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ANTI-CRIME PROGRAM

2276-

HEARINGS

BEFORE

SUBCOMMITTEE NO. 5

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS

FIRST SESSION

ON

H.R. 5037, H.R. 5038, H.R. 5384, H.R. 5385,
and H.R. 5386

BILLS TO ASSIST STATE AND LOCAL GOVERNMENTS IN
REDUCING THE INCIDENCE OF CRIME, TO INCREASE THE
EFFECTIVENESS, FAIRNESS, AND COORDINATION OF LAW
ENFORCEMENT AND CRIMINAL JUSTICE SYSTEMS AT ALL
LEVELS OF GOVERNMENT, AND FOR OTHER PURPOSES;
AND RELATED BILLS, H.R. 710, H.R. 1007, H.R. 1454, H.R. 5470,
H.R. 6051, H.R. 6053, H.R. 6067, H.R. 6137, H.R. 6386, H.R. 6387,
H.R. 6394, H.R. 6400, H.R. 6709, H.R. 6710, H.R. 7092, H.R. 7093,
H.R. 7094, H.R. 7095, H.R. 7351, H.R. 7384, H.R. 7466, H.R. 7535,
H.R. 7760, H.R. 7829, H.R. 8634, AND H.R. 8790

MARCH 15, 16, 22, 23, APRIL 5, 7, 10, 12, 19, 20, 26, AND 27, 1967

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Sec. 6. The table of contents to "Part I.—Crimes" of title 18, United States Code, is amended by inserting after

"43. False personation ----- 911"

a new chapter reference as follows:

"44. Firearms----- 921"

Sec. 7. The Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901-910), as amended, is repealed.

Sec. 8. The amendments made by this Act shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.

[H.R. 5385, 90th Cong., first sess.]

A BILL To provide for the establishment of a Federal Judicial Center

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28, United States Code, is amended by inserting, immediately following section 610, a new chapter 42 to be composed of sections 620 through 627 as follows:

"Chapter 42.—FEDERAL JUDICIAL CENTER

"Sec.

"620. Federal Judicial Center.

"621. Board.

"622. Board meetings and reports.

"623. Powers of the Board.

"624. Administrator and staff.

"625. Compensation of the Administrator.

"626. Retirement of the Administrator.

"627. Appropriations and Accounting.

"§ 620. Federal Judicial Center

"There is established in the Administrative Office of the United States Courts a Federal Judicial Center for the following purposes:

"(1) To stimulate, coordinate, and conduct research and tests in all aspects of Federal judicial administration.

"(2) To stimulate, develop, and conduct programs of continuing education and training for personnel in the judicial branch of Government, including but not limited to, judges, referees, court clerks, probation officers, and United States commissioners.

"(3) To provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

"§ 621. Board

"The activities of the Center shall be supervised by a Board to be composed of the Chief Justice of the United States, two judges of the United States courts of appeals, three judges of the United States district courts, and the Director of the Administrative Office of the United States Courts.

"Each of the judges of the United States courts of appeals and the United States district courts shall be elected as members of the Board by a vote of the members of the Judicial Conference of the United States.

"The judges of the courts of appeals first named to the Board shall continue in office for terms of two and four years, respectively, from the date of the enactment of this chapter, the term of each to be designated by the Chief Justice following election by the Judicial Conference.

"The judges of the United States district courts first named to the Board shall continue in office for terms of two, three, and four years, respectively, from the date of the enactment of this chapter, the term of each to be designated by the Chief Justice following election by the Judicial Conference.

"The successors of the first judge-members of the Board shall be elected for a term of four years from the date of the expiration of the term for which his predecessor was elected, except that any judge elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected only for the unexpired term of such predecessor. No judge-member shall be eligible to reelection as a member of the Board.

"The Chief Justice of the United States shall be the Chairman of the Board.

"§ 622. Board meetings and reports

"The Board shall meet quarterly to develop programs of research, training, continuing education and administration in all areas of Federal judicial administration. It shall make recommendations to the Judicial Conference of the United States and to other appropriate officials to improve Federal judicial administration and to assure the coordination and integration of policies respecting the administration of the training and treatment of the supporting personnel of the Federal courts. It shall also consider measures to promote improvements in Federal judicial administration and suggest appropriate studies in this connection to be undertaken by agencies, both public and private. Special meetings of the Board may be held from time to time upon the call of the Chairman or upon the request of any three members, and members of the Board shall serve without additional compensation.

"The Board shall submit to the annual meeting of the Judicial Conference of the United States, at least two weeks prior thereto, a report of the activities of the Center and the Administrator's recommendations, which report, data, and recommendations shall be public documents.

"The Board shall also submit to Congress copies of the report and recommendations submitted to the Judicial Conference of the United States.

"§ 623. Powers of the Board

"For the purpose of carrying out any function authorized by section 620 of this title, the Board may accept donated funds and services, both public and private, and the use of such funds to pay the salaries of the officers or employees of the Center shall not be subject to the provisions of section 209 of title 18, United States Code.

"The Board is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Board, upon request made by the Chairman. The Board shall utilize insofar as possible the services or facilities of any agency of the Federal Government and, without regard to section 10 of the Act of March 2, 1861, as amended (41 U.S.C. 5), of any appropriate State or other public agency. The Board may, without regard to section 10 of the Act of March 2, 1861, as amended (41 U.S.C. 5), utilize the services or facilities of any private agency, organization, group, or individual, in accordance with agreements between the head of such agency, organization, or group, or such individual, and the Board. Payment, if any, for such services or facilities shall be made in such amounts as may be provided in such agreement.

"§ 624. Administrator and staff

"(a) The Board may appoint and fix the duties of an Administrator of the Center who shall serve at the pleasure of the Board.

"(b) The Administrator shall supervise the activities of persons employed in the Center and shall perform such other duties as are assigned to him by the Board.

"(c) The Administrator, subject to the civil service laws, may appoint necessary employees of the Center. The Administrator may also procure personal services as authorized by section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 3109), at rates not to exceed \$100 per diem for individuals. The Administrator is authorized to incur travel and other miscellaneous expenses incident to the operation of the Center.

"(d) The Administrator, with the approval of the Board, may be authorized to contract with governmental or private agencies for research projects.

"§ 625. Compensation of the Administrator

"(a) An Administrator who is a United States judge or justice, in active or retired status, shall serve without additional compensation.

"(b) The compensation of an Administrator to whom the provisions of subdivision (a) of this section do not apply, shall be the same as that of a judge of a United States district court, and his appointment and salary shall not be subject to the civil service laws or chapter 51 of title 5, United States Code.

"§ 626. Retirement of the Administrator

"(a) An Administrator may elect to waive his right to any benefits under the Civil Service Retirement Act and receive an annuity as provided by this section.

Such election shall be made by filing a written notice with the Administrative Office of the United States courts within six months after the date on which the Administrator takes office.

"(b) An Administrator who attains the age of 70 years shall be retired from his office.

"(c) An Administrator who retires, after having served at least fifteen years and after having attained the age of sixty-five years, shall receive an annuity for life equal to 80 per centum of the salary of the office.

"(d) An Administrator who has served at least ten years, but who is not eligible to receive an annuity under subsection (c) may elect to retire and receive an annuity for life equal to that proportion of 80 per centum of the salary of the office which the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

"(e) An Administrator who becomes permanently disabled from performing the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office if he has served at least fifteen years, or equal to that proportion of 80 per centum of such salary which the aggregate number of years of his service bears to fifteen if he has served less than fifteen years, but in no event less than 50 per centum of such salary.

"(f) For the purpose of this section, 'service' means service, whether or not continuous, as Administrator, and any service not to exceed five years as a judge of the United States, a Senator, or Representative in Congress, a civilian official appointed by the President, by and with the advise and consent of the Senate.

"(g) The annuities provided by this section shall be paid by the Administrative Office of the United States Courts.

"§ 627. Appropriations and accounting

"There is hereby authorized to be appropriated to carry out the provisions of this Act such sums as may be necessary to supplement funds and services accepted by the Board. The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Center."

SEC. 2. The table of contents to "Part II.—COURT OFFICERS AND EMPLOYEES" of title 28, United States Code, is amended by inserting after

"41. Administrative Office of United States Courts..... 601"
a new chapter reference as follows:

"42. Federal Judicial Center..... 620".

[H.R. 5386, 90th Cong., first sess.]

A BILL To protect the right of privacy by prohibiting wire interception and eavesdropping, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Right of Privacy Act of 1967".

SEC. 2. The Congress hereby finds and declares that—

(a) Wire communications are normally conducted through the use of facilities which form part of an interstate network. The same facilities are used for both interstate and intrastate communications. In order effectively to protect the integrity of interstate wire communications and the privacy of parties to such communications it is necessary for the Congress to prohibit the interception of any wire communication using such facilities.

(b) Electronic, mechanical, and other eavesdropping devices are being used to overhear private conversations. The manufacture, distribution, and use of these devices are facilitated by interstate commerce. To secure the privacy of conversations, it is necessary for the Congress to exercise its power under the Constitution to prohibit such manufacture, distribution, and use.

SEC. 3. Title 18, United States Code, is amended by inserting immediately following section 2424 a new chapter, to be composed of sections 2510 through 2515 as follows:

munity treatment and work-release techniques. The Federal Government will thus be able to set the example and the pattern for the States to follow in the treatment of individual offenders.

A third proposal for consideration by this subcommittee is an effective control over the sale of firearms. Briefly, the proposal would prohibit certain mail order sales and shipment of firearms, except between Federal licensees. It prohibits over-the-counter sales of firearms, other than shotguns and rifles, to a person who is not a resident of the State in which the Federal licensee does business. It also prohibits the Federal licensee from selling handguns to any individual under 21 years of age. It also forbids the selling of rifles and shotguns to a person under 18 years of age. Finally, it curbs the importation into the United States of surplus military firearms and other firearms not suitable for a sporting purpose. It is high time we tightened restrictions upon sale and distribution of these lethal weapons. I expect considerable opposition to this bill, but such opposition need not faze us.

As part of this program also, there is legislation to establish a Federal judicial center in the Administrative Office of the United States Courts.

Over the years, as chairman of this committee, I have sponsored proposals to increase the judicial manpower throughout this Nation. But more must be done. In the field of research and education the administration of justice in our Federal judicial system can be improved. Consistent with our belief in the independence of the Federal judiciary, this proposal will afford the courts the opportunity to analyze, to research, and provide a better system of justice for all litigants in our Federal courts.

Another very important proposal is designed to protect the right of privacy. This can be accomplished by outlawing all wiretapping, be it public or private. Within the scope of this prohibition would also be the deliberate invasions of the right to privacy by electronic devices. The sole exception would be where the security of the Nation is involved and even then strict safeguards are provided. To further implement the prohibition, the interstate shipment of wiretapping and eavesdropping devices are prohibited.

The need for legislation along the lines I have just outlined is clearly presented in the report by the President's Commission on Law Enforcement and the Administration of Justice. These proposals have been recommended by that Commission. Wiretapping and electronic eavesdropping have become most obnoxious. This widespread practice must become abated and eventually prevented. No liberty-loving nation should tolerate such invasion of the "right of privacy."

No one can question the need for the enactment of these general proposals. The problem of crime and the criminal has been growing annually. Recent figures from the Federal Bureau of Investigation indicate an 11-percent increase in serious crimes here in the United States when compared with the 1965 figures. Crimes of violence have increased 11 percent; a 9-percent increase in murder; 10 percent in aggravated assaults; 10 percent in forcible rape, and robbery 14 percent. Crimes against property have also been on the increase. This increase in criminal violations is spread across the Nation. It is common knowledge today that people are afraid to venture upon the

one division, in which what is being done all over the country could be synthesized for your own purposes.

Mr. CLARK. Yes, we would hope to accomplish that.

Mr. McCLORY. I would just make this comment with regard to the questions directed by the gentleman from Maryland, that perhaps there will be a relationship insofar as statistic gathering and information between the Federal Judicial Center, which we will discuss later and the subjects the gentleman from Maryland was asking about, is that correct?

Mr. CLARK. Yes. I would think that the Federal Judicial Center would have the primary responsibility for the business that relates to administration of courts and their activities. Certainly we see so clearly now that we need to coordinate carefully between prosecution and corrections and courts and police that all of these are part of the same comprehensive approach.

Mr. McCLORY. This new Director of Law Enforcement is not given any duties except that his function is going to be assisting you. Otherwise, the legislation does not set forth anything that he is supposed to do. Do you think that is an unnecessary thing?

Mr. CLARK. Yes, I do. It is my experience in Government that the ideal way to delegate powers, because things are so complex, is to vest them in an agency head.

I think this is the theory of the reorganization acts. I think it has lent very constructive force to Government. I think if we start fragmenting and crystallizing duties and authorities and responsibilities it gives us a rigidity and inflexibility that impairs us in the mission.

Mr. McCLORY. I just want to bring out the fact that in this legislation there are no qualifications set out and no duties set forth.

Mr. CLARK. I think that is typical of all officials of the Department and most departments.

Chairman CELLER. If the gentleman would yield, the Director must be confirmed by the Senate.

Mr. CLARK. That is correct.

Chairman CELLER. He goes through the same process the Attorney General goes through.

Mr. CLARK. That is right.

Mr. McCLORY pointed that out: he has to be nominated by the President and confirmed by the Senate.

Mr. McCLORY. Mr. Attorney General, something that is unique in this legislation I believe is the paragraph to which you made reference, paragraph 2, that is the encouragement which the Attorney General is going to provide to all these local governments. Is there any precedent for that type of legislation that you know of?

Mr. CLARK. Yes, there is; I think it is found in a number of measures. I believe you will find it in the Model Cities Act, for instance. I rather think it is the best way to go about it where you are involved in federalism as essentially this bill is. I think it is the appropriate way to maintain the balance in the Federal system.

Mr. McCLORY. I want to turn now and ask you a few questions about the National Crime Commission report. I judge from your testimony that you are supporting the majority view as set forth in this report; that is, the majority recommendations.

Mr. CLARK. I do not know. Majority on what issue? It would be my judgment or estimate that I probably agree with better than 99

to the public safety the protection offered by the Safe Streets and Crime Control Act. But each is exceptionally important.

Of these bills, one would aid control of the principal weapon of the criminal: guns.

A second would provide a greatly enhanced opportunity to perfect Federal justice through the Federal Judicial Center.

A third would unify Federal corrections enabling a more effective effort at rehabilitation.

Finally, a ban on "bugs" would add to our respect for law by eliminating conditions that are hardly respectable while increasing that sense of dignity in the individual which is essential to respect for anything.

I will discuss the specifics of these proposals against the background afforded by your hearings on the Crime Control Act without repeating many of the facts and conditions there related which are pertinent here also.

In his message to Congress last month on crime in America, President Johnson stated that: "Any effective crime control program requires the enactment of firearms legislation." He strongly recommended that the Congress enact legislation to prohibit mail-order sales and shipments of firearms, except between Federal licensees, and prohibit over-the-counter sales of firearms, other than shotguns and rifles, to persons not residing in the State where purchased. The President also stated:

This legislation is no panacea for the danger of human irrationality and violence in our society. But it will help to keep lethal weapons out of the wrong hands.

This legislation will not curtail ownership of firearms used either for sport or self-protection. But it will place a valuable restraint on random trade in handguns—the use of which has more and more characterized burglaries and other crimes. It will gain added strength as states pass firearms legislation and licensing laws similar to the Sullivan Law in New York.

To pass strict firearms control laws at every level of government is an act of simple prudence and a measure of a civilized society. Further delay is unconscionable.

Existing Federal firearms laws are largely ineffective and inadequate. These laws do little to control the mail-order sales of handguns, rifles, and shotguns. It is estimated that 1 million dangerous weapons are sold by mail each year. Many persons circumvent local law by ordering firearms by mail and receiving them in interstate commerce.

Strict firearms controls by one State or city are nullified when a potential criminal secures a firearm in a neighboring jurisdiction with lax controls and returns to his own State to commit crime.

Another inadequacy in the present system of firearms control is the ease with which low priced and widely available surplus weapons are brought into the United States from foreign countries. These surplus military weapons include inexpensive pistols and revolvers, and antitank guns, bazookas and other such destructive devices.

The bill before you today is designed to provide better controls over interstate and foreign commerce in firearms, thus enabling the States to control more effectively the traffic of firearms within their own borders.

An estimated 750,000 Americans have died since 1900 by means of firearms, other than in armed conflicts. In contrast, 530,000 Ameri-

ever, been sufficiently staffed or supported to accomplish the awesome tasks they have faced. They have lacked the permanence and resources which are needed to provide the continuity of effort and the coordination of endeavor to master the complex demands which are now being made upon our judicial system.

We must learn why the delay and docket congestion in our Federal courts is getting worse each day and what we can do to reverse this trend. We must establish and maintain programs for continuing education and for training for the personnel in the judicial system and insure that such education and training is made available in a timely and meaningful way. Thirty to thirty-five new judges are appointed every year—70 last year—in the Federal judiciary and numerous commissioners, referees, court clerks and probation officers. All need training and an opportunity to participate in a continuing education program.

H.R. 5385 will establish in the Administrative Office of the U.S. Courts a Federal judicial center which will have a threefold mission: (1) to stimulate, coordinate, and conduct research and tests in all aspects of Federal judicial administration; (2) to stimulate, develop, and conduct programs of continuing education and training for personnel in the judicial system; and (3) to provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

The Center will be supervised by a board composed of the Chief Justice of the United States, two judges of the U.S. courts of appeals, three district court judges, and the Director of the Administrative Office of the U.S. Courts. The board is authorized to appoint and fix the duties of an administrator who will be the chief executive officer of the Center.

As President Johnson has noted:

A Federal Judicial Center, established in the Administrative Office of the United States Courts, will enable the courts to begin the kind of self-analysis, research and planning necessary for a more effective judicial system . . . and for better justice in America.

Next we take up the unified Federal corrections bill.

Corrections is a key, a very major part of our total opportunity to reduce crime. If we cut the rate of recidivism in half, and science tells us we can, a major part of our crime will be eliminated.

Whatever our view of the purposes of the sanctions of criminal law, society must seek two consequences from their exercise:

Protection of the public from further offenses, and

Rehabilitation of the individual and his return to a useful life.

But to separate these two essential aims obscures their oneness. Rehabilitation is protection. The best, the only sure way to protect society from the antisocial convicted of crime, who will be at large again some day, is to rehabilitate him.

Our success will be measured by the effectiveness of our corrections system. The value of the most effective corrections system devisable is measurable not only in billions of dollars but in lives and human happiness.

One of the law's primary goals must be the rehabilitation of the offender and his return to useful community life. To accomplish this end, he is placed in the corrections process, which extends from

dle by means of firearms. Guns claim on the average of 50 lives a day, or one every half-hour. This is not to say that most of these deaths are the result of criminal acts, though many are. It is to say guns are dangerous. They can kill. They should not be available for those who will use them for crime. Common sense dictates that we act now.

J. Edgar Hoover, in the *FBI Law Enforcement Bulletin* in June 1963, observed forcefully: "The easy accessibility of firearms is a significant factor in murders committed in the United States today. It is a problem which the American public needs to examine closely. * * * The questionable traffic in deadly weapons in many sections of our country is a disgrace. To my mind, the public has a right to expect that the distributor and the purchaser of weapons so deadly and easily concealed such as handguns must meet certain regulations and qualifications. Spotlight of such attention should be focused on the easy accessibility of firearms and its influence on willful killings." Only yesterday, Mr. Hoover repeated his support for adequate firearms legislation.

As the National Crime Commission pointed out in its February report, during the year 1965, 5,600 murders, 34,700 aggravated assaults and the vast majority of the 68,400 armed robberies were committed by means of firearms. All but 10 of the 278 law enforcement officers murdered during the period 1960-65 were killed with firearms.

The National Crime Commission supported firearms legislation similar to that which you are considering here today. The Commission stated that it "strongly believes that the increasing violence in every section of the nation compels an effort to control possession and sale of the many kinds of firearms that contribute to that violence."

FBI statistics, released yesterday, show that reported serious assaults with a gun increased 23 percent during 1966 (more than twice the reported increase for all serious crime). Six of every 10 murders were committed by means of firearms. Handguns were used in 71 percent of these murders, shotguns in 17 percent, and rifles or other firearms in 12 percent.

Ownership of guns among those legally entitled to own them will not be curtailed by this bill, nor will regulations be forced on unwilling states.

The bill would—

(1) Prohibit interstate mail order sale of all firearms. However, rifles and shotguns purchased in person at the licensee's place of business may be shipped interstate to the purchaser at his residence.

(2) Prohibit a Federal licensee from selling or delivering a firearm to a person less than 21 years of age, and 18 years of age in the case of a rifle or shotgun.

(3) Prohibit a Federal licensee from selling or delivering a firearm to a person who the licensee believes is prohibited by state or local law from receiving or possessing a firearm.

(4) Prohibit the sale or delivery of any firearm, other than a rifle or shotgun, to anyone not residing in the state in which the licensee's place of business is located.

(5) Provide standards and increase licensing fees for Federal firearms dealers, importers and manufacturers.

(6) Prohibit interstate transportation of destructive devices, machine guns, and short-barrelled shotguns and rifles, except between Federal licensees or with the approval of the Secretary of the Treasury.

(7) Regulate the importation of firearms into the United States.

The bill before this Subcommittee does not deal with the question of gun permits or registration, leaving it to the states and local communities to decide what firearms laws, if any, they want. It does not prohibit sportsmen from carrying their shotguns or rifles across state lines, and pistols could be carried in conformity with state laws.

The people of the United States want stricter control of guns. The Congress is fully empowered to act. The issue has been bruited beyond reason. The public safety requires action now.

FEDERAL JUDICIAL CENTER

The administration of justice in the United States courts is vital to our society. We must, therefore, view with grave alarm the increasing congestion and the backlog of cases which threaten to swamp our judicial system and destroy its essential contribution to our way of life.

The mere addition of judges and supporting personnel is not the answer. One hundred and forty-four additional judgeships have been created for the United

States district courts since 1941, an increase of 73 percent, and still the backlog of cases rises.

John Stuart Mill noted of the judicial function that " * * * There is no part of public business in which the mere machinery, the rules and contrivances for conducting the details of the operation, are of such vital consequence." Indeed, he believed " * * * all the difference between a good and a bad system of judicature lies in the procedure adopted * * *" to apply the rule of law.

This much seems clear, the most just *corpus juris* has but academic value, except as it fairly and efficiently applied in disputes between citizens or between citizen and society. The vital purpose of the judiciary is action, not abstraction.

In essence, improvements in the administration of justice require better research, more training and continuing education programs covering all aspects of the judicial functions.

The Judicial Conference is well aware of their growing problems and has taken firm steps in the right direction. It has, at one time or another, recommended or established on an ad hoc basis numerous programs of research and education. These programs have not, however, been sufficiently staffed or supported to accomplish the awesome tasks they have faced. They have lacked the permanence and resources which are needed to provide the continuity of effort and the coordination of endeavor to master the complex demands which are now being made upon our judicial system.

We must learn why the delay and docket congestion in our Federal courts is getting worse each day and what we can do to reverse this trend. We must establish and maintain programs for continuing education and for training for the personnel in the judicial system and insure that such education and training is made available in a timely and meaningful way. Thirty to thirty-five new judges are appointed every year in the Federal Judiciary and numerous commissioners, referees, court clerks and probation officers. All need training and an opportunity to participate in a continuing education program.

H.R. 5385 will establish in the Administrative Office of the United States Courts a Federal Judicial Center which will have a three-fold mission: (1) to stimulate, coordinate and conduct research and tests in all aspects of Federal judicial administration; (2) to stimulate, develop and conduct programs of continuing education and training for personnel in the judicial system; and (3) to provide staff, research and planning assistance to the Judicial Conference of the United States and its committees.

The Center will be supervised by a Board composed of the Chief Justice of the United States, two judges of the United States Courts of Appeals, three District Court judges and the Director of the Administrative Office of the United States Courts. The Board is authorized to appoint and fix the duties of an Administrator who will be the chief executive officer of the Center.

As President Johnson has noted: "A Federal Judicial Center, established in the Administrative Office of the United States Courts, will enable the courts to begin the kind of self-analysis, research and planning necessary for a more effective judicial system * * * and for better justice in America."

We recommend early enactment of H.R. 5385.

UNIFIED FEDERAL CORRECTIONS

Corrections is a key, a very major part, of our total opportunity to reduce crime. If we cut the rate of recidivism in half, and science tells us we can, a major part of our crime will be eliminated.

Whatever our view of the purposes of the sanctions of criminal law, society must seek two consequences from their exercise:

- Protection of the public from further offenses, and
- Rehabilitation of the individual and his return to a useful life.

But to separate these two essential aims obscures their oneness. Rehabilitation is protection. The best, the only sure way to protect society from the anti-social convicted of crime, who will be at large again some day, is to rehabilitate him.

Our success will be measured by the effectiveness of our corrections system. The value of the most effective corrections system devisable is measurable not only in billions of dollars, but in lives and human happiness.

One of the law's primary goals must be the rehabilitation of the offender and his return to useful community life. To accomplish this end, he is placed in the corrections process, which extends from the imposition to the completion of

The CHAIRMAN. The next witness is the Honorable Sam M. Gibbons from the State of Florida.

**STATEMENT OF HON. SAM M. GIBBONS A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA**

Mr. GIBBONS. Mr. Chairman, I consider it a privilege to submit to your distinguished subcommittee this statement of my support for the administration's crime program. The interest shown in its several aspects by witnesses who have appeared before you is certainly heartening. It is fitting that the chairman, whose diligent efforts in the field of crime prevention are well known to his colleagues, should have introduced this important legislation for consideration by the House of Representatives.

The President's five bills would accomplish the following objectives. A Federal Judicial Center would be set up to provide research, continuing education and personnel training for employees of the judicial branch. The dangers to individual liberties posed by the widespread practices of eavesdropping and wiretapping would be eased with the prohibition of such activities. Some \$50 million would be spent on a wide range of activities to increase the skilled manpower and sophisticated methods and equipment needed to effectively curb crime and to prevent its occurrence. Rigid controls would be set on the importation, manufacture, sale, and transportation of firearms, to prevent weapons from falling into irresponsible hands. A U.S. Corrections Service would be established within the Department of Justice and an Advisory Corrections Council would be formed. Both would concentrate on improving today's prisons as instruments of rehabilitation.

I believe the President's program is as realistic and insightful as it is ambitious. It brings the most modern training to our police and judicial officials while offering incentives to attract topnotch young men and women into the field of law enforcement. It reaffirms the principle that apprehension, arrest and conviction must not violate individual rights. This program promotes, at the community level, constructive relations between citizens and their police to avoid situations which may contribute to crime. Finally, it vigorously emphasizes the American belief that the purpose of prisons in our society is not to incarcerate but, where possible, to restore individuals to useful, productive lives.

Mr. Chairman, the need for this legislation is, to me, beyond question. The Federal Bureau of Investigation reports that crime costs America \$26 billion every year. For the typical American family of four, this amounts to some \$530, equivalent to the downpayment on a new car or a round trip for two by airplane cross-country. This loss is dramatically demonstrated in personal loss through murder, theft, or forgery. But, in reality, the majority of Americans who have never been touched directly by crime are being robbed every day of the year. Crime causes higher prices at his stores, higher taxes by his local government, and higher insurance premiums to protect his property. The effect on all our pocketbooks is the same as if a burglar himself pilfered the money from them.

Crime is not only the destruction of property, Mr. Chairman. It is the needless and wanton destruction of lives, nearly 9,000 lives a

To pass strict firearms control laws at every level of government is an act of simple prudence and a measure of a civilized society. Further delay is unconscionable.

UNIFIED FEDERAL CORRECTIONAL SYSTEM

I renew my request for legislation to establish a unified Federal correctional system within the Department of Justice.

Today, correctional treatment in the national system is fragmented and often impedes continuity of treatment. The proposed unified system would provide a coherent organization, and a systematic flow of all postsentencing responsibilities—probation, institutional management, and parole supervision.

A unified system becomes especially important as we gain experience with community treatment and work-release methods. It would permit the better use of staff and fiscal resources, improve training for all Federal correctional employees, and simplify the creation of computerized data banks. The Federal Government should lead in all organizational reforms which permit more effective diagnosis and treatment of individual offenders—especially since the repeated offender is so prominent and disturbing a feature of crime in America.

A FEDERAL JUDICIAL CENTER

I recommend legislation to establish a Federal Judicial Center in the Administrative Office of the U.S. Courts.

Despite the increase in the number of Federal district judgeships—from 197 in 1941 to 341 in 1960—the delay and docket congestion in our Federal courts is the worst in our history.

The mere addition of judges to the courts will not bring about the efficient administration of justice that simple justice demands. Better judicial administration requires better research, better training, and continuing education programs.

The Judicial Conference has long recognized this. It has either recommended, or established on an ad hoc basis, some 20 different programs of research and education. Yet none of these programs has been adequately staffed or supported. None has been able to solve the administrative problems of the judiciary.

If we are to reduce the backlog of cases pending in the courts and meet the urgent law enforcement problems we face, these programs must be given permanence and sufficient means to accomplish their tasks. They should be open to the scrutiny of the Congress, the entire judiciary, and the public.

Federal Judicial Center, established in the Administrative Office of the U.S. Courts, will enable the courts to begin the kind of self-analysis, research, and planning necessary for a more effective judicial system—and for better justice in America.

ORGANIZED CRIME

We have accomplished much in exposing the citadels of crime and corruption. I am determined, however, to extend our efforts to root out this poisonous element from our society.

The Department of Justice will be the focal point for bringing increased Federal resources to bear on this problem of organized crime. We will increase the number of personnel previously assigned to this task.

Federal efforts can best be extended by the allocation of additional resources. However, obtaining witnesses is a major difficulty in dealing with organized crime.

I recommend that the Congress enact legislation to—

Make it a Federal crime to coerce or threaten a person who is willing to give vital information to our Federal investigators, thus extending additional protection to potential witnesses at the beginning of an organized crime investigation before a grand jury has been convened.

Extend Federal immunity provisions to certain crimes associated with racketeering, in order to assist in gathering competent evidence.

Criminal syndicates do not recognize State boundaries. Their impact is frequently nationwide. The Federal Government's responsibility in combating organized crime is clear and unequivocal.