

NEWS RELEASE

FOR RELEASE:

After Saturday,  
March 17, 1962.

STATEMENT BY CONGRESSMAN BOB DOLE (R-KANSAS) ON FARM BILL PENALTIES

The legal division of the U.S. Department of Agriculture, in a comparison of enforcement provisions of the present law with the proposed Administration "Food and Agriculture Act of 1962", has completely cut the ground from under those who had asserted the Freeman farm plan would not subject farmers to new, harsh criminal penalties.

Now incorporated in the official record of recent hearings before the House Agriculture Committee is a document prepared by USDA lawyers which cites the various penalties which may be assessed against farmers under the present law and those which could be imposed under the proposed program. The Committee has asked for this analysis in an effort to resolve conflicting testimony and statements concerning the penalty sections of the new farm bill.

The USDA document lists three separate criminal penalties which could be imposed against wheat growers under Section 423 of the proposed legislation, with the notation that there is "no comparable provision in present law." These are:

1. "Any person who violates, attempts to violate, or participates or aids in violating, any provision of the statute or regulations governing acquisition, disposition, or handling of marketing certificates shall be guilty of a misdemeanor and fined up to \$5,000 for each violation."
2. "Any warehouseman, processor, common carrier, or other handler of food products containing wheat, or person engaged in business involving wheat, food products containing wheat and wheat certificates who fails to make any report or keep any record required to be kept shall be guilty of a misdemeanor and fined up to \$5,000 for each violation."
3. "Any person who falsely makes, issues, alters, forges, or counterfeits any marketing certificate or fraudulently deals in such marketing certificates shall be guilty of a felony and fined up to \$10,000 or imprisoned up to 10 years or both."

In addition, under Section 406 of the proposed act, handlers of grain sorghums and other feed grain would be included in the present act which makes handlers of the six basic commodities subject to a fine up to \$500 for failure to make such reports or keep such records as the Secretary of Agriculture may require.

Section 440 of the proposed act provides that any dairy producer or first processor who fails to make any report or keep any record required of him by the Secretary shall be guilty of a misdemeanor and fined up to \$2,000 or imprisoned up to one year, or both. USDA lawyers admit there is "no comparable provision in present law."

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March 17, 1962 (cont) -2-

These are among the principal proposed penalty additions and changes which can now be assessed against farmers. They are not minor, nor do they represent a mere continuation of the kind of penalties set forth in previous legislation. These proposed penalties, as I have said repeatedly, are both unduly harsh and completely without precedent in the history of farm legislation.

Secretary Freeman, in a national televised debate on March 11, admitted "some people drafted a bill a little over-enthusiastically."

It would be interesting to know why the Department originally recommended this hodge-podge of penalties. Why, for example, should a dairyman go to prison, or a wheat grower be fined up to \$5,000 for failure to keep certain records and make required reports while, under existing law, cotton, rice, and peanut producers may be fined no more than \$500 for the same offense?

John Bagwell, General Counsel of the U.S. Dept. of Agriculture, has assured me suggested changes are being drafted which will eliminate some objectionable penalty provisions and soften others. If these proposed revisions do not meet the clear need for substantial changes, I will draft and submit for the House Agriculture Committee's consideration new language.

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