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89th Congress
1st Session

COMMITTEE PRINT

SUMMARY OF ACTIVITIES

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

89th Congress, First Session

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PREFACE BY REPRESENTATIVE EMANUEL CELLER, CHAIRMAN, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES

Few first sessions of any Congress have produced both the quality and the quantity of legislation as has this session of the 89th Congress. The Committee on the Judiciary made, I believe, major contributions to this phenomenal record. Of the 13,798 measures introduced in the House, 5,093 were referred to this committee, in addition to 216 Senate measures so referred. This total charged the committee with the responsibility of over 38.5 percent of all the measures introduced in Congress.

During the 173 days the House was in session, the committee and its subcommittees met either in executive session or for purposes of hearings, a total of 184 times.

Enacted into law were 50 public bills which were processed by this committee. This approximates one-seventh of all public laws enacted in this session. In addition thereto, 22 public bills which were reported by this committee passed the House, and are now pending in the Senate. Statistics on private bills will be found in the appended summaries of subcommittee activities.

Of paramount significance in the work of the committee were the proposal to the States of the constitutional amendment on Presidential inability, the Voting Rights Act of 1965, immigration reform, congressional redistricting, legislation making the assassination of the President a Federal crime, and the Law Enforcement Assistance Act of 1965.

The following three measures were considered before the full committee without subcommittee referral:

(*a*) Constitutional amendment relating to Presidential inability;

(*b*) Protection of former Presidents and their wives or widows (S. 2420), which became Public Law 89–186; and

(*c*) Exemption of certain imported cultural objects from seizure (S. 2273), which became Public Law 89–259.

The intense work and cooperation of all the members and all the staff of the committee made this record possible.

The chart which follows indicates the variety of legislative proposals processed by the committee, enacted by Congress, and signed into law by the President:

Tabulation of bills and resolutions referred to the Committee on the Judiciary

Introduced and referred to committee:

Public:	
House bills	988
House joint resolutions	496
House concurrent resolutions	39
House resolutions	12
Total	1,535

Tabulation of bills and resolutions referred to the Committee on the Judiciary—Con.

Introduced and referred to the committee—Continued	
Private:	
House bills (Claims)	540
House bills (Immigration and Nationality)	3, 014
House joint and concurrent resolutions (Immigration and Nationality)	2
House bills (Patents)	2
Total	3, 558
Passed Senate and referred to committee:	
Public:	
Senate bills	21
Senate joint resolutions	10
Senate concurrent resolutions	0
Total	31
Private:	
Senate bills (Claims)	33
Senate bills (Immigration and Nationality)	151
Senate bills (Patents)	0
Senate joint and concurrent resolutions (Immigration and Nationality)	1
Total	185
Grand total	5, 309

Public bills and resolutions enacted into law; constitutional amendment

Number of law	Title	Number of bill or resolution
	ADMINISTRATIVE PROCEDURES	
89–332	To provide for the right of persons to be represented in matters before Federal agencies.	S. 1758
	ANTITRUST	
89–175	To provide for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States.	H.R. 5280
	BANKRUPTCY	
89–166	To amend pars. b and c of sec. 14 of the Bankruptcy Act	H.R. 5497
	CIVIL RIGHTS	
89–110	To enforce the 15th amendment to the Constitution of the United States, and for other purposes.	S. 1564 H.R. 6400
	COMMISSIONS	
89–187	To establish a tercentenary commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes.	S.J. Res. 53
89–307	To amend the joint resolution entitled "Joint resolution to establish the St. Augustine Quadricentennial Commission, and for other purposes," approved Aug. 10, 1962 (76 Stat. 386), to provide that 8 members of such Commission shall be appointed by the President, to provide that such Commission shall not terminate prior to Dec. 31, 1966, and to authorize appropriations for carrying out the provisions of such joint resolution.	S. 516
	COMPACTS	
89–11	Granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity.	S. 307 H.R. 824
89–312	To give the consent of Congress to the States of Connecticut, Rhode Island, and Vermont to enter into a compact providing for bus taxation proration and reciprocity.	H.R. 10369
	CONSTITUTIONAL AMENDMENT	
	Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.	S.J. Res. 1

Public bills and resolutions enacted into law; constitutional amendment—Continued

Number of law	Title	Number of bill or resolution
	COPYRIGHTS	
89-142	Extending the duration of copyright protection in certain cases	H.J. Res. 431
89-297	To amend title 17, United States Code, with relation to the fees to be charged	H.R. 2853
	COURTS	
89-242	To consolidate the 2 judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto.	S. 1620
89-319	To amend sec. 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton.	H.R. 1781
	CRIME AND CRIMINAL PROCEDURE	
89-64	To amend sec. 35 of title 18 of the United States Code relating to the imparting or conveying of false information.	H.R. 6848
89-68	To make sec. 1952 of title 18, United States Code, applicable to travel in aid of arson.	H.R. 6507
89-141	To amend title 18, United States Code, to provide penalties for the assassination of the President or the Vice President, and for other purposes.	H.R. 6097
89-186	To provide continuing authority for the protection of former Presidents and their wives or widows, and for other purposes.	S. 2420 H.R. 10386
89-196	To authorize funds for the Commission on Law Enforcement and Administration of Justice and the District of Columbia Commission on Crime and Law Enforcement.	S.J. Res. 102
89-197	To provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes.	H.R. 8027
89-218	To authorize Secret Service agents to make arrests without warrant for offenses committed in their presence, and for other purposes.	H.R. 6294
	HOLIDAYS, PROCLAMATIONS, AND COMMEMORATIONS	
89-5	To promote public knowledge of progress and achievement in astronautics and related sciences through the designation of a special day in honor of Dr. Robert Hutchings Godard, the father of modern rockets, missiles, and astronautics.	S. 301
89-103	To authorize the President to issue a proclamation commemorating the 175th anniversary, on Aug. 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass.	S.J.Res. 83
89-124	Authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson.	S.J.Res. 56
89-235	Requests the President to extend through 1966 his proclamation of a period to "See the United States."	S.J.Res. 98
89-294	To authorize the President to proclaim the week beginning Oct. 24 in each year as National Parkinson Week.	H.J.Res. 571
89-335	To provide that the flag of the United States of America may be flown for 24 hours of each day in Lexington, Mass.	H.R. 5493
89-327	To authorize the President to proclaim the month of November as "Water Conservation Month."	H.J.Res. 671
	IMMIGRATION	
89-236	To amend the Immigration and Nationality Act, and for other purposes	H.R. 2580
	INCORPORATIONS	
89-231	To amend the act of Jan. 30, 1913, as amended, to remove certain restrictions on American Hospital of Paris.	H.R. 9877
	JUDICIAL ADMINISTRATION AND PROCEDURE	
89-67	To amend provisions of law relating to the settlement of admiralty claims	H.R. 3996
89-162	To amend sec. 1825 of title 28 of the United States Code to authorize the payment of witness' fees in habeas corpus cases and in proceedings to vacate sentence under sec. 2255 of title 28 for persons who are authorized to proceed in forma pauperis.	H.R. 1763
89-163	To amend sec. 753(b) of title 28, United States Code, to provide for the recording of proceedings in the U.S. district courts by means of electronic sound recording as well as by shorthand or mechanical means.	H.R. 3997
89-165	To amend sec. 1871 of title 28, United States Code, to increase the per diem and subsistence, and limit mileage allowances of grand and petit jurors.	H.R. 3990
89-167	To amend sec. 753(f) of title 28, United States Code, relating to transcripts furnished by court reporters for the district courts.	H.R. 3992
89-215	To extend to 30 days the time for filing petitions for removal of civil actions from State to Federal courts.	H.R. 3989
89-281	To authorize the appointment of crier-law clerks by district judges	H.R. 7707

Public bills and resolutions enacted into law; constitutional amendment—Continued

Number of law	Title	Number of bill or resolution
	PATENTS	
89–83	To fix the fees payable to the Patent Office and for other purposes	H.R. 4185
89–295	Providing for the extension of patent No. D–119,187 (insignia, Massachusetts Department, United American Veterans of the United States).	H.R. 7888
	PRISONS	
89–176	To amend sec. 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States.	H.R. 6964
	PUBLIC LANDS	
89–34	To validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture.	H.R. 6691
89–38	For the relief of the town of Kure Beach, N.C	H.R. 821
89–65	To remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling and paying certain claims arising out of the crash of a U.S. aircraft at Wichita, Kans.	H.R. 3994
89–76	For the relief of the port of Portland, Oreg	H.R. 5184
89–120	For the relief of the State of New Hampshire	S. 579
89–225	To provide for the relief of certain enlisted members of the Air Force	H.R. 5252
	REVISION OF THE LAWS	
89–183	To enact pt. III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia.	H.R. 4465
	MISCELLANEOUS	
89–30	To transfer certain functions of the Secretary of the Treasury, and for other purposes.	H.R. 3995
89–185	To amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.	H.R. 5024
89–259	To render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes.	S. 2273
89–300	To amend title 28 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes.	H.R. 5167
89–318	Providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy.	H.R. 9545

Subcommittee No. 1: General Jurisdiction Over Judiciary Bills as Assigned—Special Jurisdiction Over Immigration and Nationality

During the 1st session of the 89th Congress, Subcommittee No. 1 held 46 meetings. Twelve of these meetings were hearings on H.R. 2580, designed to amend the Immigration and Nationality Act; 18 executive sessions, of which 1 was general, 15 were on legislation to amend the Immigration and Nationality Act, 2 were on private bills, and in addition there were 16 hearings on private bills.

During the course of the hearings on general immigration legislation, testimony was received from Cabinet officers, Government officials, Members of Congress, and representatives of patriotic, religious, nationality, veterans, labor, and other nongovernmental organizations as well as from private citizens.

The principal legislation under consideration during the hearings was H.R. 2580 and 40 identical bills. Additionally, 39 other bills designed to amend the Immigration and Nationality Act or to supplement existing law were the subject of testimony. The hearings have been printed (serial No. 7).

H.R. 2580 was reported by the subcommittee on July 22, was considered by the full committee 3 days, and was reported by the committee on August 3. The bill was debated by the House on August 24 and 25, being approved on the latter date. The bill was debated in the Senate on September 16, 17, 20, and 21, and passed the Senate with amendments on September 22. The amendments were considered in conference on September 29, and the conference report was adopted by the House and by the Senate on September 30.

The major provisions of this legislation are:

1. Abolition of the national origins system.

2. New system of preferential admissions based upon the existence of a close family relationship with U.S. citizens or permanent resident aliens, and upon the advantage to the United States of the special talents and skills of the immigrant.

3. Parents of U.S. citizens (if such citizen is over 21 years of age) will not come under a numerical limitation.

4. Two preference categories for immigrants to be employed in the United States:

(*a*) Third preference—professions or exceptional ability in the sciences or the arts (an immigrant in this category may file his own petition).

(*b*) Sixth preference—skilled or unskilled workers who can fill specific needs in short supply.

5. A limitation of 170,000 (including 10,200 refugees) on the number of immigrants who may be admitted to the United States in any fiscal years other than the defined "special immigrants" and "immediate relatives." No foreign state will be allowed more than 20,000 immigrants in any one fiscal year.

6. A select Commission on Western Hemisphere Immigration was created to study demographic, technological, and economic trends as such pertains to Western Hemisphere nations and the United States as well as the operation of the U.S. immigration laws pertaining to Western Hemisphere nations. On July 1, 1968, a limitation of 120,000 on immigration from the Western Hemisphere, exclusive of immediate relatives, will be established for each fiscal year unless legislation pursuant to the recommendations of the Commission is enacted prior thereto.

7. Elimination of the discriminatory Asia-Pacific triangle provision of the existing law.

8. Exemption from a per country limitation on immigration for newly independent Western Hemisphere countries (Jamaica and Trinidad-Tobago).

9. Elimination of technical restrictions which have existed in the refugee laws and establishment of a definite number to be utilized for refugees.

10. Safeguards to protect the American economy from job competition and from adverse working standards as a consequence of immigrant workers entering the labor market.

11. Discretionary waiver for any person excludable because of mental retardation who is a relative as defined in the law is provided. A discretionary waiver is also made available for a person who is excludable because of a prior attack of insanity.

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H.R. 3993 authorizing the Attorney General to issue certificates of citizenship in the Canal Zone was reported by Subcommittee No. 1 and the full committee ordered it favorably reported to the House on October 12. This legislation was approved by the House on October 18.

An identical bill passed the House in the 87th Congress on July 2, 1962, and again passed the House in the 88th Congress on May 6, 1963, but no action was taken thereon by the Senate in either Congress. Residents of the Canal Zone who are U.S. citizens are required, in order to obtain a certificate of citizenship, to be physically present in the United States before a certificate can be issued. The bill is designed to eliminate this requirement which often results in substantial hardship by amending the existing law so that certificates of citizenship may be issued in the Canal Zone as such are now issued in Puerto Rico, Guam, and the Virgin Islands.

Summary on action of private bills—Immigration and nationality

House bills:	
Private laws	63
Included in a resolution which became private law	22
Deleted from resolution by Senate committee	2
Passed House, indefinitely postponed by Senate committee	2
Recommitted from Senate Calendar	1
Pending in Senate	38
Passed Senate amended (House did not concur)	1
Recommitted from House Calendar	3
Reported by committee—Senate bill substituted in House	1
On House Private Calendar	4
Tabled because companion bills passed	10
Tabled by committee	172
Pending in committee	2,695
Total, House bills	3,014
House joint resolution:	
Private law	1
Total, House joint resolutions	1
House resolution (approved)	1
Total, House resolutions	1
Senate bills:	
Private laws	50
Passed House, amended	3
Tabled	1
Pending	97
Total, Senate bills	151
Senate concurrent resolution (approved)	1
Total, Senate concurrent resolutions	1
Total, bills and resolutions	3,168

SUBCOMMITTEE NO. 2: GENERAL JURISDICTION OVER JUDICIARY BILLS AS ASSIGNED—SPECIAL JURISDICTION OVER CLAIMS

During the 1st session of the 89th Congress, the subcommittee held 37 meetings and conducted hearings on 15 days. These included both public and private measures.

The subcommittee considered a group of bills proposing changes and improvements in judicial procedures and judicial administration. H.R. 1763 provided for the payment of witness' fees in proceedings in forma pauperis for writ of habeas corpus or under section 2255 of title 28 of the United States Code. This bill became Public Law 89–162. H.R. 3990 provided for an increase in per diem, subsistence, and mileage allowances of grand and petit jurors, and was enacted as Public Law 89–165. H.R. 3997 gave legislative sanction to the use of electronic sound recording in connection with the preparation of the record of court proceedings in certain instances. This bill was approved as Public Law 89–163. H.R. 5283 made it possible for a U.S. district judge for the district of Alaska to include service as a judge of the District Court for the district of Alaska to include service as a judge of the District Court for the Territory of Alaska in computing his aggregate judicial service for ıretirement purposes. This was enacted as Public Law 89–70. The increase of fees of U.S. commissioners was the subject of H.R. 7755. This bill was favorably reported to the House and was passed on August 2, 1965. The bill H.R. 1665 providing for special jurisdiction in the Court of Claims over cases referred to it by either House of Congress was favorably reported and passed the House on May 17, 1965.

The subcommittee considered a number of bills having to do with criminal offenses and law enforcement. H.R. 6294, which was enacted as Public Law 89–218, amended section 3056 of title 18 of the United States Code, so as to authorize members of the U.S. Secret Service to make arrests without warrants for Federal offenses committed in their presence or for any felony cognizable under the laws of the United States if they had reasonable grounds for the arrest. H.R. 872 provided for amendments to section 1153 of title 18 of the United States Code to make needed changes concerning the jurisdiction of the United States over certain crimes committee in Indian country. This bill passed the House on August 16, 1965.

In the exercise of its jurisdiction over claims matters, the subcommittee considered a number of bills concerning laws dealing with claims against the United States. H.R. 3996, amending provisions of law referring to the settlement of admiralty claims, passed the House and Senate and became Public Law 89–67. H.R. 5024 amended the law relating to the loss of personal property by military personnel so as to increase the administrative authority for the settlement of such claims from $6,500 to $10,000. This bill was approved as Public Law 89–185. H.R. 5167, granting the Veterans' Administration authority to settle certain tort claims in oversea areas, passed the House and Senate and became Public Law 89–300.

A number of bills were considered by the subcommittee which extended relief to States and their political subdivisions. H.R. 5184, granting relief to the city of Portland, Oreg., was approved as Public Law 89–76. S. 579 reimbursed the State of New Hampshire for a group of judgments arising from National Guard activity and was

approved as Public Law 89–120. H.R. 821 provided for relief for the town of Kure Beach, N.C., and was approved as Public Law 89–38.

The subcommittee favorably considered a number of bills which relieved groups of individuals who were overpaid by the Government under circumstances where it would be inequitable to require repayment. H.R. 5252, which became Public Law 89–225, granted relief to a group of enlisted Air Force members who served on Taiwan. H.R. 6691 provided for relief for members of certain Forest Service firefighter crews. This bill became Public Law 89–34. H.R. 2627 provided for relief of certain classes of civilian employees of naval installations and passed the House on October 5, 1965. H.R. 7446, granting relief to employees at the Norfolk Naval Shipyard, passed the House on October 5, 1965.

The subcommittee was also called upon to consider a number of bills which would permit the administrative or judicial resolution of specific groups of claims. H.R. 3349, waiving a statute of limitations as to certain retired officers' claims, passed the House on May 3, 1965. It passed the Senate in an amended form and remained pending at the end of the session. H.R. 3994 waived applicable limitations to permit the Secretary of the Air Force to settle claims arising out of a crash at Wichita, Kans. This bill became Public Law 89–65.

The subcommittee considered H.R. 9051 and H.R. 9167 and a related group of bills providing for the treatment and rehabilitation of narcotic addicts. These bills were the subject of extended hearings in July and August and remained pending before the subcommittee at the close of the session.

Summary of bills

Bills referred to subcommittee:	
Public, House bills	62
Public, Senate bills	1
Private, House bills	540
Private, Senate bills	33
Bills on which final action was taken by subcommittee:	
Public, House bills favorably reported	20
Public, House bills adversely reported and tabled	1
Public, Senate bills favorably reported	1
Private, House bills favorably reported	144
Private, House bills adversely reported and tabled	25
Private, Senate bills favorably reported	23

The following tabulation indicates the workload of this subcommittee in connection with claims against the Government:

Referred to subcommittee:	
Private, House bills	540
Private, Senate bills	33
Total	573
Public, House bills	62
Public, Senate bills	1
Total	63
Grand total	636

Approved by subcommittee:	
Private, House bills	144
Private, Senate bills	23
Total	167
Public, House bills	20
Public, Senate bills	1
Total	21
Grand total	188
Adversely reported by subcommittee:	
Private, House bills	25
Public, House bills	1
Total	26
Reported to House:	
Private, House bills	138
Private, Senate bills	21
Public, House bills	20
Public, Senate bills	1
Total	180
Passed House:	
Private, House bills	125
Private, Senate bills	21
Total	146
Public, House bills	20
Public, Senate bills	1
Total	21
Grand total	167
Pending in Senate:	
Private, House bills	53
Public, House bills	7
Total	60
Public bills pending at White House	1
Public laws enacted	13
Private bills pending at White House	17
Private laws enacted	61
Private bills vetoed	4
Private claims settled administratively and/or covered by general legislation	5
Private bills rejected under subcommittee rules	32

Subcommittee No. 3: General Jurisdiction Over Judiciary Bills as Assigned—Special Jurisdiction Over Patents, Trademarks, and Copyrights and Over Revision of the Laws

In addition to its special jurisdiction in the area of patent, trademark, and copyright legislation and over revision of laws, this subcommittee processes other legislation as assigned, including legislation involving criminal law, congressional consent to interstate compacts, and Federal administrative procedure. During the 1st session of the 89th Congress a total of 81 bills were referred to Subcommittee No. 3.

A table showing the disposition and status of these measures appears below. Highlights of the subcommittee's activities, dealing first with general legislation, are as follows:

GENERAL LEGISLATION

Criminal law

The subcommittee processed five measures proposed by the Department of Justice, all of which involve the criminal law and each of which was enacted. Perhaps the most far-reaching of these measures is H.R. 8027, the Law Enforcement Assistance Act of 1965, presaged by the President's message on crime, which authorizes the Attorney General to make grants furthering the training of State and local law enforcement personnel and furthering projects to improve State and local law enforcement agencies. Also significant among these measures is H.R. 6964 which facilitates the rehabilitation of Federal prisoners by authorizing wider use of residential community treatment centers, work release techniques, and the like. After hearings, the subcommittee recommended enactment of these measures. H.R. 6964 became Public Law 89–176 on September 10 and H.R. 8027 became Public Law 89–197 on September 22.

The subcommittee also recommended enactment of H.R. 6848 which reduces preexisting penalties against practical jokers who falsely report the presence of bombs aboard common carriers, but without evil purpose, and H.R. 6507 which penalizes interstate travel in aid of arson. The first of these measures became Public Law 89–64 and the second, Public Law 89–68; both were approved on July 7, 1965. A fifth Justice Department proposal enacted pursuant to recommendation of the subcommittee was Senate Joint Resolution 102 which authorized the appropriation of $1½ million for the expenses of two Presidential Commissions, i.e., the Commission on Law Enforcement and Administration and the District of Columbia Commission on Crime and Law Enforcement. This resolution was approved on September 21, 1965, and became Public Law 89–196.

A sixth criminal law measure processed by the subcommittee was H.R. 9867, proposed by the Department of Commerce, to prohibit commercial use of the interstate route marker. This bill passed the House on September 9 and was pending in the Senate when the session ended.

Interstate compacts

During the session, two measures granting the consent of Congress to interstate compacts, pursuant to the requirement of article I, section 10, of the Constitution of the United States, were recommended for enactment by the subcommittee and became law. The first of these, S. 307, grants the consent of Congress to the action of specified States and the District of Columbia in entering into (1) a compact relating to State taxation of motor fuels consumed by interstate buses, and (2) an agreement relating to bus taxation proration and reciprocity. It was approved on April 14, 1965, as Public Law 89–11. The second, H.R. 10369, which became Public Law 89–312, extended the consent of Congress to the action of three additional States in entering into the bus taxation proration and reciprocity agreement involved in Public Law 89–11.

Federal administrative procedure

The first session also saw enactment of a significant piece of legislation in the Federal administrative procedure area in S. 1758 which, as amended by the committee, became Public Law 89–332.

This measure provides for the right of persons to be represented in matters before Federal agencies by attorneys of their choice (and in matters before the Internal Revenue Service by certified public accountants of their choice). As amended on recommendation of the committee, the measure does not affect practice before the Patent Office in patent matters, which continues to be covered by existing law authorizing the Commissioner to prescribe regulations governing representation.

Miscellaneous

The subcommittee also processed H.R. 3995, a bill to transfer certain functions of the Treasury Department which are no longer deemed appropriate for that Department, involving the handling and disposition of property acquired in the collection of debts due the United States and certain wrecked, abandoned, or derelict property, as well as procedures applicable to attachment of Federal property and sale on execution of prospects of debtors of the United States. This measure became Public Law 89–30 on June 2, 1965.

On July 28 and August 2, 1965, the subcommittee held a hearing on H.R. 290 and S. 693, and related bills to amend the Foreign Agents Registration Act of 1938, as amended.

PATENTS, TRADEMARKS, AND COPYRIGHTS

Patents

The 1st session of the 89th Congress saw fruition of legislative efforts made in each of the five preceding Congresses, to enact general increases in the fees payable to the Patent Office. These fees had not been increased or otherwise revised since 1932. The subcommittee processed H.R. 4185, the Patent Office fee bill which, as amended by the Senate, became Public Law 89–83 on July 24, 1965. The new fee schedule is expected to increase the Patent Office revenues from fees to about 75 percent of its expenses.

Also, the subcommittee recommended enactment of H.R. 7888 to renew and extend the design patent of the insignia of the Massachusetts Department of the United American Veterans. The measure became Public Law 89–295.

Copyrights

As in past years, liaison was maintained throughout the session with the Office of the Register of Copyrights. In this connection, the committee published as committee prints parts 4, 5, and 6 of the Register's "Copyright Law Revision" series.

More significantly, the subcommittee held comprehensive hearings on H.R. 4347 and companion measures for the general revision of the copyright law. Twenty-two hearing days were consumed in taking the testimony of more than 150 witnesses. It is hoped that the subcommittee will be in the position to recommend a revision bill for enactment early in the second session.

Incidental to the revision project was the enactment of two measures affecting copyrights. The first of these, House Joint Resolution 431

extends until December 31, 1967, the renewal term of any copyright subsisting on the date of approval of the resolution, where such term would otherwise expire prior to December 31, 1967. This marks a second general interim suspension of copyright expirations, pending the perfection and enactment of a general revision. It reflects a general consensus that the term of copyright should be substantially increased. This joint resolution became Public Law 89–142 on August 28, 1965.

Finally, the subcommittee recommended enactment of H.R. 2853 to increase the fees payable to the Copyright Office and thus to produce a more appropriate ratio between the receipts and expenditures of that agency. The measure, which is expected to produce revenues aggregating about 80 percent of Copyright Office expense, became Public Law 89–297.

REVISION OF THE LAWS

New edition of United States Code

Subcommittee No. 3 completed its work on the preparation of the new edition of the United States Code. The new edition contains all the general and permanent laws of the United States in force on January 3, 1965. Preparation of the copy involved a total of more than 22,000 sheets and more than 110,000 cards. Nearly 17,000 galley proofs were read and revised. The new edition consisted of 14 volumes totaling nearly 13,500 pages.

The preparation of a new edition of the United States Code every 6 years is one of the primary functions of Subcommittee No. 3.

Supplement I to the United States Code

All the general and permanent laws approved to date by the President have been reviewed for classification to the first supplement of the 1964 edition of the United States Code. It is expected that by the second week in November all the laws will have been approved and it is estimated that there will be approximately a total of 350 such public laws for the 1st session of the 89th Congress. The shipment of printer's copy to the Government Printing Office will commence on November 8, and it is hoped that all proofs will be read, revised, and returned to the Government Printing Office during the month of December.

Preparation of the supplements to the United States Code is also one of the primary functions of Subcommittee No. 3.

Supplement V to the District of Columbia Code

Another of the primary functions of Subcommittee No. 3 is the preparation of cumulative supplements to the District of Columbia Code Annotated. The laws of the 1st session of the 89th Congress relating to and in force in the District of Columbia will be incorporated in a cumulative supplement—No. V—to the 1961 edition. All the laws enacted in the first session have been classified to appropriate titles of the code, and their effect on earlier laws has been indicated. The notes to decisions of the courts relating to the 49 titles of the District of Columbia Code have been prepared up to September 1965 and will be included in the supplement when it is published.

Enactment of titles into law

The program of enacting titles of the codes with a view of ultimately changing the present status of the United States Code and the District of Columbia Code as prima facie evidence of the law, continued during the 89th Congress.

A bill, H.R. 4465, was prepared under the supervision of the committee's law revision counsel and was introduced early in the session to enact titles 18, 19, 20, and 21 of the District of Columbia Code relating to "Decedents' Estates and Fiduciary Relations." A similar bill had passed the House during the 2d session of the 88th Congress but was not reported in the other body. At this session the bill passed both Houses and was approved by the President and became Public Law 89–183. With the enactment of these 4 titles, 12 of the 49 titles comprising the District of Columbia Code have been enacted as law.

A bill, H.R. 10104, to enact title 5 of the United States Code, "Government Organization and Employees," was similarly drafted and reported by this committee and has passed the House. It is now pending in committee in the other body.

Another bill, H.R. 9778, to bring up to date titles 10 and 37—which had previously been enacted as law—was also reported favorably and passed the House and is now pending in committee in the other body.

The law revision staff is now also engaged in the preparation of a bill to enact title 11 of the United States Code—"Bankruptcy." It is hoped that within the next year bills to enact one or two additional titles will also be drafted and introduced.

Summary of bills referred and disposition (end of 1st sess., 89th Cong.)

Bills referred to subcommittee	81
Bills on which hearings were held	10
Bills reported favorably to full committee	17
Bills reported adversely to full committee	17
Bills pending in subcommittee	47
Bills reported to House	17
Bills passed House	17
Bills pending in House	0
Bills pending in Senate	3
Bills which became laws	14

NOTE 1.—The above count includes 3 bills referred to the law revision counsel (2 pending in Senate and 1 public law).

NOTE 2.—Although H.R. 824 passed the House and was set aside in favor of S. 307 (which was never referred to subcommittee) the count above was handled as though they were 1 bill.

SUBCOMMITTEE NO. 4: GENERAL JURISDICTION OVER JUDICIARY BILLS AS ASSIGNED—SPECIAL JURISDICTION OVER BANKRUPTCY AND REORGANIZATION

In addition to its special jurisdiction in the area of bankruptcy and reorganization, the subcommittee processes other legislation as assigned, including legislation involving criminal law, Federal incorporation of private organizations, and holidays and commemorations. During the 1st session of the 89th Congress a total of 302 bills was referred to Subcommittee No. 4. A summary of the principal subcommittee activities, dealing first with general legislation, is as follows:

GENERAL LEGISLATION

A measure of manifest national significance and affecting the criminal law was processed by the subcommittee and became law. After hearings, the subcommittee favorably reported H.R. 6097, a bill which provides penalties for the assassination of the President or the Vice President of the United States. By making certain acts endangering the life and safety of the President and Vice President of the United States or their immediate successors, Federal crimes, the bill would authorize Federal investigative and prosecutive jurisdiction and thereby facilitate apprehension of the lawbreakers. Upon approval, the bill became Public Law 89–141.

The subcommittee also voted approval to H.R. 9545, a bill that provides for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy. This legislation carries forward a recommendation made by the President's Commission on the Assassination of President Kennedy. This measure became Public Law 89–318.

The subcommittee had referred to it a large number of bills relating to holidays and commemorations. Seven of these were enacted into law. Among these were Senate Joint Resolution 56 commemorating the birth of James Smithson, the founder of the Smithsonian Institution; and Senate Joint Resolution 53 establishing a tercentenary commission to honor the advent of Father Marquette in North America.

Several bills designed to confer Federal charters to private organizations were referred to the subcommittee. One such measure favorably acted upon by the subcommittee was H.R. 9877. This bill amends the charter of the American Hospital of Paris and removes certain limitations on the hospital's power to own property. Upon approval, the bill became Public Law 89–231.

In addition, the subcommittee processed and referred to the General Accounting Office for its review the annual audit reports to the Congress of approximately 32 federally chartered private organizations.

BANKRUPTCY AND REORGANIZATION

In the exercise of its special jurisdiction over bankruptcy and reorganization, the subcommittee considered several measures. Three of these bills passed the House, one of which, H.R. 5497, became Public Law 89–166.

H.R. 5497 permits two notices in bankruptcy proceedings mailed by the court to be combined so as to authorize one mailing instead of two, thereby effecting an economy in the administration of bankruptcy cases. It is anticipated that this measure should result in savings to the United States estimated at between $150,000 and $200,000 a year.

Two bankruptcy bills, H.R. 136 and H.R. 3438, passed the House but were not approved by the Senate at the end of the first session. Both of these bills were reported favorably by the Senate Committee on the Judiciary; however, they were rereferred to the Senate Finance Committee. Under instructions to report these measures back to the Senate within 30 days, the Senate Finance Committee held public hearings on these bills on August 5, 1965. The chairman of the Senate Finance Committee has requested, and obtained, an extension of time

until February 1, 1966, to report back to the Senate on both of these measures.

H.R. 136 is a complex piece of legislation directed at clarifying the status of liens in bankruptcy and clearly defining the powers of the trustee. A predecessor bill, H.R. 7242, passed both Houses in the 86th Congress but was not approved by the President.

H.R. 3438 would place a 3-year limitation on the priority and non-dischargeability of taxes. It is identical to legislation which passed the House in previous Congresses.

A statistical summary of the work of the subcommittee during the 1st session of the 89th Congress follows:

Summary of bills referred and disposition

Bills referred to Subcommittee No. 4	309
Bills on which hearings were held	51
Bills reported favorably to full committee	12
Committee discharged	6
Bills reported adversely to full committee	69
Bills pending in subcommittee	219
Bills reported to House	14
Bills passed House (includes 6 discharged)	20
Bills pending in Senate	3
Senate bills disposed of	6
Bills which became public law	12

Subcommittee No. 5: General Jurisdiction Over Judiciary Bills as Assigned—Special Jurisdiction Over Antitrust Matters

This subcommittee, in the course of the 1st session of the 89th Congress, dealt with legislation of deep national impact. Among the proposals which were the subjects of its intensive deliberation were:

(*a*) Voting rights;
(*b*) Apportionment of State legislatures;
(*c*) Congressional redistricting;
(*d*) Balance of payments;
(*e*) Omnibus judgeship;
(*f*) Increasing the terms of Members of the House to 4 years;
(*g*) A number of bills dealing with court reform and judicial procedure.

Enacted into law were the Voting Rights Act of 1965 (Public Law 89–110), after hearings which ran for 13 sessions and deliberation by the subcommittee for a period of 4 days, plus 11 days of deliberation by the full committee.

Attached hereto is a summary of the major provisions of the Voting Rights Act of 1965:

This act would suspend State literacy tests and other devices in certain areas where they have been used to deny Negroes the right to vote. The act provides for the appointment of Federal "examiners" by the Civil Service Commission upon a certification of their need by the Attorney General. The act would "automatically" suspend such tests and devices in those States or political subdivisions which (1) maintained such tests on November 1, 1964, and (2) had less than 50 percent of voting-age population registered or voting in the presidential election of 1964 (sec. 4).

The appointment of examiners would not be automatic. However, in those areas where the act suspends literacy tests, upon certification by the Attorney General of their need, such examiners would be appointed. Federal registration envisioned under this act would apply State law, except insofar as it was suspended (secs. 7(b) and 9(b)) and would include enrollment of persons eligible to vote in State, local, and Federal elections (sec. 6). The act eliminates any requirement that an applicant for registration by a Federal examiner must first have applied to State election officials.

Any State or political subdivision with respect to which determinations have been made as a separate unit causing the suspension of their literacy tests under the act, can remove itself from the provisions of the bill by obtaining a declaratory judgment in a three-judge court in the District of Columbia that no such test or device had been used during the preceding 5 years for the purpose of denying the right to vote because of race or color (sec. 4(a)), but no such declaratory judgment shall issue within 5 years after a final judgment that violations of the 15th amendment have occurred.

In order to avoid future State or local circumvention of its policy, the act provides that no State or political subdivision in which tests are suspended, may enforce any voting practice or standard different from that in effect on November 1, 1964, unless and until a three-judge court in the District of Columbia determines that such change will not violate the 15th amendment; provided, that, if within 60 days after notifying the Attorney General of such change, he fails to object, such new voting standard can be enforced.

The act contains congressional findings that poll taxes violate the 14th and 15th amendments to the Constitution. It directs the Attorney General to institute actions to invalidate the poll tax in any State of political subdivision where it exists today (e.g., Alabama, Mississippi, Texas, and Virginia) (sec. 10).

The act also provides that in any action instituted by the Attorney General to enforce the guarantees of the 15th amendment, the court may authorize the appointment of Federal examiners as provided for in this act, pending, or after final determination of the suit (sec. 3). In any such case where the court does find that violations of the 15th amendment have occurred, the act authorizes the court (1) to suspend tests or devices that have been used to deny the right to vote, and (2) to determine the validity of any voting standard or practice different from that which was in force and effect when the suit was instituted.

Under the act (sec. 13), the appointment of Federal examiners can be terminated, either by authorizing the court in section 3 cases, or by the Attorney General, or by the District Court for the District of Columbia in certain circumstances. The act provides that a political subdivision may petition the Attorney General for such termination.

Section 4(e) of the act allows a prospective voter to qualify with respect to literacy, without taking a literacy test, by demonstrating that he has completed the sixth grade, or whatever grade the State requires, in a school under the American flag conducted in a language other than English.

In addition, the act provides:

1. A challenge and review of any Federal examiner's decision, to a hearing officer appointed by the Civil Service Commission, and then in the circuit court of appeals (sec. 9).

2. Civil Service Commission authority to appoint observers, at the request of the Attorney General, to observe elections in any political subdivision in which a Federal examiner has been appointed (sec. 8).

3. Criminal penalties for intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding any person to vote or to attempt to vote. In addition, criminal penalties are provided for interfering with the operating of the act (secs. 11 and 12.)

4. Federal district court authority to enjoin election results in any subdivision where Federal examiners have been appointed, whenever the court determines that persons eligible to vote were not permitted to vote. The court is authorized to provide for the casting and counting of such ballots before the results of any such election may be given final force and effect (sec. 12(e)).

5. Definition of the term "vote" to include any action necessary to vote in a primary, special, general election for candidates for public or party office, and propositions submitted to the electorate (sec. 14(c)(1)).

6. Definition of the term "political subdivision" to mean any county or parish, except that where registration is not under county supervision, it also includes any other subdivision which conducts registration (sec. 14(c)(2)).

7. Finally, the act also would make title I of the 1964 Civil Rights Act apply to all elections, by repealing any limiting reference therein to "Federal elections" (sec. 15).

Other measures which became public law were:

(*a*) H.R. 3989 (Public Law 89–215), a bill which extended to 30 days the time for filing petitions for removal of civil actions from State to Federal courts.

(*b*) H.R. 7707 (Public Law 89–281), a bill which authorized the appointment of crier-law clerks by district judges.

(*c*) H.R. 3992 (Public Law 89–167), which permits Federal court reporters to charge either party for trial transcripts and provides for payment by the United States for copies of transcripts in forma pauperis proceedings.

(*d*) S. 1620 (Public Law 89–242), to consolidate the two judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto.

(*e*) H.R. 1781 (Public Law 89–319), which provides that the Federal District Court for the Eastern District of North Carolina shall be held at Clinton.

Bills which passed the House and are now pending before the Senate Committee on the Judiciary for action are:

(*a*) H.R. 2653, to provide that the U.S. District Court for the District of Connecticut shall also be held at New London, Conn.

(*b*) H.R. 3998, a bill to increase the fees of jury commissioners in the U.S. district courts.

(*c*) H.R. 3999, which provides the same life tenure and retirement rights for judges hereafter appointed to the U.S. District Court for the District of Puerto Rico as the judges of all other U.S. district courts now have.

(*d*) H.R. 8317, relating to the U.S. District Court for the Eastern and Western Districts of Oklahoma.

In the 89th Congress the hearings on reapportionment of State legislatures were continued. Five days of hearings were held on these proposals, during which 31 witnesses were heard. The hearings were not concluded and are still subject to the call of the Chair.

On the proposal that the Constitution be amended to permit 4-year terms to Members of the House of Representatives, 4 days of hearings were held, during which 15 witnesses testified and 53 statements were submitted for inclusion in the record of the hearings.

On the omnibus judgeship bill, hearings were likewise begun and 8 days of public hearings were held, with 18 witnesses testifying. These hearings were not concluded and, likewise, are subject to the call of the Chair.

Thus, this subcommittee dealt with two proposed constitutional amendments, in addition to participating in the hearings held by the full committee on the constitutional amendment relating to Presidential inability. This last constitutional proposal was enacted by both Houses of Congress and is now awaiting ratification by State legislatures.

Summary of bills referred and dispositions

Bills referred to Subcommittee No. 5	339
Bills on which hearings were held	270
Bills reported favorably to full committee	13
Bills reported adversely to full committee	126
Bills pending in subcommittee	200
Bills reported to House	12
Bills passed House	11
Bills pending in Senate	4
Senate bills disposed of	2
Bills which became public law	6

Antitrust Subcommittee

LEGISLATIVE

During the first session, 21 legislative proposals affecting the antitrust laws were referred to the Antitrust Subcommittee.

Three days of public hearings were held on H.R. 5280, a bill to provide for exemptions from the antitrust laws to assist in safeguarding the balance of payments position of the United States. The bill was reported favorably to the Judiciary Committee, House Report No. 385; and on September 9, 1965, became Public Law 89–175.

Public Law 89–175 establishes procedures for the formulation, organization, and operation of voluntary agreements or programs, among investment bankers and companies, securities brokers and dealers, insurance companies, finance companies, pension funds, charitable trusts and foundations, and educational institutions, to provide for joint action determined to be needed to safeguard the balance of payments position of the United States. Participants in authorized voluntary agreements or programs, when carried out in compliance with the procedures established by Public Law 89–175, have a limited immunity from the antitrust laws and the Federal Trade Commission Act.

Summary of bills referred and disposition

Bills referred to Antitrust Subcommittee	21
Bills on which hearings were held	1
Bills reported favorably to full committee	1
Bills reported adversely to full committee	1
Bills pending in subcommittee	20
Bills reported to House	1
Bills passed House	1
Bills pending in House	0
Bills pending in Senate	0
Bills which became public law	1

INVESTIGATIVE

On March 12, 1965, the Antitrust Subcommittee published a staff report, entitled "Interlocks in Corporate Management." This staff report resulted from an investigation that had been conducted by the subcommittee staff during the 88th Congress.

In its report, the staff analyzed the body of Federal legislation that has been enacted to deal with the antitrust problems involved in interlocking relationships between corporate managements, including analysis of the statutory provisions applicable to the various regulatory agencies, as well as analysis of Clayton Act sections 8 and 10. In addition, the judicial cases and administrative proceedings that have arisen under these various statutes were discussed, and the various congressional, administrative, and private investigations into interlocking directorate problems were reported.

The frequency and structure of current interlocks was set forth in an analysis of the relationships among a 74-company sample. On the basis of this sample, the staff reported that the high frequency of management links that generated passage of the Clayton Act in 1914, and which was found to exist in the numerous investigations and studies that had been conducted since 1914, has persisted with no perceptible lessening through 1962. Although the frequency and structure of interconnected managements are documented in the report, the staff found that there presently is a dearth of objective, factual information on the social and economic effects, as embodied in actual business transactions, of decisions made by linked corporate managements. In the absence of evidence bearing upon such behavioral characteristics, as a framework for further investigations, the staff recommended the introduction of a model bill that would eliminate, from an analytical standpoint, known defects in existing law. This bill, H.R. 11572, was introduced by Mr. Celler on October 13, 1965.

On April 8, 1965, Emanuel Celler announced to the antitrust section of the American Bar Association that a major activity of the Antitrust Subcommittee during the 89th Congress would be a study of antitrust and monopoly problems that are developing in the field of foreign commerce. The objective of such a study would be to assure that U.S. foreign commerce continues to grow without artificial restraints and, at the same time, to assure that cartel restraints that have been repudiated and outlawed in the past do not regain a hold in vital U.S. foreign trade arrangements.

One phase of the Antitrust Subcommittee's foreign commerce study is concerned with joint ventures in foreign trade entered into by American business interests. The subcommittee's study involves the delineation of factors that motivate the formation, analysis of the organization and operation, and the assessment of the economic impact of this form of business organization on U.S. trade and commerce. For the purposes of its study, a joint venture is defined as any business enterprise that unites two or more independent organizations or interests in a common business endeavor. The definition excludes wholly owned subsidiaries and subsidiaries in which outside interests own only such shares as may be required to qualify for doing business.

As a framework for this study, the Antitrust Subcommittee identified specific joint ventures that had been entered into by companies in the 21-company sample selected for study. Detailed information and file materials with respect to these specified joint ventures have been requested. It is anticipated that hearings in this study will be conducted during the second session.

Report of the Work of the Special Subcommittee on State Taxation of Interstate Commerce

During this session the subcommittee completed and filed volumes 3 and 4 of its report on State taxation of interstate commerce. Volume 3 contains a description of the sales and use, capital stock, and gross receipts tax systems and how they operate. Volume 4 contains the recommendations of the subcommittee as approved by the full committee.

The filing of these reports represents the completion of the study provided for under Public Law 86–272. A bill embodying the recommendations of the committee was drafted and has been introduced by the chairman of the subcommittee, Congressman Edwin E. Willis (Democrat, Louisiana). The bill is H.R. 11798. Identical bills were also introduced by the chairman of the full committee, Mr. Celler, and by the ranking minority member, Mr. McCulloch, as well as by a number of other members.

It is contemplated that hearings on this legislation will be held early in the next session.

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