, charged Monday night in Atlanta, Georgia, that the massive anti-Vietnam demonstration staged at the Pentagon Oct. 21 was "basically organized by international communism" and that "the marchers included every communist and communist sympathizer in the United States who was able to make the trip."

Mr. Speaker, this statement apparently is based on the kind of information given orally to Republican leaders of the House by the President at a White House meeting after the Pentagon demonstration. I presume the same information was made available to the Democratic leaders. I subsequently urged that the White House make public the information it has on the true nature of the so-called peace demonstration at the Pentagon. As a result, the Attorney General of the United States visited me in my office and argued against release of the information.

I believed then and I believe now that the American people should be given full information on the degree of communist participation in the anti-American policy demonstration so that the people may judge just how deep or widespread anti-Vietnam War sentiment is in this country.

If the evidence in the hands of the Executive Branch of our government indicates manipulation of the peace movement in this country by Hanoi, then the propaganda impact of such demonstrations will be lessened and perhaps destroyed. This would be a highly beneficial result, indeed.

Mr. Speaker, one of the national news magazines has quoted the Secretary of State as saying that the release of this information would trigger a new wave of McCarthyism in this country. I dislike taking issue with the distinguished Secretary of State, but I believe the American people are now mature enough to receive such information and to react without hysteria.

Mr. Speaker, in view of the fact that the distinguished Majority Leader of the House has made charges of a most serious nature regarding the communist role in the demonstration at the Pentagon, I urge that the President order a

(more)

full report made to the American people on the extent of communist participation in organizing, planning and directing the disgraceful display which took place at the Pentagon last Oct. 21. Such a report will be most helpful and constructive to all Americans. In addition, such a disclosure would be beneficial to the well-intentioned Americans who participated in this demonstration not knowing who had organized the demonstrations at the Pentagon and elsewhere throughout the free world.

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REPUBLICAN TASK FORCE ON CRIME

142 Cannon Bldg., 225-5107 House of Representatives Washington, D. C. 20515

SUMMARY OF THE POSITIONS OF THE

HOUSE REPUBLICAN TASK FORCE
ON CRIME

First Session, 90th Congress

The Research and Planning Committee of the House Republican Conference has created a number of Task Forces to offer to Members information, analysis and recommendations for action on specific issues of substantial national importance. The House Republican Task Force on Crime, created on March 27, 1967, is one of these. Rep. Richard H. Poff of Virginia was named Chairman of the group and Rep. Robert Taft, Jr. of Ohio, Deputy Chairman. Twelve other Republican Congressmen with broad and varied backgrounds in the problems of law enforcement, crime and delinquency were appointed to complete the Task Force membership.

It is the specific function of the Crime Task Force to study the myriad questions raised by the alarming upward trend in crime during recent years, to draft or endorse legislation to improve law enforcement and citizen respect for the law, and, by focusing public attention upon the problems and proposed solutions, to act ultimately as a catylyst in the legislative process in order to produce the tools necessary to reverse the trend.

During the First Session of the 90th Congress, the Crime Task Force has worked towards these goals by developing formal policy positions concerning specific anti-crime measures that are or should be the proper subject of Congressional legislation. Task Force statements supporting seventeen separate legislative proposals were published on thirteen occasions between May 11 and December 11, 1967. Each defines a position of the Task Force adopted only after careful research, study and discussion of a specific crime problem and the proposed legislative solution to it. In eleven instances the anti-crime measure which was the subject of such a statement was legislation proposed and introduced by the Task Force as a whole along with other Republican members of Congress.

The following is a brief summary of the anti-crime legislation which the Task Force has proposed or endorsed during the First Session, categorized according to the general area in which each most properly falls:

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I. ORGANIZED CRIME

1. Electronic surveillance--a bill which outlaws all wiretapping and electronic eavesdropping except by law enforcement officials under Court approval and continuing Court supervision during national security investigations and investigations of certain organized crime type cases. The Task Force believes that enactment of this legislation would be the single most important step in combatting organized crime. The McCulloch-Ford bill (H.R. 13275, October 3, 1967), co-sponsored by the Task Force, follows the blue-print for such legislation fashioned by the Supreme Court in the Berger case.

2. Witness immunity--a bill to expand the power of the Government to compel the testimony of hostile witnesses by granting them immunity from prosecution when they plead the Fifth Amendment during the investigation, and during the trial of certain organized crime cases. Title II of the Criminal Procedures Revision Act (H.R. 11267, June 29, 1967), co-sponsored by the Task Force contains this provision.

3. Loan-sharking--a bill (H.R. 14373, December 11, 1967) which would make it a federal crime to lend money at rates of interest prohibited by State law whenever such a loan interferes with or affects interstate commerce or whenever any part of the loan transaction or efforts at collection cross state lines. In addition to the Chairman and members of the Task Force, this bill is sponsored by the Minority leader, the ranking Minority member of the Committee on Banking and Currency and the ranking Minority member of the Committee on the Judiciary.

4. Obstruction of investigations--a bill which would make it a federal crime to interfere with or obstruct investigations by federal agents by the intimidation of potential witnesses. Legislation of this nature was passed by the Congress and enacted into law during the First Session. It was first proposed by Rep. William Cramer (R.-Fla.), a Task Force member, in 1960, and is contained in Title I of the Criminal Procedures Revision Act.

5. False Statements--a bill which makes the rules of evidence in perjury prosecutions less rigid and more realistic. This is contained in Title II of the Criminal Procedures Revision Act and was recommended by the Katzenbach Crime Commission.

6. Profits from Criminal activities--a bill which makes it a federal crime to invest money which has been earned from illegal racket activities in legitimate businesses. This is the Criminal Activities Profits Act (H.R. 11268, June 29, 1967) co-sponsored by the Task Force.

7. Funds unreported for tax purposes--a bill which makes it a federal crime to invest money which has not been reported for income tax purposes in legitimate business. This is H.R. 11266, co-sponsored by the Task Force, and principally aimed at organized crime.

- more -

8. Joint Congressional Co-mittee on Organized Crime--a bill creating a permanent bi-partisan Committee of both Houses of Congress to investigate organized crime and report its extent, impact and effect to the American public. This is H.R. 6054, first proposed by Rep. Cramer.

II. INVESTIGATIONS AND PRE-TRIAL PROCEDURES

1. Motions to suppress--a bill creating in the Government a limited right to appeal to a higher Court the granting of a defendant's motion to suppress confessiona and other evidence. H.R. 8654, propsoed by Rep. Thomas Railsback (R.-Ill.), a member of the Task Force, is such a bill and such a provision is contained in Title I of the Task Force sponsored Criminal Procedures Revision Act. The bill has passed the House.

2. Searches incident to arrests--a bill to codify, and make less confusing, the existing law of search and seizure where lawful arrests are involved. Title I of the Criminal Procedures Revision Act contains a provision to this effect.

3. Searches pursuant to warrants--a bill to permit the issuance of search warrants for property which constitutes evidence of the offense in connection with which the warrant is issued. This is in conformity with a recent Supreme Court decision (Warden v. Hayden). It is the subject of H.R. 8653, proposed by Rep. Railsback, and contained in Title I of the Criminal Procedures Revision Act.

4. Execution of search warrants--a bill to permit the issuance of search warrants authorizing the officer executing it to enter the place to be searched without announcing his identity and purpose where the Judge or Commissioner has determined that physical evidence sought is likely to be destroyed or when danger to the officer exists. This is one of the provisions of the Criminal Procedures Revision Act, patterned after H.R. 8652, sponsored by Rep. Railsback.

III. THE POLICE

1. Survivorship and disability benefits--a proposal to provide Federal survivorship and disability benefits for local police and non-federal law enforcement officers who are killed or injured while assisting federal officers in the apprehension of, for example, bank robbers, kidnappers and AWOL military personnel. The Survivorship program originally proposed was broadened to include a disability program in a bill introduced by Chairman Poff and endorsed by the Task Force. This legislation passed the House this year.

IV. THE COURTS

1. Bail reform--a proposal to re-examine and amend the Bail Reform Act of 1966 to allow the Courts more discretion in granting or denying release on personal recognizance to defendants who are found to be a danger to the community or in revoking the release of those who have committed other crimes after release.

- more -

2. Federal Magistrates--a bill to abolish the present U.S. Commissioner system and to replace it with a lower-tier of judicial officers, U.S. Magistrates, who are empowered to handle minor trials and otherwise perform routine Court functions that presently occupy the time of Federal judges that ought to be devoted to more serious matters. S. 945 proposed by Senators Tydings (D.-Md.) and Scott (R.-Pa.), is such a bill.

V. DISTRICT OF COLUMBIA

1. The District Anti-Crime bill--an omnibus anti-crime bill dealing with special law enforcement proposals for the District of Columbia. H.R. 10783 passed the House on June 26, 1967, by a vote of 355 to 14.

2. Appropriations and personnel--proposals to increase the authorized strength of the District of Columbia Police Department, to increase the staff of the District Bail Agency and to provide for personnel to supervise the activities of defendants released on personal recognizance prior to trial.

At the close of the First Session, the Crime Task Force had several other matters under active study and consideration. It is expected that formal statements reflecting a clear-cut policy position of the Task Force will be issued across a wide spectrum of anti-crime proposals during the early months of the Second Session.

From time to time during the First Session, individual members of the Task Force have made speeches on the floor of the House concerning current and topical matters in the crime area. In addition to its 13 formal position papers, on a number of occasions where the content of an individual member's speech reflected the position and views of the Task Force as a whole, the Task Force has brought the speech to public attention in a news release. Among the views thus promulgated are the following:

1. That there is no conflict between the position of the Crime Commission calling for measures to strengthen rehabilitation and that of the F.B.I. emphasizing the need to strengthen deterrence. Neither disputes the other and both are right;

2. That Attorney General Ramsey Clark is mistaken when he says that the crime level has risen only "a little bit" and that organized crime is but a "tiny part" of the entire crime picture;

3. That the Life Magazine articles on "The Mob" indicate that organized crime is far from a "tiny" problem and that much of the material contained therein, obviously obtained by electronic surveillance, also refutes Attorney General Clark's statement that use of these devices is neither effective nor highly productive;

4. That the statistics offered by the Department of Justice in defense of their organized crime program are virtually meaningless when one considers the very small percentage (2.6% or 0.4% per year) of the estimated total number of top level racketeers who have been convicted since 1961;

5. That formal support for electronic eavesdropping legislation has been recently announced by the Judicial Conference of the United States, the National Association of Chiefs of Police and the Association of Federal Investigators, among others, and that the Attorney General now stands virtually alone in his opposition to it; and

6. That Dr. James L. Goddard of the Food and Drug Administration was ill advised to equate marijuana with alcohol and thus legitimaze, glamorize and popularzie the possession and use of an unlawful commodity by our nation's youth.

During the First Session individual members of the Task Force proposed anti-crime legislation in their own right which has not yet been the subject of a Task Force study. Among these are bills offered by Rep. Cramer and Rep. MacGregor (R.-Minn.) establishing a National Institute of Law Enforcement, a bill co-sponsored by Rep. Railsback in the area of gun control, and an interrogatiom bill offered by Task Force Deputy Chairman Robert Taft, Jr. (R.-O.)

CONCLUSION

Attendance at Task Force meetings has averaged 80% of the membership. All members have given generously of their time and talents. The staff, both professional and volunteer, under the able leadership of the director, Mr. Brian Gettings, has performed effectively, devotedly and tirelessly. The Republican Conference, the Committee on Research and Planning and the Republican leadership have advised and assisted the Task Force in every possible way. For its part, the Task Force has taken steps to maintain continuing liaison with ranking Republican members of all legislative committees.

To repeat, the Task Force conceives its mission to be two-fold: (1) to conduct the research necessary to alert the people to the nature and enormity of the problem of crime in America; and (2) to propose and promote specific legislative solutions to the problem. The criticism and counsel of all Republican Members of the House are earnestly solicited.

Respectfully submitted on behalf of the
HOUSE REPUBLICAN TASK FORCE ON CRIME

by: Richard H. Poff, Chairman

REPUBLICAN TASK FORCE ON CRIME

142 Cannon Bldg., 225-5107 House of Representatives Washington, D. C. 20515

PRESS RELEASE

For Release: PM's Tuesday
Contact: Dec. 5, 1967
225-6931

GOP CRIME GROUP UNVEILS COMPREHENSIVE ATTACK ON ORGANIZED CRIME'S MONEY MAKERS

Washington, D.C. - The House Republican Task Force on Crime Tuesday unveiled plans for a "comprehensive legislative" attack on the three major money makers of organized crime, gambling, narcotics trafficking and loan-sharking. They pegged the "take" from these racket activities at "nothing less than $10 billion a year--$50 for every man, woman and child in America."

Federal statutes specifically aimed at those offenses "are largely inadequate", the GOP Crime Task Force charged, and they said "no legislation of significance in these areas has been enacted since 1961."

In a prepared statement, the Task Force outlined its plans for a program "aimed directly at the three most lucrative racket activities. In some instances we will modernize old proposals: in others, we will make recommendations to fill the gaps in existing laws: in still others, we will propose new laws where none now exist," they said.

Because "organized crime cannot be met with programs whose impact will not be felt for twenty years, immediately effective solutions are required," the Crime Group said, and these are "laws and law enforcement".

The Task Force reiterated its support for legislation which would permit court supervised electronic eavesdropping and which would broaden witness immunity procedures, but said that "pending Congressional action on these bills", the enactment of their new program would "greatly aid the Executive Branch" in the war against organized crime.

Rep. Richard H. Poff (R.-Va.), Task Force Chairman, indicated that the first part of the program would deal with "loan-sharking" and that the legislation would be introduced "hopefully in a day or so."

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Gambling, narcotics trafficking, and loan sharking account for the great preponderance of the illegal dollar loss to the American public that is being channeled today into the pockets of racketeers.

The President's Crime Commission indicated that illegal gambling provided organized crime with a net profit of no less than seven billion dollars a year. With respect to loan sharking, the lending of money at higher rates than the legally proscribed limit, they found that it was organized crime's second largest source of revenue and noted that many officials "classify the business in the multi-billion dollar range." The Commission further stated that the illegal heroin trade alone is three hundred fifty million dollars annually. This does not take into account the trade in marijuana and hallucinogens like LSD, part, if not all of which is also controlled by organized crime.

In light of these reliable estimates, it seems fair to place the "take" of these three illegal activities at nothing less than ten billion dollars a year, or fifty dollars for every man, woman and child in America. This is approximately one-half of the entire cost of the war in Vietnam for the fiscal year 1967, almost the exact amount of the federal budget deficit of $9.9 billion for the same year, and half again the $6.3 billion the President originally said his 10% surtax on incomes would produce in the first year. We note the Crime Commission's finding that "if organized crime paid income tax on every cent of their vast earnings, everybody's tax bill would go down...." We do not suggest that all the money that is thus being poured into the coffers of organized crime could or even should be diverted to the Government. Rather, it is our purpose in citing these figures to dramatize the staggering sums that are being siphoned from the American public at the very time when it is being asked to make financial sacrifices to combat inflation, cut the budget deficit, and pay for the increased cost of the war.

The organized criminals of today are generally not the creatures of poverty and despair although surely they principally feed upon the victims of poverty and despair. Organized crime cannot be met with programs whose impact will not be felt for twenty years. It requires immediately effective solutions, laws and law enforcement. Part of the responsibility for enacting the laws lies with the United States Congress; part of the responsibility for enforcing these laws lies with the Executive Branch of the Federal Government.

This Task Force finds that existing federal statutes specifically aimed at gambling, narcotics trafficking and loan-sharking are largely inadequate. The Anti-Racketeering statutes of 1961 have been effective to some degree in this regard but experience has shown that ev en they are but a partial solution. No substantive legislation of significance in these areas has been enacted since then. It is our intent to propose to the Congress in three stages beginning shortly a comprehensive legislative program aimed directly at these most lucrative racket activities. In some instances we will modernize old proposals; in others, we will make recommendations to fill the gaps in existing law; in still others, we will propose new laws where none now exist.

This Task Force remains committed to the proposition that the enactment of legislation permitting court-supervised electronic eavesdropping would constitute the single most important step the Congress could take in the war against organized crime. In our view, the neactment of a broader witness immunity procedure would also be highly significant. We nonetheless realize that more than even these statutes are necessary if it is to be a full-scale war that we will fight and win. Pending Congressional action on the eavesdropping and immunity bills, we believe that the enactment of the program we propose will partially fulfill the Congress' responsibility in the war and will greatly aid the Executive Branch in discharging its part.

REPUBLICAN TASK FORCE ON CRIME

142 Cannon Bldg., 225-5107 House of Representatives Washington, D. C. 20515

GOP CRIME GROUP OFFERS

"ANTI LOAN-SHARK" BILL

PRESS RELEASE

For Release: Monday, AM's
Contact: Dec. 11, 1967
225-6931

Washington, D.C.--As the first of three steps in its "comprehensive legislative attack" on the major sources of income for organized crime, the House Republican Task Force on Crime today introduced a bill specifically aimed at "loan-sharking."

Last week the GOP Crime Group announced plans for a legislative program directed at gambling, narcotics trafficking and loan-sharking, "the three major money makers of organized crime," whose "take" they estimated at "nothing less than $10 billion a year."

Calling "loan-sharking", or the lending of money at illegal rates of interest, "a source of racket income second only to gambling...in the multi-billion dollar a year range," the Task Force cited findings by the President's Crime Commission that typical loan-shark victims are marginal, small businessmen and wage earners in mass employment industries. They said that the classic rate of interest charged was "20% a week."

The Task Force pointed out, among other things, that "Congressional Committee reports are filled with testimony concerning small businesses which have been taken over lock, stock and barrel by the syndicate which got its first foothold through a loan shark."

Despite this and the fact that loan sharking is clearly part of organized crime on a national level, "no federal statute exists which deals directly or effectively with it," the Crime Group continued. "In our view this constitutes a serious gap in the law."

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The GOP bill makes it a federal crime to lend money at illegal rates of interest whenever such a loan interferes with or affects interstate commerce, or whenever any part of the loan transaction or efforts at collection cross state lines. It is based upon the loan for a charge prohibited by State law. "If there is no initial violation of State law, there is no violation of Federal law," a Task Force spokesman said.

The bill is sponsored by Rep. Richard H. Poff (R.-Va.), the Task Force Chairman, by the thirteen other members of the Task Force, and by GOP Minority Leader Gerald R. Ford (R.-Mich.), Rep. William M. McCulloch (R.-Ohio), Ranking Minority Member of the House Judiciary Committee, and Rep. William B. Widnall (R.-N.J.), Ranking Minority Member of the House Banking and Currency Committee.

Among the benefits that will result from the new law is increased jurisdiction "for federal agents to investigate loan-shark allegations," the Task Force explained. And, they added "the mere thought that they may now be involved in a federal crime might be enough to drive many loan-sharks out of business, without anything more."

HOUSE REPUBLICAN TASK FORCE
ON CRIME

STATEMENT
LOAN-SHARK LEGISLATION

According to the President's Crime Commission, "loan-sharking", the lending of money at illegal interest rates, is a source of revenue for organized crime, second only to gambling. The annual "take" from loan-sharking has been estimated by many knowledgeable law enforcement officials to be in the "multi-billion dollar range."

The Commission noted that gamblers borrow to pay their losses and addicts borrow to purchase narcotics. They also found that the same men who take bets from or sell policy slips to employees in the mass employment industries, on the docks for example, lend them money to pay off the gambling debts or to meet household expenses. Small businessmen borrow from loan sharks when legitimate credit channels are closed to them and in this regard, Congressional Committee reports are filled with testimony concerning small businesses which have been taken over lock, stock and barrel by the syndicate after it got its foothold through a loan shark.

The Crime Commission determined that interest rates vary from 1 to 150 percent a week but that the classic 6 for 5, or 20 percent a week, was most common with small borrowers. They observed that the loan shark is usually more interested in perpetuating interest payments than in collecting principal and that force or threats of force of the most brutal kind are used to effect interest collection, eliminate protest when interest rates are raised and prevent the harassed borrower from reporting the activity to enforcement officials.

Despite the wealth of documentation concerning the evils of loan sharking and its clear relation to organized crime on a national level, no federal statute exists which deals directly or effectively with it.

Two federal statutes have been used from time to time against loan sharks, but they are applicable only where actual collection methods amount to provable extortion. These statutes are generally anti-racketeering statutes aimed at extortion, among other things. At the time they were enacted, Congress did not have loan sharking specifically in mind. In our view, this constitutes a serious gap in the law for the very practical reason that while extortionate collection may be implied in any loan shark situation, in the overwhelming majority of cases extortion simply cannot be proved.

The dock worker who borrows from the well-known neighborhood loan-shark to pay for family sickness may not be told and does not have to be told precisely what will happen to him if he doesn't pay on time. The clothing store operator who borrows to keep up with legitimate creditors during slack seasons may not be beaten up by the polite yet menacing hoodlums who inquire as to the status of payments. He too knows what the message is. These are the typical situations--the threat merely implied but nonetheless real and effective simply because the syndicate lurking in the background is known to be involved. Under existing federal law, extortion could not be proved in either situation.

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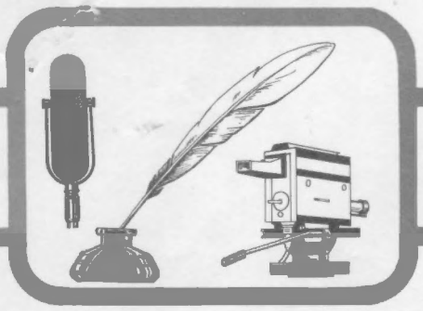
The House Republican Task Force on Crime, as the first step in its legislative program against the major sources of income for organized crime, has drafted and introduced in the House of Representatives, a bill specifically aimed at loan sharking. It is intended to expand federal jurisdiction over this activity and to make it a federal crime to lend money at illegal rates of interest, wherever such a loan affects or interferes with interstate commerce. It is thus a two-part bill which approaches loan sharking from two well-established bases of federal jurisdiction. Both parts amend the existing anti-racketeering statutes which we have previously noted.

The first part amends Section 1951 of Title 18, United States Code, which deals with robbery and extortion which interferes with or affects interstate commerce. Loan-sharking would be added as a federal crime under these circumstances, and as a result, an illegal loan to a business which ships its goods from Chicago to Detroit might be the subject of a federal prosecution.

The second part amends Section 1952 of Title 18, which deals with several racketeering activities that are federal crimes when any part of the transaction crosses state lines. Loan-sharking is added to these, and as a result, a telephone call from New York to Miami or travel from New Jersey to Pennsylvania might be the subject of federal prosecution.

Both violations are based upon the lending of money for a charge or rate of interest prohibited by the laws of the State where the loan is made. If there is no initial violation of State law there is no violation of Federal law. Subsequent threats to enforce collection of the loan need not be proved so long as the loan itself is illegal.

There is an abundance of precedent for this legislation and we feel it will go a long way towards drying up a principal source of revenue for organized crime. For one thing it will provide hitherto lacking jurisdiction, except where a potential tax evasion case is present, for federal agents to investigate loan-shark allegations. Further, federal prosecutions will inevitably result but even where they don't, evidence will be turned over to local law officers for prosecution. Finally, the mere thought that they may now be involved in a violation of federal law, might be enough to drive many loan-sharks out of the business without anything more. This, in itself, will be a significant accomplishment.



CONGRESSMAN
GERALD R. FORD
HOUSE REPUBLICAN LEADER

NEWS RELEASE

--FOR RELEASE IN SUNDAY AM's--
December 17, 1967

The following is an exchange of correspondence between House Republican Leader Gerald R. Ford (R-Mich.) and Rep. Richard H. Poff (R-Va.), Chairman of the House Republican Task Force on Crime, summarizing legislative action taken in the 1st Session, 90th Congress, and the prospects for additional action on the part of the Congress and the Administration in 1968.

December 12, 1967

Honorable Richard H. Poff
Chairman
House Republican Task Force on Crime
U.S. House of Representatives
Washington, D. C.

Dear Dick:

As we approach the close of the first session of the 90th Congress, I want to express to you as Chairman of the House Republican Task Force on Crime the sincere appreciation I feel for the fine work you and all Task Force members have done this year. I have just had an opportunity to review the summary of performance, and the record is truly outstanding. You have made specific and positive proposals for legislation dealing with the prevention and control of crime in America and have stimulated legislative action which otherwise would never have been taken.

Conspicuous among Republican contributions to the legislative successes of the House in the field of crime control were the interstate anti-riot bill authored by Bill Cramer of Florida, the bill introduced by Tom Railsback authorizing prosecution appeals in suppression of evidence orders, the bill granting disability benefits as well as survivorship benefits to local police officers wounded or killed in pursuit of federal law-breakers, the McClory amendment to the crime bill to establish a National Institute on Law Enforcement and Criminal Justice, and the Bill Cahill bloc grant amendment to the crime bill and the juvenile delinquency bill.

I would be interested to have your estimate of the prospects for a genuine crackdown on crime in 1968. Specifically, do you think that the President's recent statements on crime, particularly yesterday's aimed at the Congress, represents a true change of direction? If so, how does the Attorney General fit into this picture?

Wishing you a happy Holiday Season, I am

Very truly years,

Gerald R. Ford, M. C.

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December 14, 1967

Honorable Gerald R. Ford
Minority Leader
U. S. House of Representatives
Washington, D. C.

Dear Jerry:

Your letter concerning the Task Force is most gracious. I know all members would want me to express their appreciation not only for these kind words but for the leadership and assistance you have given so faithfully in connection with all our projects.

I will do my best to reply responsively, candidly and yet briefly to your questions. Actually, all three questions are intimately interwoven into one, viz., will there be any escalation in the Administration's war on crime in 1968?

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My answer depends upon many imponderables and unpredictables. There is nothing uncertain about the need for escalation; the crime problem is bigger than ever before, growing faster than ever and neglected more than any other. In fairness, it should be said that so far as the President is concerned, neglect has been more unavoidable than purposeful. The President has been necessarily preoccupied with other grave domestic problems and with the tragic war in Vietnam. While it may be that the President's recent statements concerning the crime problem foreshadow a deliberate, methodical campaign in the election year to blame Congress for the problem, I doubt that it is accurate to say that his statements represent any change in philosophical approach.

What is imponderable and unpredictable is how, in your words, the Attorney General fits into the picture. During his short time in office, Attorney General Clark, formerly attached to the lands division of the Justice Department, has shown himself to be something less than a "crime fighter." It was he who persuaded the President to veto the District of Columbia crime package last year and, in the year since, major crime in the District has increased by 34%, a rate more than twice that of the nation at large. It was Clark who issued instructions to all Federal investigative agencies strictly limiting the use of on-person transmitters with remote recorders, an evidence-gathering technique repeatedly and presently sanctioned by the courts. It was Clark who opposed and still opposes legislation conformed carefully to the Constitutional mandates of the Supreme Court which authorizes wiretaps by police officers investigating specific crimes under court warrant and continuing court supervision; persists in his negative posture in the face of endorsements by his three immediate predecessors in office, the Judicial Conference of the United States and every major national organization of law enforcement officials. It was Clark who allowed the whole hot summer of 1967 to pass without even calling public attention to the existence of a Federal crime statute making it a Federal crime to travel from one state to another with the intent to promote or incite arson. It was Clark who delayed until last week end even a minimum administrative and organizational effort to deal with the mass violations of Selective Service laws, and then he was content simply to establish a new unit which functionally can do little more than can already be done under traditional procedures.

More recently, a syndicated columnist reported sharp disagreement between the President and his Attorney General on how to proceed in the matter of Stokely Carmichael.

From the foregoing, you will see that what is unpredictable is how long Mr. Clark will fit into the picture at all. I am sure that you have heard as I have heard speculation that, as the election grows nearer, if the nation's chief law enforcement officer continues to rest on the oars, Clark may go the way McNamara and Goldberg are going and others may go.

In summary, I think that beginning early next year there is likely to be a Presidential crusade to blame Congress for the crime crisis. And there will doubtless be some surface escalation of the war on crime, a political pageant, with or without Ramsey Clark.

Sincerely,

Richard H. Poff, M.C.

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EXECUTIVE DIRECTOR'S
OUTLINE

A. Proposed Functions of the Task Force

1. Introduce and sponsor anti-crime legislation.
2. Adopt and promulgate positions where Congressional legislation may be inappropriate.
3. Conduct studies and prepare reports in support of the above.
4. Publicize the functions and recommendations of the Task Force.
   a) Press releases
   b) Direct correspondence

B. Areas of Study (by subcommittee)

1. Crime prevention and control
   a) Riot and civil disobedience
   b) Firearms control
   c) Police operations
      1) federal grants and subsidies
      2) national academies
      3) citizen complaint and review boards
      4) use of women
   d) Causes of crime
      1) poverty and social disadvantagement
      2) white collar crime and crime among the affluent
      3) disrespect for rights of others
   e) Effect of the courts on growing crime rate
      1) the District of Columbia as an example
      2) selection of judges

2. Investigation, Pretrial Procedures and Constitutional Rights
   a) Stop and frisk laws
   b) Miranda and its predecessors
   c) Discovery, a two-way street
   d) Codification of law of search and seizure
   e) Appeals from pre-trial suppression orders
   f) Model Penal Code (for D. C.)
   g) Federal jury selection
   h) Bail projects--success of federal program
   i) Hand writing and voice identification

3. Juvenile Delinquency
   a) Youth offender acts
   b) Model Juvenile Code (for D. C.)
   c) Constitutional rights of juveniles
   d) The rehabilitation process
      1) facilities for incarceration
   e) Causes of delinquency
      1) begins in the home--inadequate discipline and supervision, children not taught to respect the rights of others.

4. Organized Crime
   a) Educate the public as to the nature, scope and dangers of organized crime (logs, studies, etc.)
   b) Wiretapping and eavesdropping
      1) necessity
      2) utility
      3) constitutionality
   c) Immunity for witnesses
   d) Protection of witnesses
   e) Federal effort must be emphasized
      1) O. C. & R. section of Justice Dept. should be a Division
      2) as such should have a section to advise states
      3) own investigative staff--team approach
      4) problems with Tax Division
   f) State Crime Commissions--support formal commissions with real powers
   g) Joint Congressional committee on O. C.
   h) Grand Juries

5. Federal, State and Local Cooperation
   a) Safe Streets Act
   b) Federal grant programs in general
   c) Cooperation of federal investigative agencies with those of the states
   d) Role of federal government as advisor to the states
   e) Habeas corpus from state convictions
   f) Limitation on Supreme Court in ruling on state criminal convictions

6. Probation, Correction and Rehabilitation
   a) Uniform sentencing
   b) Appeal of sentences
   c) Uniform procedures for revocation of parole and probation
   d) Model correctional system (Federal)
   e) Composition of parole boards