DOCUMENTS
Y
4
J89/1
Ac8
973-74
GOVERNMENT
Storage
DC5
DOCUMENTS
MAR 10 1975
THE LIBRARY
KANSAS STATE UNIVERSITY

HOUSE COMMITTEE PRINT

SUMMARY OF ACTIVITIES

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

A11400 660172

DECEMBER 1974

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
44-791 WASHINGTON : 1975

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

KANSAS STATE UNIVERSITY
LIBRARIES
1 100 KEDZIE HALL
MANHATTAN, KS 66506-1100

KF
27
.J8413
1974
.J6
1973/74

COMMITTEE ON THE JUDICIARY

PETER W. RODINO, JR., New Jersey, *Chairman*

HAROLD D. DONOHUE, Massachusetts
JACK BROOKS, Texas
ROBERT W. KASTENMEIER, Wisconsin
DON EDWARDS, California
WILLIAM L. HUNGATE, Missouri
JOHN CONYERS, JR., Michigan
JOSHUA EILBERG, Pennsylvania
JEROME R. WALDIE, California
WALTER FLOWERS, Alabama
JAMES R. MANN, South Carolina
PAUL S. SARBANES, Maryland
JOHN F. SEIBERLING, Ohio
GEORGE E. DANIELSON, California
ROBERT F. DRINAN, Massachusetts
CHARLES B. RANGEL, New York
BARBARA JORDAN, Texas
RAY THORNTON, Arkansas
ELIZABETH HOLTZMAN, New York
WAYNE OWENS, Utah
EDWARD MEZVINSKY, Iowa

EDWARD HUTCHINSON, Michigan
ROBERT McCLORY, Illinois
HENRY P. SMITH III, New York
CHARLES W. SANDMAN, JR., New Jersey
TOM RAILSBACK, Illinois
CHARLES E. WIGGINS, California
DAVID W. DENNIS, Indiana
HAMILTON FISH, JR., New York
WILEY MAYNE, Iowa
LAWRENCE J. HOGAN, Maryland
M. CALDWELL BUTLER, Virginia
WILLIAM S. COHEN, Maine
TRENT LOTT, Mississippi
HAROLD V. FROEHLICH, Wisconsin
CARLOS J. MOORHEAD, California
JOSEPH J. MARAZITI, New Jersey
PAUL N. McCLOSKEY, JR., California

JEROME M. ZEIFMAN, *General Counsel*
GARNER J. CLINE, *Associate General Counsel*
HERBERT FUCHS, *Counsel*
WILLIAM P. SHATTUCK, *Counsel*
H. CHRISTOPHER NOLDE, *Counsel*
ALAN A. PARKER, *Counsel*
JAMES F. FALCO, *Counsel*
MAURICE A. BARBOZA, *Counsel*
ROBERT J. TRAINOR, *Counsel*
ARTHUR P. ENDRES, Jr., *Counsel*
DANIEL L. COHEN, *Counsel*
WILLIAM P. DIXON, *Counsel*
JARED B. STAMELL, *Counsel*
FRANKLIN G. POLK, *Counsel*
THOMAS E. MOONEY, *Counsel*
MICHAEL W. BLOMMER, *Counsel*
ALEXANDER B. COOK, *Counsel*
CONSTANTINE J. GEKAS, *Counsel*
ALAN F. COFFEY, Jr., *Counsel*
KENNETH N. KLEE, *Counsel*

Contents

	Page
Tabulation of bills and resolutions referred to the Committee on the Judiciary	1
List of hearings	3
List of special reports and documents	7
Summary of full committee activities	9
Summary of activities of subcommittees of the Committee on the Judiciary	11
Subcommittee on Immigration, Citizenship, and International Law—	
Summary of bills referred to the subcommittee	11
I. Public legislation	12
II. General oversight hearings	14
III. Special legislative jurisdiction	16
Subcommittee on Claims and Governmental Relations—	
Summary of bills referred to the subcommittee	19
Immunity of States	20
Legislation concerning fraudulent checks	20
Public claims bills	20
Miller Act claims	20
Enforcement of support orders	20
State conducted lotteries	20
State and local governmental subdivisions	21
Protective services provided by the Secret Service	21
A working capital fund in the Department of Justice	21
The American Revolution Bicentennial Administration	21
Subcommittee on Courts, Civil Liberties, and the Administration of Justice—	
Summary of bills referred to the subcommittee	23
Corrections	23
Newsmen's privilege	24
Courts	25
Patents, trademarks, and copyrights	25
Subpena power of Watergate Committee	26
Wiretapping	26
Amnesty	27
Interstate compact	27
Subcommittee on Civil Rights and Constitutional Rights—	
Summary of bills referred to the subcommittee	29
General legislation	29
General oversight of the Department of Justice	35
Oversight of the Federal Bureau of Investigation	37
Civil Rights oversight	37
Additional activities	42
Miscellaneous	43
Subcommittee on Monopolies and Commercial Law—	
Summary of bills referred to the subcommittee	45
U.S. courts	45
Pocket veto	46
U.S. Constitution	46
Law Enforcement Assistance Administration	46
Antitrust jurisdiction	47
Antitrust oversight	57

Summary of activities of subcommittees, etc.—Continued Page

Subcommittee on Crime—

Summary of bills referred to the subcommittee 63
Speedy Trial Act of 1974 63
Judicial review of decisions of the Interstate Commerce Commission 64
Black powder 64
Community Anticrime Assistance Act 65
Amendments to the Federal kidnaping statute 65
Recommendations of the Select Committee on Crime 66
Bureaucratic Accountability Act 66
Overview of the Law Enforcement Assistance Administration 67

Subcommittee on Criminal Justice—

Summary of bills referred to the subcommittee 69
Federal rules of evidence 69
Legislation concerning Watergate-related activities 70
Resolutions of inquiry 71
Watergate Grand Jury 71
Special prosecutor legislation 71
Reform of the Federal Criminal Code 72
Federal rules of criminal procedure 72
Publications of the subcommittee 72

Tabulation of Bills and Resolutions Referred to the Committee on the Judiciary

Introduced and referred to committee:	
Public:	
House bills	1,638
House joint resolutions	768
House concurrent resolutions	73
House resolutions	102
Total	2,581
Private:	
House bills (Claims)	438
House resolutions (Claims)	14
House concurrent resolutions (Claims)	2
House bills (Immigration and Nationality)	546
House resolutions (Immigration and Nationality)	1
House joint resolutions (Immigration and Nationality)	1
House bills (Patents)	11
Total	1,013
Passed Senate and Referred to committee:	
Public:	
Senate bills	22
Senate joint resolutions	43
Senate concurrent resolutions	3
Total	68
Private:	
Senate bills (Claims)	17
Senate bills (Immigration and Nationality)	54
Senate joint resolutions (Immigration and Nationality)	2
Senate concurrent resolutions (Immigration and Nationality)	2
Senate bills (Patents)	1
Total	76
Grand total	3,738
Public bills and resolutions enacted into law	58
Private bills and resolutions enacted into law	114
Public bills and resolutions pending in the Senate	15
Private bills and resolutions pending in the Senate	25
Constitutional amendments passed by Congress	0
Public bills referred to subcommittees	2,476
Private bills referred to subcommittees	1,089
Public bills on which hearings were held	422

List of Hearings

SERIAL NO.	TITLE
1	Illegal Aliens. March 7 and 8, 1973.
2	Rules of Evidence. February 7, 8, 22, 28; March 9, 15, 1973. (S. 583, H.R. 4958, and H.R. 5463). Also supplement.
3	Grand Jury Venue—Northern District of Texas. (H. Res. 220, H. Res. 281, and similar resolutions of inquiry).
4	Law Enforcement Assistance Administration, March 15, 20, 22, 26, 28, 29, 30; April 4, 5, 1973.
5	Newsmen's Privilege. February 5, 7, 8, 26; March 1, 5, 7, 12, 14, 20, 1973. (H.R. 717 and related measures).
6	American Revolution Bicentennial Administration, March 14, 15, 1973.
7	Budgetary Cutbacks in Community Relations Service. March 22; April 11, 12, 1973.
8	Western Hemisphere Immigration. March 28, 29; April 12; June 6, 7, 13, 14, 1973. (H.R. 981).
9	Administrative Settlement of Military Claims. May 3, 1973. (H.R. 5843).
10	Immunity of Foreign States. June 7, 1973. (H.R. 3493).
11	Federal Prisoners Furlough. July 19, 1973. (H.R. 7352 and related measures).
12	Patent Office Bills. July 20, 1973. (H.R. 7599, H.R. 8981, and H.R. 9199).
13	Victims of Crime, August 1, 1973. (H.R. 8777 and S. 300).
14	Public Safety Officers' Benefits Act—Law Enforcement Officers' Bill of Rights. July 25, 26, 1973. (H.R. 12, S, 15, H.R. 163, H.R. 4598 and H.R. 6449).
15	Food Price Investigation June 27, 28; July 11, 12, 16, 17, and 19, 1973.
16	Nomination of Gerald R. Ford to be the Vice President of the United States. November 15, 16, 19, 20, 21, and 26, 1973.
17	Equal Employment Opportunities in Current Drug Enforcement Agencies. May 2, 10, 1973. (Civil Rights Oversight Subcommittee).
18	Special Prosecutor and Watergate Grand Jury. October 29, 31; November 1, 5, 7, 8, 1973. (H.J. Res. 784, Appointment of a Special Prosecutor; H.R. 10937, Extend the Life of the June 5, 1972, Grand Jury).
19	Pocket Veto Bill. September 12, 1973. (H.R. 7386).
20	Consent Decree Bills. September 20, 26, 27; October 3, 1973. (H.R. 9203, H.R. 9947, and S. 782).
21	Budgetary Cuts in the Community Relations Service (Part 2). October 10, 1973.
22	Review of the Administration of the Immigration and Nationality Act. July 26; September 13, 18, 20, 1973.
23	Community Anticrime Assistance Act of 1973. September 13, 20; October 10, 1973. (H.R. 9175, H.R. 9809, and H.R. 10602).
24	Corrections. January 24, 1974.
25	Parole Reorganization Act. June 21 and 28, 1973. (H.R. 1598 and identical bills).
26	Behavior Modification Programs—Federal Bureau of Prisons. February 27, 1974.
27	Three-judge Court and Six-person Civil Jury. October 10, 1973; January 23, 1974. (S. 271 and H.R. 8285).

SERIAL NO.	TITLE
28	Title VI Enforcement in Medicare and Medicaid Programs. September 12, 17, 24; October 1, 1973.
29	Ex-offenders Voting Rights. January 30, 1974. (H.R. 9020).
30	Pre-trial Diversion. February 6 and 7, 1974. (H.R. 9007 and S. 798).
31	Outer Continental Shelf Oil and Gas. January 23, 30; February 7; March 6 and 14, 1974.
32	Equal Opportunities for Spanish-speaking People. July 11 and 19, 1973.
33	Federal Tort Claims Amendments. March 27 and April 3, 1974. (H.R. 10439).
34	Hearings pursuant to H. Res. 803, a Resolution Authorizing and Directing the Committee on the Judiciary to Investigate Whether Sufficient Grounds Exist for the House of Representatives to Exercise Its Constitutional Power to Impeach Richard M. Nixon, President of the United States.
	Transcripts:
	1 Transcripts of Eight Recorded Presidential Conversations.
	2 Comparison of White House and Judiciary Committee Transcripts of Eight Recorded Presidential Conversations.
	Testimony of Witnesses:
	1 Alexander Butterfield, Paul O'Brien, and Fred C. LaRue. July 2, 3, and 8, 1974.
	2 William O. Bittman, John N. Mitchell, and John W. Dean III. July 9, 10, and 11, 1974.
	3 Henry Petersen, Charles Colson, and Herbert Kalmbach, July 12, 15, 16, and 17, 1974.
	Statement of Information:
	1 Events Prior to the Watergate Break-in. December 2, 1971-June 17, 1972.
	2 Events Following the Watergate Break-in. June 17, 1972-February 9, 1973.
	3 Events Following the Watergate Break-in. June 20, 1972-March 22, 1973. (Two volumes).
	4 Events Following the Watergate Break-in. March 22, 1973-April 30, 1973. (Three volumes).
	5 Department of Justice/ITT Litigation. Richard Kleindienst Nomination Hearings. (Two volumes).
	6 Political Contributions by Milk Producers Cooperatives. The 1971 Milk Price Support Decision. (Two volumes).
	7 White House Surveillance Activities and Campaign Activities. (Four volumes).
	8 Internal Revenue Service.
	9 Watergate Special Prosecutors. Judiciary Committee's Impeachment Inquiry. April 30, 1973-July 1, 1974. (Two volumes).
	10 Tax Deduction for Gift of Papers.
	11 Bombing of Cambodia.
	12 Impoundment of Funds. Government Expenditures on President Nixon's Private Properties at San Clemente and Key Biscayne.
	Statement of Information Submitted on Behalf of President Nixon:
	1 Events Following the Watergate Break-in. July 19, 1972-March 1, 1974.
	2 Department of Justice/ITT Litigation.
	3 Political Contributions by Milk Producers Cooperatives. The 1971 Milk Price Support Decision.
	4 White House Surveillance Activities.

SERIAL NO.	TITLE
34—Con.	Summary of Information. July 19, 1974.
	Minority Memorandum on Facts and Law. July 22, 1974.
	Brief on Behalf of the President of the United States, Richard M. Nixon, to the Committee on the Judiciary.
	Deliberations of the Committee on the Judiciary, July 24, 25, 26, 27, 29, and 30, 1974. (Five volumes).
	Appendices:
	1 Presidential Statements on the Watergate Break-in and Its Investigation.
	2 Papers in Criminal Cases Initiated by the Watergate Special Prosecution Force.
	3 Supplemental Documents: John Ehrlichman Notes; Bruce Kehrli Affidavit; White House Edited Transcripts of June 23, 1972 Presidential Conversations.
35	Amnesty. March 8, 11, and 13, 1974 (H.R. 236, H.R. 674, H.R. 2167, H.R. 3100, H.R. 5195, H.R. 10979, H.R. 10980, H.R. 13001, H. Con. Res. 144, and H. Con. Res. 385). (Out of print).
36	Relating to Commission on Revision of Federal Court Appellate System. May 24, 1974. (S. 3052).
37	Immigration and Naturalization Service Oversight. April 3 and June 25, 1974.
38	Amendments to the Federal Kidnaping Statute. February 27 and April 10, 1974 (H.R. 4191 and H.R. 8722).
39	Judicial Disqualification. May 24, 1974. (S. 1064).
40	Extending Limited Copyright in Sound Recordings. June 3, 1974. (H.R. 13364).
41	Wiretapping and Electronic Surveillance. April 24, 26, and 29, 1974. (H.R. 1597, H.R. 7773, H.R. 9781, H.R. 9815, H.R. 9973, H.R. 10008, H.R. 10331, H.R. 11629, H.R. 11838, and H.R. 13825).
42	Speedy Trial Act of 1974. September 12, 18, and 19, 1974. (S. 754, H.R. 7873, H.R. 207, H.R. 658, H.R. 687, H.R. 773, and H.R. 4807).
43	Antitrust Parens Patriae Amendments. March 18 and 25, 1974. (H.R. 12528 and H.R. 12921).
44	Dissemination of Criminal Justice Information. July 26; August 2; September 26; October 11, 1973; February 26, 28; March 5, 28; and April 3, 1974. (H.R. 188, H.R. 9783, H.R. 12574, and H.R. 12575).
45	Nomination of Nelson A. Rockefeller to be Vice President of the United States. November 21, 22, 25, 26, 27; December 2, 3, 4, and 5, 1974.
46	State Conducted Lotteries. April 24, 1974. (H.R. 6668).
47	Enforcement of Support Orders in State and Federal Courts. October 25, 1973. (H.R. 5405 and related bills).
48	Narcotic Addiction Treatment and Rehabilitation Program. June 30; September 18, 1973. (H.R. 187).
49	Community Anticrime Assistance Act of 1973. (Part 2). February 21, 1974. (H.R. 9175, H.R. 9809, and H.R. 10602).
50	One Six-Year Presidential Term. September 26, 1973. (H.J. Res. 76).
51	Bureaucratic Accountability Act of 1973. March 27, 1974. (H.R. 6667, H.R. 6223, and H.R. 6224).
52	Equal Employment Opportunities in Current Drug Enforcement Agencies. (Part 2). March 18, 19, 1974.
53	United States Secret Service Procedures and Regulations, August 21; September 12, 1974. (H.R. 11499).
54	Organized Crime Control Act of 1970. November 26, 1974. (S. 1083).
55	FBI Counterintelligence Programs. November 20, 1974.
56	NASA's Equal Opportunity Program. March 13 and 14, 1974.

44-791—75——2

SERIAL NO.	TITLE
57----------	Equal Opportunity in Housing. September 19, 1974.
58----------	Federal Employment Problems of Spanish Speaking Americans. May 6; September 17, 1974.
59----------	Copyright Miscellany. November 26, 1974. (S. 3976).
60----------	Pardon of Richard M. Nixon, and Related Matters. September 24; October 1 and 17, 1974. (H. Res. 1367, H. Res. 1370, H.R. 16619, H.R. 16750, H.R. 16816, H.J. Res. 1126, H. Con. Res. 629, and H. Con. Res. 632).
61----------	Proposed Amendments to Federal Rules of Criminal Procedure. September 17, 1974.
62----------	Civil Rights Aspects of General Revenue Sharing. September 6, 1973.

List of Special Reports and Documents

Illegal Aliens, a Review of Hearings Conducted During the 92d Congress, Serial No. 13, parts 1–5. (Committee Print).

Communication from the Chief Justice of the United States transmitting the Proposed Rules of Evidence of the United States Courts and Magistrates, Amendments and further Amendments to the Federal Rules of Civil Procedure, and Amendments to the Federal Rules of Criminal Procedure which have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072 and 2075 and 18 U.S.C. 3402, 3771, and 3772, together with the Report of the Judicial Conference of the United States, pursuant to 28 U.S.C. 331. (H. Doc. 93–46).

Message from the President transmitting the sixth in a series of reports on the state of the Union, concerning the Federal System of Criminal Justice. (H. Doc. 93–60).

Report of the Proceedings of the Judicial Conference, October 26, 27, 1972. (H. Doc. 93–62).

Communication from the Chief Justice of the United States transmitting Rules of Bankruptcy and official forms covering general bankruptcy cases (Chapters I–VII of the Bankruptcy Act) and the Chapter XIII Rules and official forms prescribed pursuant to 28 U.S.C. 2075, together with an excerpt from the report of the Judicial Conference of the United States containing the Advisory Committee notes which were submitted to the Court. (H. Doc. 93–87).

Communication from the Chief Justice of the United States transmitting a Report of the proceedings of the Judicial Conference, April 5, 6, 1973. (H. Doc. 93–103).

The United States Courts, Their Jurisdiction and Work. (Committee Print).

Report of the Commission on the Bankruptcy Laws of the United States. (H. Doc. 93–137, Part I). (H. Doc. 93–137, Part II).

Message from the President transmitting proposals for reform of the patent system. (H. Doc. 93–158).

Message from the President of the United States nominating Gerald R. Ford, of Michigan, to be Vice President of the United States. (H. Doc. 93–165).

Impeachment, Selected Materials. October 1973. (Committee Print). (Reprinted as H. Doc. 93–7).

Alien Labor Program in Guam, Hearing before the Special Study Subcommittee. August 9, 1973.

Application of the Twenty-fifth Amendment to Vacancies in the Office of the Vice President. Legislative History. (Committee Print).

Administration of Military Claims in Europe. (Committee Print).

Report of Special Study Subcommittee of the Committee on the Judiciary to Review Immigration, Refugee, and Nationality Problems. December 1973. (Committee Print).

Impeachment, Selected Materials on Procedure. January 1974. (Committee Print).

Inspection of Federal Facilities at Leavenworth Penitentiary and the Medical Center for Federal Prisoners. January 1974. (Committee Print).

Work of the Impeachment Inquiry Staff as of February 5, 1974. (Committee Print).

Constitutional Grounds for Presidential Impeachment. February 1974. (Committee Print).

Procedures for Handling Impeachment Inquiry Material. February 1974. (Committee Print).

The Impeachment Inquiry: What it Means. March 1974. (Committee Print).

Work of the Impeachment Inquiry Staff as of March 1, 1974. (Committee Print).

The Constitution of the United States of America. (H. Doc. 93–215).

The Impeachment Inquiry: Its Meaning. March 1974. (Committee Print).

Impeachment Inquiry Procedures. May 2, 1974. (Committee Print).

Communication from the Chief Justice of the United States transmitting Proposed Amendments to the Federal Rules of Criminal Procedure, pursuant to Title 18, United States Code, Sections 3771 and 3772. (H. Doc. 93–292).

Communication from the Chief Justice of the United States transmitting the Rules and Official Forms governing proceedings under Chapter XI of the Bankruptcy Act, an Amendment to Subdivision 14 of Official Bankruptcy Form 7, and Amendment to Rules 41(a) and 50 of the Federal Rules of Criminal Procedure, pursuant to 28 U.S.C. 2075 and 18 U.S.C. 3771, together with the Advisory Committee's Notes. (H. Doc. 93–241).

Proposed Cutbacks in the Community Relations Services. May 1974. (Committee Print).

Commentary: Proposed Amendments Federal Rules of Criminal Procedure. July 1974. (Committee Print).

Message from the President of the United States nominating Nelson A. Rockefeller, of New York, to be Vice President of the United States. (H. Doc. 93–257).

Impeachment of Richard M. Nixon, President of the United States. (H. Rept. 93–1305). (Reprinted as H. Doc. 93–339).

Civil Rights Act of 1957, 1960, 1964, 1968 (As Amended Through the 93rd Congress, First Session). Voting Rights Act of 1965. September 1974. (Committee Print).

Analysis of the Philosophy and Public Record of Nelson A. Rockefeller, Nominee for Vice President of the United States. October 1974. (Committee Print).

Selected Issues and the Positions of Nelson A. Rockefeller, Nominee for Vice President of the United States. November 1974. (Committee Print).

Resolved: That the Powers of the Presidency Should be Curtailed. A Collection of Excerpts and Bibliography Relating to the Intercollegiate Debate Topic, 1974–75. (H. Doc. 93–273).

How Our Laws are Made. (H. Doc. 93–377).

Equal Employment Opportunities in the Drug Enforcement Agencies. December 1974. (Committee Print).

Debate on the Nomination of Nelson A. Rockefeller to be Vice President of the United States. December 1974. (Committee Print).

Summary of Full Committee Activities

In addition to the work of its seven subcommittees, the Committee on the Judiciary was called upon in the 93d Congress to exercise, as a full Committee, several extraordinary constitutional responsibilities.

Acting pursuant to the terms of H. Res. 803, the Committee investigated fully and completely whether sufficient grounds existed to impeach Richard M. Nixon, President of the United States.

The course of the Committee's inquiry spanned several dozens of both meetings and hearings from December 1973 through July 1974. Approximately six hundred and fifty "statements of information" were presented to the Members of the Committee by investigative staff, and more than 7,200 pages of supportive evidentiary material was supplied. Nine witnesses were heard in executive session and many others were interviewed in Committee offices. Counsel for the President was afforded the right of participation at all evidentiary stages of the proceedings.

Scores of publications and documents, including scholarly briefs and evidentiary summaries were made available by the Committee to the House as it proceeded with its work.

Following six days of public, televised debate in July 1974 the Committee filed with the House an extensive 528 page report outlining the bases of its recommendation to the House of three separate articles of impeachment.

The resignation of the President on August 9, 1974 occurred before the full House was to vote on the question of impeachment.

Also during the 93d Congress, the Committee undertook the first and second ever implementations of the 25th Amendment to the Constitution, adopted by the Congress in 1965 and ratified by the states in 1967.

Section 2 of the 25th Amendment provides:

> Whenever there is a vacancy in the Office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Following the resignation of Vice President Agnew on October 10, 1973, the Speaker referred to the Committee, President Nixon's nomination of Gerald R. Ford of Michigan to be Vice President.

The Committee conducted an extensive investigation, drawing on its own resources as well as those of the Federal Bureau of Investigation, the General Accounting Office, the Library of Congress, and the Joint Committee on Internal Revenue Taxation.

The Committee took testimony on the Ford nomination over the course of six days and several long evenings of hearings. Much of the 36½-hour and 1000-page hearing record was compiled while the **full** House had adjourned for the 1973 Thanksgiving recess.

The House, on December 6, 1973, ratified the Committee's recommendation that the nomination of Mr. Ford be confirmed.

Barely one year later, on December 19, 1974, the full House confirmed the nomination of Nelson Rockefeller to be Vice President, a nomination made by President Ford and referred to the Judiciary Committee on August 20, 1974.

Extensive investigative efforts and long, thorough hearings by the Committee followed referral of the Rockefeller nomination, in the manner in which the Committee had inquired into the earlier nomination of Gerald Ford.

A hearing record of more than 1400 pages covering nine days and several evenings of public testimony by two dozen witnesses was compiled before the Committee made its favorable recommendation to the House on December 12, 1974.

Summary of Activities of Subcommittees of the Committee on the Judiciary

Subcommittee on Immigration, Citizenship, and International Law

GENERAL JURISDICTION OVER JUDICIARY BILLS AS ASSIGNED—SPECIAL JURISDICTION OVER IMMIGRATION AND NATIONALITY

Summary of public bills referred to subcommittee and disposition

Bills referred to subcommittee	441
Bills on which hearings were held	119
Bills reported favorably to full committee	7
Bills reported adversely to full committee	5
Bills reported to House	7
Bills passed House	7
Bills pending in House	0
Bills pending in Senate	5
Bills which became law	2

Summary of private immigration bills referred to subcommittee and disposition

House bills	546
House Joint Resolutions	1
House Resolutions	1
Senate bills	54
Senate Joint Resolutions	2
Senate Concurrent Resolutions	2
Total bills and resolutions	606
Private Laws	
House bills	42
Senate bills	20
S. J. Res	1
Total Private Laws	63
House bills on Private Calendar	7
House bills pending in Senate	11
House bills included in other bills which became private law	2
House bills tabled	249
House bills deferred	3
House bills pending	74
House bills awaiting receipt of departmental reports	51
House bills on which reports were not requested	107
H. J. Res. pending	1
H. Res. Passed House	1
Senate bills, passed House amended	1
Senate bills on House Private Calendar	2
Senate bills tabled	11
Senate bills deferred	3
Senate bills pending	17
S. J. Res. pending	1
S. Con. Res. pending	2
Total	608

The Subcommittee on Immigration, Citizenship, and International Law has jurisdiction over legislation concerning the admission of immigrants, nationality, and international law as well as other legislation which may be assigned. In carrying out its duties, the Subcommittee must process and consider a large number of private immigration bills, adjustment of status cases and cases referred to the Subcommittee by the Attorney General after he has exercised his discretionary authority to waive certain provisions of the Immigration and Nationality Act or his special authority to parole aliens into the United States or to grant conditional entries to certain refugees. The Subcommittee also reviews approved petitions granting preference status to certain workers and specialists, analyzes numerous general immigration and nationality bills and other assigned public bills and it exercises oversight jurisdiction which requires continuous consultation with both government and private agencies including field investigations. Furthermore, the staff of the Subcommittee devotes considerable time to answering inquiries from Members' offices as well as analyzing individual immigration problems and cases referred to the Subcommittee by Members of Congress.

During the 93d Congress the Subcommittee held 46 meetings on pending legislation: to amend the Immigration and Nationality Act; to grant benefits to the survivors of public safety officers; to provide compensation to the innocent victims of violent crimes; to provide a police officers' bill of rights; and to increase the limit on dues for U.S. membership in the International Criminal Police Organization. The first meeting was for the purpose of organizing and adopting the Rules of Procedure for the Subcommittee with respect to the consideration of private legislation and 12 meetings were held on private immigration and nationality bills. In addition, there were 23 days of public hearings on general legislation as well as 7 markup sessions and 1 executive session.

In addition to the action on private immigration and nationality bills summarized in the table above, the Subcommittee considered numerous requests to waive Rule 4 of the Subcommittee Rules of Procedure which provides that the Subcommittee shall not request departmental reports on private bills for aliens who have entered the United States as nonimmigrants, in transit aliens, crewmen, stowaways, or by surreptitiously entering through the land or sea borders of the United States. Of those requests, 57 were agreed to and 63 were rejected.

A summary of the activities of the Subcommittee follows:

I. Public Legislation

The following public legislation was favorably reported by both the Subcommittee and the full Committee and was approved by the House of Representatives:

H.R. 778.—To repeal the "cooly trade" laws which prohibit the procuring, transportation, disposition, sale, or transfer of oriental persons as servants or apprentices, or to be held to service or labor (8 U.S.C. secs. 31–339). The bill was ordered reported by the Subcommittee on August 13, 1974, was reported from the Committee on September 11, 1974 (H. Rept. 93–1347) and passed the House on

October 7, 1974. An identical Senate bill (S. 2220) was approved by the House and was signed into law (Public Law 93–461) on October 20, 1974.

H.R. 981.—To extend to the Western Hemisphere the seven category preference system and the 20,000 per country limit on the number of immigrant visas available annually, which is currently in effect for the Eastern Hemisphere. The bill also amends the refugee section of current law as well as the provisions relating to the admission of certain temporary workers.

The Subcommittee held hearings on March 28, 29; April 12; June 6, 7, 13, 14; markup sessions on July 11 and 12 and ordered H.R. 981 reported to the full Committee on July 17, 1973. H.R. 981 was reported from the Committee on September 10, 1973 (H. Rept. 93–461) and passed the House on September 26, 1973. No action was taken by the Senate.

H.R. 982.—To make it unlawful to knowingly employ aliens who have not been lawfully admitted for permanent residence or are not authorized by the Attorney General to work while in the United States. In addition, this bill establishes a three-step procedure for the imposition of sanctions against employers who hire illegal aliens. Another provision provides for the adjustment of status in the United States of natives of the Western Hemisphere, if otherwise qualified to immigrate to the United States.

H.R. 982 was considered in open session by the Subcommittee on March 22, 1973, amendments were adopted, and the bill was ordered favorably reported to the full Committee. The full Committee favorably reported to the House H.R. 982, as amended, on April 5, 1973 (H. Rept. 93–108). The bill passed the House as reported May 3, 1973. No action was taken by the Senate.

H.R. 7555.—To grant an alien child adopted by an unmarried United States citizen the same immigration status as an immigrant child adopted by a United States citizen and his spouse. The Subcommittee reported this bill to the full Committee on July 17, 1973. The full Committee favorably reported H.R. 7555 to the House on September 11, 1973 (H. Rept. 93–462) and the bill passed the House on the Consent Calendar on September 17, 1973. No action was taken by the Senate.

H.R. 11321.—Public Safety Officers' Benefits Act of 1974—To provide a $50,000 gratuity effective October 11, 1972 to the surviving dependents of law enforcement officers, including voluntary police and firemen killed in the performance of their duty.

Hearings were held on July 25 and 26, 1973 and this legislation was reported by the Subcommittee to the full Committee on October 30, 1973 and reported by the Committee to the House on March 21, 1974 (H. Rept. 93–926). The bill passed the House of Representatives on April 24, 1974. Subsequent to this action, the House substituted the House-passed bill for the language contained in a similar Senate-passed bill (S. 15). No action was taken by the Senate on the House amendment to S. 15.

H.R. 14597.—To increase the limit on dues for U.S. membership in the International Criminal Police Organization from $80,000 to $120,000 and to authorize an appropriation of $20,000 to satisfy unpaid dues for calendar year 1973.

The Subcommittee reported the bill to the full Committee on June 20, 1974 and the Committee reported it to the House on June 27, 1974 (H. Rept. 93–1160). The bill passed the House of Representatives on July 1, 1974. On October 3, 1974 the Senate amended the bill by increasing the authorization for unpaid 1973 calendar year dues from $20,000 to $30,000. The House concurred with the Senate amendment on October 15, 1974 and the bill was signed into law (Public Law 93–468) on October 24, 1974.

S. 1206.—This bill was introduced and passed the Senate as a private immigration bill to waive the English language requirement for naturalization for a designated beneficiary who was over 50 years of age and had resided in the United States for over 20 years. The Subcommittee approved a substitute amendment to this bill incorporating the language of H.R. 983, which would waive the English language requirement of section 312 of the Immigration and Nationality Act for all individuals who were 50 years of age or over and who had resided in the United States for 20 years or more at the time the naturalization petition is filed. The bill was reported to the House on February 28, 1974 (H. Rept. 93–912) and passed the House of Representatives, as amended, on March 18, 1974. Similar bills had been unanimously approved by the Committee and the House of Representatives in the 90th, 91st, and 92d Congress. No action was taken by the Senate on the House amendment to S. 1206.

The following public legislation was considered by the Subcommittee:

H.R. 4598.—To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several states. Hearings were held on this legislation in conjunction with the "Public Safety Officers' Benefits Act" on July 25 and 26, 1973.

H.R. 8777.—To provide compensation to the innocent victims of violent crimes. Hearings were held on this bill and an identical Senate bill (S. 300) on August 1, 1973.

H. Res. 220.—A resolution of inquiry to require the Attorney General to furnish the House of Representatives with information relating to the basis of venue for a grand jury investigation in the Northern District of Texas. Hearings were held on H. Res. 220 and similar resolutions of inquiry on March 13, 1973 and on May 10, 1973 the Subcommittee adversely reported H. Res. 220 to the full Committee.

II. General Oversight Hearings

A. IMMIGRATION AND NATIONALITY ACT

The Subcommittee on Immigration, Citizenship, and International Law held 8 days of oversight hearings to review the administration of the Immigration and Nationality Act by the Departments of State and Justice. These hearings were held on July 26, August 9, September 13, 18 and 20, 1973, and April 3 and June 25, 1974, at which time the Commissioner of Immigration and other representatives of the Immigration and Nationalization Service (INS) as well as Deputy

Undersecretary of State for Management and representatives of the Bureau of Security and Consular Affairs (SCA) testified.

These hearings were designed to review the operation and administration of the Act including pertinent regulations, operating instructions and interpretations of that Act which have been promulgated by the Departments of State and Justice. In particular, the Subcommittee's hearings were concerned with: the procedures utilized by INS in detecting, identifying, and apprehending illegal aliens; INS' investigation of alleged Nazi war criminals; the function and role of consular officers; the budget requirements of INS and SCA in implementing the Immigration and Nationality Act; a review of the illegal alien situation; the need for greater security and documentation; marriage frauds; refugee problems in various countries; and the labor certification program.

The Subcommittee also held special oversight hearings to consider two significant developments relating to the operation of the Immigration and Nationality Act. On August 9, 1973 the Subcommittee conducted one day of hearings to review alien labor problems existing in Guam and to consider the request of that Government for authorization of a special labor program for that territory. The Subcommittee heard testimony from various employer associations, labor organizations, industrial associations and from the Lt. Governor of Guam. On October 2, 1973 the Subcommittee held an executive session to receive a report and a briefing from Ambassador Lewis Hoffacker, Special Assistant to the Secretary of State and Coordinator for Combating Terrorism on the role of the State Department regarding terrorist activities and other circumstances surrounding the movement of Jewish refugees from the Soviet Union to Israel via Austria.

In fulfilling its responsibilities to oversee the operation and enforcement of the Immigration and Nationality Act, it is necessary for the Subcommittee to maintain close and continuous contact with the Departments of State, Labor, and Justice. As a result, numerous formal and informal meetings have been held with these executive departments to identify and discuss problem areas that have arisen in the implementation of this Act. Likewise, consultation and discussions are continuously arranged with voluntary agencies and other organizations which are concerned with immigration and nationality matters.

B. OUTER CONTINENTAL SHELF LANDS ACT

The Subcommittee conducted comprehensive hearings to review the operation and administration of the Outer Continental Shelf Lands Act which it had originally processed in 1953. These hearings were held on January 24, 30, February 7, March 6 and 14, 1974, and testimony was received from representatives of the Departments of the Interior and State, oil industry officials and various environmental groups. In addition, the Subcommittee reviewed in great detail the U.S. position on the "Law of the Sea" receiving testimony from the NSC Interagency Task Force on the Law of the Sea. During the hearings the Subcommittee discussed in great detail the plans of the Administration to greatly accelerate leasing for oil and gas on the Outer Continental Shelf.

III. Special Legislative Jurisdiction

A. SUSPENSION OF DEPORTATION CASES

Under section 244 of the Immigration and Nationality Act, the Attorney General is authorized to adjust the status of certain deportable aliens to that of aliens lawfully admitted for permanent residence through the procedure of suspension of deportation. However, such action by the Attorney General is subject to congressional review.

Under the provisions of section 244(a)(2) of the Act wherein affirmative action by the Congress is required in order to approve the Attorney General's suspension orders, the Subcommittee reviewed 6 cases referred by the Attorney General and no cases were approved.

In accordance with the provisions of section 244(a)(1) of the Immigration and Nationality Act, the Subcommittee reviewed 208 cases referred by the Attorney General and 6 cases were disapproved during the 93d Congress as the result of House approval of H. Res. 1518 on December 19, 1974.

B. "13(c)" CASES

Under the provision of section 13(c) of the Act of September 11, 1957 (Public Law 85–316), the Attorney General is empowered to adjust the status of certain aliens who entered the United States in various diplomatic categories and who have failed to maintain their official status. The number of aliens whose status may be adjusted under this provision is limited to 50 in any fiscal year. Each of these 13(c) cases necessitates a detailed investigation of the facts involved, and requires a determination on the merits warranted. 103 cases in this category were submitted to the Subcommittee during the 93d Congress.

C. EXCLUDABLE ALIEN CASES

Certain provisions of the Immigration and Nationality Act grant to the Attorney General the discretionary authority to waive various provisions of the Act. In such cases, however, he is required to submit detailed reports on his action to the Congress. Under section 212(d)(6) of the Act, the Attorney General is required to report cases of those aliens who are temporarily admitted to the United States under section 212(d)(3), although they are otherwise excludable. The Subcommittee staff reviewed the 16,795 cases referred to the Subcommittee in the 93d Congress.

Section 212(a)(28)(I)(ii) of the Immigration and Nationality Act authorizes the Attorney General to admit certain aliens to the United States for permanent residence who are otherwise excludable because of their former membership in the Communist Party or other subversive organizations; provided it is established to his satisfaction that they are bona fide defectors. 61 cases in this category were referred in the 93d Congress.

D. REVIEW OF ADMINISTRATIVE ACTION CASES

In accordance with the provision of section 203(f) of the Immigration and Nationality Act, the Attorney General submitted to the Con-

gress 4,251 reports on January 22, 1973; 4,917 reports on July 23, 1973; 4,055 reports on February 1, 1974 and 5,336 reports on July 23, 1974 of approved applications for conditional entry. These reports were reviewed by the Subcommittee staff in carrying out the Committee oversight jurisdiction concerning refugee matters.

Furthermore, under section 204(d) of the Immigration and Nationality Act, as amended by the Act of October 3, 1965 (Public Law 89–236), the Attorney General is required to submit to the Congress on the first and fifteenth day of each calendar month in which Congress is in session a complete report in each case where petitions for preference are approved under section 203(a)(3) or section 203(a)(6) of that Act. During the 93d Congress 35,715 such reports were submitted and referred to the Subcommittee for review.

Subcommittee on Claims and Government Relations

Summary of public bills referred to the subcommittee

Bills referred to subcommittee	193
Bills on which hearings were held	45
Bills reported favorably to full committee	11
Bills reported adversely to full committee	30
Bills reported to House	9
Bills passed House	9
Bills pending in House	0
Bills pending in Senate	2
Bills which became law	7

Summary of public bills referred to the subcommittee

Referred to subcommittee:	
House bills	438
House resolutions	14
Senate bills	17
H. Con. Res	2
Total	471
Approved by subcommittee:	
House bills	64
House resolutions	2
Senate bills	10
Total	76
Adversely reported by subcommittee:	
House bills	35
House resolutions	1
Senate bills	2
Total	38
Reported to House:	
House bills	64
House resolutions	2
Senate bills	10
Total	76
Passed House:	
House bills	57
House resolutions	1
Senate bills	9
Total	67
Private Laws Enacted:	
House bills	41
Senate bills	9
Total	50
Vetoes	2
Administrative Settlements	17
Rejected under Subcommittee Rules	30

Immunity of States

The subcommittee considered the bill, H.R. 3493, which would amend title 28 of the United States Code to define the circumstances in which foreign states are immune from the jurisdiction of United States courts. It was the subject of a hearing on June 7, 1973. The bill was further considered by the subcommittee, and it is contemplated that a revised bill will be introduced in the next Congress.

Legislation Concerning Fraudulent Checks

The subcommittee conducted a hearing on the subject of the availability of relief through the Check Forgery Insurance Fund for payees and special indorsees of fraudulently negotiated checks drawn on designated United States depositories. A bill, H.R. 6274, recommended by the subcommittee was ultimately enacted as Public Law 93–539.

Public Claims Bills

H.R. 5843 providing for an increase in the limits for settlements under the Military Claims Act (10 USC 2733) and the Foreign Claims Act (10 USC 2734) was the subject of a hearing on May 3, 1973 and again on August 1, 1973. A revised bill embodying the recommendations of the subcommittee was introduced as H.R. 9800 and was ultimately approved on July 8, 1974 as Public Law 93–336.

A bill, H.R. 10439, providing for a revision of the tort claims provisions of title 28, United States Code, was introduced in the form recommended by the Department of Justice. It was the subject of a hearing on April 3, 1974.

H.R. 7135 amending the Military Personnel and Civilian Employees Claims Act was recommended by the subcommittee, reported, passed both Houses and was approved as Public Law 93–455.

Miller Act Claims

The bill, H.R. 11691, providing for interest and attorney's fees in judgments in suits by subcontractors on Miller Act payment bonds, was considered and recommended by the subcommittee. It passed the House on May 20, 1974, but was not acted upon in the Senate.

Enforcement of Support Orders

H.R. 5405 concerning the enforcement of support orders in certain federal courts, and providing for criminal penalties for travel in interstate commerce to avoid compliance with such orders, was considered by the subcommittee. A hearing was held on the bill on October 25, 1973.

State Conducted Lotteries

A hearing was held on H.R. 6668 and companion bills providing certain exceptions to federal law as to State conducted lotteries on April 24, 1974. After consideration H.R. 6668 was recommended to the

Full Committee in an amended form. The bill passed the House, and the language of the bill was substituted for a similar Senate bill, S. 544, which was approved as Public Law 93–583.

State and Local Governmental Subdivisions

The subcommittee considered and recommended two bills extending relief to State subdivisions. The bill, H.R. 11847, provided for compensation to certain fire districts in Missouri, and was enacted into law. The bill H.R. 9588 concerning the City of Aransas Pass, Texas, was also approved.

Protective Services Provided by the Secret Service

The bill, H.R. 11499, was the subject of a subcommittee hearing on three separate days, August 21, 1974, September 12, 1974, and September 19, 1974. It provided for limitations and provided for requirements in the implementation of the responsibilities of the Secret Service for the protection of the President and others. A revised bill, H.R. 17311, was reported by the Full Committee and passed the House on December 16, 1974.

A Working Capital Fund in the Dpartment of Justice

The bill, H.R. 17010, was considered by the subcommittee and passed the House and Senate. It was enacted into law in the form recommended by the subcommittee as Public Law 93–613.

The American Revolution Bicentennial Administration

The subcommittee considered and conducted hearings on the creation of the American Revolution Bicentennial Administration. Initial consideration was given the bill, H.R. 3695, and after subcommittee deliberation a revised bill, H.R. 7446, was introduced and recommended to the Full Committee. That bill was reported, passed the House and Senate, and was enacted as Public Law 93–179.

44–791—75——4

Subcommittee on Courts, Civil Liberties, and the Administration of Justice

Summary of bills referred to the subcommittee and disposition during the 93d Congress (Calendar years 1973 and 1974)

Public bills and resolutions:	
Bills referred to subcommittee	302
Hearings held	17
Reported favorably to full committee	13
Bills pending in full committee	1
Reported adversely	83
Bills pending in subcommittee	206
Bills reported to House	11
Bills passed House	11
Bills pending in House	----
Bills pending in Senate	1
Bills which became law	10
Private patent bills:	
Bills referred to subcommittee	12
Hearings held	1
Reported favorably to full committee	3
Bills pending in full committee	----
Bills pending in subcommittee	9
Bills reported to House	3
Bills passed House	3
Bills pending in House	----
Bills pending in Senate	2
Bills which became law	1

In addition to its specific jurisdiction over legislation involving the Courts, Civil Liberties, and the Administration of Justice, including focus on Corrections, this Subcommittee has assigned to it legislation affecting patents, trademarks, and copyrights, congressional consent to interstate compacts, and revision of the laws.

During the 93d Congress, the Subcommittee had referred to it a total of 314 bills (incluring 12 private patent bills). A table summarizing the status or disposition of these measures appears above. Highlights of the Subcommittee's activities during 1973 and 1974 are as follows:

Corrections

During the years in question, the Subcommittee held two additional days of public hearings on the Parole Reorganization Act (H.R. 1598, 93d Congress) whose principal thrust is to inject due process in the parole system. Witnesses were Hon. Maurice H. Sigler, Chairman, United States Board of Parole; Hon. Antonin Scalia, Chairman, Administrative Conference of the United States; Hon. Norman A. Carlson, Director, Federal Bureau of Prisons; and Howard Eglit, Esq., Legal Director, Chicago ACLU. Subsequently a number of meetings were held by Subcommittee staff with Chairman Sigler of the Parole Board and his assistant and with Senate staff dealing with corrections matters.

On March 28, 1974, Chairman Kastenmeier introduced H.R. 13826, a slightly revised version of H.R. 1598, with 14 cosponsors. Intensive involvement of the Subcommittee members in the Ford, Nixon, and Rockefeller hearings interfered with the normal course of the Subcommittee's legislative work. Now that these intrusions have ceased it is hoped that the Parole Reorganization bill can be processed to enactment during the 94th Congress.

Further in the area of corrections legislation, the Subcommittee processed H.R. 7352, the Federal Prisoners Furlough bill, which expands provisions of existing law so as to enable fuller utilization of furloughs as a means of assisting prisoners in adjustment from the institution to the community. The bill became Public Law 93–209 on December 28, 1973.

On October 26 and 27, 1973, the Subcommittee visited the Federal Penitentiary at Leavenworth, Kansas, and the Medical Center for Federal Prisoners at Springfield, Missouri. Special attention was focused on the Special Treatment and Rehabilitative Training (START) program of behavior modification at the Springfield facility. A committee print issued in January 1974 contains a report on the Subcommittee's inspection of these facilities. On February 6 and 7, 1974, the Subcommittee held public hearings on H.R. 9007 and S. 798, so-called pretrial diversion measures designed to substitute supervision programs for imprisonment (Serial No. 30), and on February 27, 1974, an oversight hearing was held before the Subcommittee on the so-called Behavior Modification programs in the Federal Bureau of Prisons. The Subcommittee plans to continue its inquiry of the Federal Bureau of Prisons' plans for the Federal Center for Correctional Research at Butner, N.C., where construction is scheduled for completion in late 1974.

On January 24, 1974, the Subcommittee, at a public hearing, received valuable testimony from the Hon. Claude Pepper, chairman of the now defunct Select Committee on Crime (Serial No. 24).

On January 30, 1974, the Subcommittee held a hearing on H.R. 9020 (Serial No. 29), a bill to insure the right to vote in the case of former criminal offenders. A successor bill (H.R. 14594) received full committee approval but the Congress adjourned before the bill could be reported to the House. The matter will receive prompt attention in the 94th Congress.

Newsmen's Privilege

During the 92d and 93d Congresses, in response to the case of *Branzburg* v. *Hayes*, decided by the Supreme Court on June 29, 1972, the Subcommittee held fifteen days of public hearings on a number of measures designed to create a privilege in newsmen against compulsory disclosure of information and sources received in the course of news gathering.

Bills dealing with the proposed privilege were introduced or cosponsored by 140 members. The Subcommittee devoted several meetings to the consideration of H.R. 5928, introduced after the hearings were completed, and to a series of redrafts thereof. Meanwhile other meetings were held by and among the media, testing the available support for H.R. 5928.

At the close of 1973, the Subcommittee had ordered a redraft of H.R. 5928 to be reported favorably to the full committee.

In March 1974, the legislation was discussed at a meeting of the full Committee at which no votes were taken. The discussion reflected a wide variety of views. Attention to this issue is expected to be resumed in the new Congress.

Courts

On October 10, 1973, and January 24, 1974, the Subcommittee held public hearings on S. 271, a bill that would amend the requirement for a three-judge court in certain cases and on H.R. 8285, a bill to provide six-person juries in civil cases.

These measures were intended to relax congestion and expedite the administration of justice in our Federal courts. Due in part to the demands of the Ford, Nixon, and Rockefeller inquiries and in part to unexpected opposition to the legislation the Subcommittee was unable to complete its work on these bills and will resume its work in this area in the 94th Congress.

Also affecting the Federal judiciary, the Subcommittee processed and the Congress enacted S. 1064, an act to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification. The measure became Public Law 93–512 when signed by the President on December 5, 1974.

After public hearings, the Subcommittee recommended and the full Committee reported favorably to the House with amendment S. 3052, a bill to extend the final date for the report of the Commission on Revision of the Federal Court Appellate System by nine months and to increase its appropriation authorization from $270,000 to $650,000. The measure became Public Law 93–420 on approval by the President on September 19, 1974.

Patents, Trademarks, and Copyrights

The Subcommittee voted to report favorably to the full Committee the bill H.R. 9199, to amend the patent laws. The principal thrust of this measure is to enable the Commissioner of Patents to accept late filed fees if he finds the delay in filing was unavoidable. The bill passed the House on March 18, 1974, and passed the Senate on December 18, 1974. This measure became Public Law 93–601 on January 2, 1975.

Also, the Subcommittee voted to report favorably a private patent relief bill. Section 102 of title 35, United States Code, provides that a patent application on an invention must be filed within one year after public use or sale in the United States. S. 71 would enlarge the period to two years in a situation in which the late filing was attributable to dereliction of duty on the part of the applicant's patent agent. This was an unusual case. The bill had twice passed the Senate and had approval of the Department of Comerce. It became Private Law 93–60 on approval by the President on April 2, 1974.

Two bills affecting trademark law were processed by the Subcommittee and passed the House. These are H.R. 7599 which would change the name of the Patent Office to the "Patent and Trademark Office" and H.R. 8981 which would amend the Trademark Act to extend the

time for filing oppositions, eliminate the requirement of reasons for appeal, and authorize the award of attorney fees in exceptional cases. Both bills passed the Senate on December 18, 1974. On January 2, 1975, the President approved both of these bills: H.R. 7599 became Public Law 93–596, and H.R. 8981 became Public Law 93–600.

In the copyright area, the Subcommittee processed and on December 19, 1974, the House passed with amendments and the Senate agreed to the amendments on S. 3976, a bill to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes. The measure became Public Law 93–537 when approved by the President on December 31, 1974.

Subpena Power of Watergate Committee

On December 3, 1973, under suspension of the rules, the House passed S. 2641, to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes, which had been processed by the Subcommittee. This bill conferred jurisdiction on the U.S. District Court for the District of Columbia of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activties. It became Public Law 93–190 on December 18, 1973, when the President neither signed nor vetoed it.

Wiretapping

In April 1974, the Subcommittee held three days of public hearings on legislation seeking to control wiretapping and electronic surveillance (Serial No. 41). These hearings reassert the Judiciary Committee's longstanding involvement with the problems of privacy invasion and the operations of the newly-created National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance to which the Subcommittee Chairman and ranking minority member have been appointed.

At the time of the hearings the reported abuses of wiretapping had generated public concern as reflected by the introduction of more than a dozen measures. (H.R. 1597, H.R. 7773, H.R. 9781, H.R. 9815, H.R. 9973, H.R. 10008, H.R. 10331, H.R. 11628, H.R. 11836, and H.R. 13825.) The Subcommittee expects to go forward in this area during the 94th Congress.

In addition to beginning its own inquiry into the subject of wiretapping and electronic surveillance, the Subcommittee reported favorably, H.R. 15173, extending the life of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance. Following a favorable report by the full committee, H.R. 15173 was passed by the full House on September 16, 1974, and became Public Law 93–609 on approval by the President on January 2, 1975.

Amnesty

In March 1974, the Subcommittee held three days of hearings on legislation relating to amnesty (Serial No. 35). Fifty-two witnesses were heard and many additional statements were received for the record. By the end of the year, President Ford announced his program for presidential clemency which remains in effect until January 31, 1975. It is probable that the Subcommittee will further address this subject in the 94th Congress.

Interstate Compact

On October 24, 1974, the President signed into law as Public Law 93–467, a bill (S. 2362) giving the consent of Congress to the Cumbres and Toltec Railroad Compact as agreed to by the States of Colorado and New Mexico for the joint acquisition, ownership, and control of an interstate narrow gauge scenic railway.

As has been indicated the confirmation of Gerald R. Ford to be Vice President, the designation of the Committee on the Judiciary to study the question of impeachment of President Nixon and the confirmation of Nelson A. Rockefeller to be Vice President took their toll of the time of the Subcommittee, and hearings to explore a number of subjects had to be canceled or postponed. They are expected to be rescheduled in the new year.

Summary of Activities of the Subcommittee on Civil Rights and Constitutional Rights

Summary of bills referred to the subcommittee

Bills referred to subcommittee	952
Bills on which hearings were held	25
Bills reported favorably to full committee	11
Bills reported adversely to full committee	0
Bills pending in subcommittee	911
Bills reported to House	10
Bills passed House	41
Bills pending in House	0
Bills pending in Senate	7
Bills which became law	28

In addition to its general legislative and oversight jurisdiction with regard to civil rights, constitutional rights and constitutional amendments, the Subcommittee also has special jurisdiction over Bankruptcy and Reorganization; Federal incorporation of private organizations, and holidays and commemorations.

A summary of the principal Subcommittee activities, dealing first with legislation, is as follows:

General Legislation

BANKRUPTCY

Removal of Restriction on Change of Salary of Full-Time Referees in Bankruptcy

The Subcommittee held hearings on two proposals, H.R. 3490 and H.R. 5323, relating to the removal of referees in bankruptcy from an inequitable restriction on salary increases. Section 40b of the Bankruptcy Act (11 U.S.C. 68 (b)) prohibited salary increases for referees in bankruptcy from occurring more than once every two years. This legislation placed the referees in bankruptcy on an equal basis with other judicial officers whose salary is determined by the Judicial Conference of the United States.

H.R. 3490 was reported favorably by the Subcommittee and approved by the full Committee (See H. Rept. 93–610). Passed the House November 6, 1973. The Senate Judiciary Committee reported the bill favorably to the Senate where it passed on December 12, 1973. Signed by the President December 27, 1973 and became Public Law 93–200.

THE BANKRUPTCY ACT OF 1973

The Subcommittee considered and reported out H.J. Res. 499 which was then approved by the full Committee on June 6, 1973 (See H. Rept.

44–791—75——5

93–262). H.J. Res. 499 passed the House on June 19, 1973, and the Senate on July 1, 1973, and became Public Law 93–56.

H.J. Res. 499 was introduced and passed to extend the period of time for the submission of the report of the Commission on the Bankruptcy Laws of the United States from June 30 to July 31, 1973.

This Commission established by Public Law 91–354, stat. 468, on July 24, 1972, was created to study, analyze, evaluate and recommend changes to the present Bankruptcy Act (Title 11 of the United States Code).

The Commission Report was filed and formed the basis for H.R. 10792, "The Bankruptcy Act of 1973," introduced on October 9, 1973, by the chairman of the Subcommittee along with the ranking minority member. Both had served on the Commission on the Bankruptcy Laws of the United States.

On September 12, 1974, the chairman of the Subcommittee, together with the ranking minority member, introduced H.R. 16643. This bill is the work product of the National Conference of Bankruptcy Judges.

Both H.R. 10792 and H.R. 16643 will be reintroduced at the beginning of the 94th Congress. A full, complete and lengthy set of public hearings, meetings and study sessions will be held throughout the 94th Congress to complete work on these revisions and to recommend to the full Committee and Congress a new Bankruptcy Act.

NARCOTIC ADDICT TREATMENT AND REHABILITATION

H.R. 15760, the subject of extensive hearings in the 92d Congress, was reintroduced by the Subcommittee chairman as H.R. 187. Three days of hearings were held on H.R. 187, which amends Title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotic addiction and for amending the Omnibus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem. These three days concluded a series of hearings on the concept of a Federal diversion system for drug abusers which began in the 92nd Congress. At the conclusion of the hearings, Dr. Robert DuPont, the Director of the Special Action Office for Drug Abuse Prevention, indicated that his office had some legislative language changes to recommend. The Subcommittee delayed further consideration of the bill until the submission of these suggested changes. The Subcommittee staff is redrafting legislation pertaining to a Federal diversion system for narcotics-related offenses, and the new legislation will be introduced at the beginning of the 94th Congress.

To assist the Subcommittee in its consideration of the treatment and rehabilitation of narcotics addicts during the 92d Congress, the General Accounting Office was requested to make a review and provide reports on narcotics treatment program assessment efforts made by Federal, State, and local agencies. In compliance with that request, the Comptroller General prepared and submitted reports on treatment programs in Washington, D.C., and San Francisco, Alameda, and Los Angeles Counties, California. These reports were submitted to the Subcommittee and were the subject of hearings in the 92d Con-

gress. During the first session of the 93d Congress the reports on narcotics treatment programs in New York City and Chicago were completed and submitted to the Subcommittee by the General Accounting Office. Each report was the subject of hearings at which narcotics officials from each of the cities appeared and testified. These two reports completed this series of reports on narcotics treatment programs initiated in the 92d Congress.

The Subcommittee held hearings and favorably reported H.R. 677, which provides for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities. An identical bill had previously passed the House during the 92d Congress. This Session, the entire Law Enforcement Assistance Administration (LEAA) legislation was being considered by a separate subcommittee. This small section had been referred to the Subcommittee because of the jurisdiction over certain areas of drug abuse and treatment. The bill was considered collaterally in this Subcommittee while the entire LEAA legislation was being revised by another subcommittee.

When H.R. 8152 (LEAA package) was being considered by the full Committee, H.R. 677 was proposed and accepted as an amendment to H.R. 8152. Comments on this amendment are a part of H. Rept. 93–249.

ARREST RECORDS AND COMPUTERIZED CRIMINAL DATA SYSTEMS

Hearings were continued in the First Session of the 93d Congress by the Subcommittee on H.R. 188, to provide for the dissemination and use of criminal arrest records in a manner that insures their security and privacy. Four days of hearings concluded the series which gave sole consideration to the dissemination and use of arrest records. Later in the session, H.R. 9783, a companion bill to H.R. 188, was introduced by the chairman of the Subcommittee. This bill relates to the regulation of the collection, storage, and dissemination of information by criminal data banks established or supported by the United States. H.R. 9783, is designed to impose a statutory set of safeguards on the proliferating criminal data bank systems. An initial day of hearings was held that specifically dealt with the problems the Commonwealth of Massachusetts encountered with the National Criminal Information Center (NCIC).

H.R. 12574, introduced at the request of the Justice Department, and H.R. 12575, the House versions of the bill introduced in the Senate by Senator Ervin, were both introduced by Chairman Rodino in the Second Session.

Hearings were then held on all four of these bills in the Second Session.

Near the close of the Second Session, an executive communication was received containing the Administration's proposal for legislation on this issue. It will be introduced at the beginning of the 94th Congress.

The Subcommittee is particularly interested in the area of criminal justice information systems and how they relate to the constitutionally guaranteed right of privacy of individuals. The Subcommittee anticipates a further examination of these systems with an eye towards

uniform regulations legislated to guarantee the efficient use of all criminal information while insuring their security and privacy.

PROHIBITION ON THE USE OF SYMBOLS OF THE UNITED STATES IN THE COLLECTION OF PRIVATE DEBTS

Hearings were held by the Subcommittee which subsequently approved H.R. 689, prohibiting the private use of the name or symbol of the United States in the collection of debts. Section 712 of Title 18 of the United States Code prohibiting collection agencies from using the name or symbol of the United States in the collection of debts was interpreted by the courts in *United States* v. *Boneparth* as not broad enough to cover the same practices by individual merchants collecting their own debts. This bill corrects the obvious loophole and extends this section to cover and eliminate the unconscionable practices of all individuals in any debt collecting situation. This bill was subsequently passed by the Senate, signed by the President and is Public Law 93–147.

FAIR EMPLOYMENT PRACTICES OF AMERICAN CORPORATIONS DOING BUSINESS IN SOUTH AFRICA

In September and October 1973, the Subcommittee began comprehensive hearings on H.J. Res. 703, a joint resolution designed to protect United States domestic and foreign policy interests by making fair employment practices in the South African enterprises of United States firms a criteria for eligibility for Federal Government contracts.

Total private U.S. investment in South Africa, a country in which the overwhelming majority of citizens are denied by law political and human rights because of skin color, amounted to about $750 million in 1970—approximately one percent of U. S. direct private foreign investments and about 25 percent of total U.S. investments on the African continent. Nearly 300 American firms are represented in South Africa. In view of the number of American corporations present in South Africa and the social significance of the legislation, extensive preparation was undertaken to insure that witnesses from varied backgrounds, disciplines, and interests would be heard.

A statement was received from Peter W. Rodino, Jr., the sponsor of the legislation, and extensive testimony has been provided by the Chairman of the Subcommittee on Africa of the House Foreign Affairs Committee. Scholars of international reputation also appeared before the Subcommittee followed by church persons who have sought through cooperative efforts with American corporation officials to improve corporate employment practices in South Africa. Further, practitioners of South African law and legal scholars knowledgeable in the area have also assisted the Subcommittee with testimony. A position statement has also been received from the United States Department of Commerce and the United Automobile, Aerospace and Agricultural Implements Workers of America (UAW).

Subcommittee staff work on H.J. Res. 703 continued during the 2d Session of the 93d Congress. That work involved the continued mon-

itoring of the social and political situation in the Republic of South Africa and Namibia, the areas covered by H.J. Res. 703, as well as in Rhodesia, another white minority-ruled country in the southern region of the African continent which maintains close political ties with the Republic of South Africa. Close attention has, of course, been paid to the suggestions of proposed limited internal reform which have recently been made by South African Prime Minister John Vorster subsequent to the barring of the South African delegation from the United Nations General Assembly session on November 12, 1974. The Namibian situation is also under close scrutiny because of recent United Nations demands for Namibian independence from South Africa.

Since one of the concerns of the Subcommittee, as regards to H.J. Res. 703, has been the state of the South African law relative to varying employment practices based on race, the staff has been closely observing whether or not any internal "reform" affecting fair employment practices in South Africa will be proposed.

In anticipation of legislation similar or identical to H.J. Res. 703 being reintroduced in the 94th Congress, the Subcommittee staff has commissioned a Library of Congress study, to be completed by the end of January 1975, which will examine in depth, current employment practices in South Africa. That study will also analyze the requirements of South African law in the area of employment practices and focus on any new moves toward liberalization of the law.

In early November 1974, staff work included the distribution of a questionnaire to approximately 300 United States corporations and citizens with business interests in South Africa. The questionnaire requested information relative to the South African operations of the questionnaire recipients. The questionnaire responses are expected to be analyzed and tabulated by late January or early February 1975.

In the event that legislation similar to H.J. Res. 703 is introduced during the 94th Congress, the Subcommittee expects to hold hearings for the purpose of receiving testimony from the Department of State, the labor movement and the business community.

HOLIDAYS AND COMMEMORATIONS

The following bills were acted upon in the House by unanimous consent:

H.J. Res. 5—Nicolaus Copernicus Week, beginning April 23, 1973, became Public Law 93–16.

H.J. Res. 52—Women's Equality Day, August 26, 1973, became Public Law 93–105.

H.J. Res. 111—National Cancer Day, September 8, 1973. Passed House September 6, 1973.

H.J. Res. 136—National Vocational Education Week, February 11 to 17, 1973. Passed House January 24, 1973.

H.J. Res. 163—International Clergy Week, commencing January 28, 1973, became Public Law 93–2.

H.J. Res. 196—National Nutrition Week, March 4–10, 1973. Passed House February 28, 1973.

H.J. Res. 210—National Hunting and Fishing Day, fourth Saturday of September 1973, became Public Law 93–23.

H.J. Res. 211—American History Month, February 1973. Passed House February 8, 1973.
H.J. Res. 275—National Arthritis Month, May 1973, became Public Law 93–21.
H.J. Res. 289—National Arbor Day, last Friday of April 1973. Passed House March 22, 1973.
H.J. Res. 296—National Autistic Children's Week, last week of June 1973, became Public Law 93–42.
H.J. Res. 303—Day of Observance of Thirtieth Anniversary of Warsaw Ghetto Uprising, April 29, 1973, became Public Law 93–20.
H.J. Res. 334—National Employ the Older Worker Week, second full week of March 1973, became Public Law 93–10.
H.J. Res. 337—National Check Your Vehicle Emissions Month, April 1973. Passed House March 29, 1973.
H.J. Res. 410, S.J. Res. 51—National Historic Preservation Week, beginning May 6, 1973, became Public Law 93–30.
H.J. Res. 437—National Clean Water Week, beginning April 15, 1973, became Public Law 93–18.
H.J. Res. 466—National Legal Secretaries' Court Observance Week, the second full week in October 1973, became Public Law 93–104.
H.J. Res. 533—A day of Commemoration of the Opening of the Upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673, June 17, 1973, became Public Law 93–41.
H.J. Res. 677—Teachers Day, September 28, 1973. Passed House September 6, 1973.
H.J. Res. 695—Johnny Horizon '76 Clean Up America Month, September 15, 1973, to October 15, 1973, became Public Law 93–108.
H.J. Res. 865—Vietnam Veterans' Day, March 29, 1974. Passed House December 18, 1973, became Public Law 93–232.
H.J. Res. 910—National Hunting and Fishing Day, September 28, 1974, became Public Law 93–424.
H. Con. Res. 43—In recognition of the Two Hundred Twenty-fifth Anniversary of Washington and Lee University. Passed House June 5, 1973.
H. Con. Res. 223—United States Space Week, July 16–22, 1973. Passed House June 28, 1973.
S.J. Res. 25—National Next Door Neighbor Day, the fourth Sunday in September 1973, became Public Law 93–103.
S. Con. Res. 27—To Observe a Period of Twenty-One Days to Honor America. Passed House June 13, 1973.
S. Con. Res. 79—Expressing the sense of the Congress with respect to the celebration of the 100th anniversary of the birth of Herbert Hoover. Passed House August 6, 1974.

The following bills were acted upon in the House under suspension:

H.J. Res. 898—National Legal Secretaries' Court Observance Week, the second full week in October 1974, became Public Law 93–442.
H.J. Res. 1070—Johnny Horizon '76 Clean Up America Month, September 15, 1974 through October 15, 1974, became Public Law 93–418.
H.J. Res. 1105—Women's Equality Day, August 26, 1974, became Public Law 93–382.
S.J. Res. 224—March of Dimes Birth Defects Prevention Month, January 1975. Passed House December 16, 1974.

FEDERAL CHARTER LEGISLATION

Federal charters have been a troublesome area for Congress since 1965. Prior to 1965, Federal charters were granted to nonprofit, charitable organizations by passage of a resolution by both Houses of Congress. In 1965 a veto message pointed out there were many legal issues raised by the granting of the charters, which had never been resolved.

A study is presently underway by the Subcommittee into the entire area of Federal charters so that this area of the law can be clarified and charters issued once again.

While no new charters are being processed until the law is clarified and changed, amendments to existing charters are processed by the Subcommittee. The following charter amendments were processed:

S. 1836—Amended the Act to incorporate the American Hospital of Paris so as to remove the limitations on the maximum number of members of its board of governors. Passed the Senate, November 28, 1973; passed the House, April 1, 1974. Public Law 93–266.

S. 2441—Amended the Act incorporating the American War Mothers to permit certain stepmothers and adoptive mothers to be members of that organization. Passed Senate on November 28, 1973; passed House on April 1, 1974. Public Law 93–267.

H.R. 8864—To amend the Federal charter of Little League Baseball, Inc. to allow girls to participate on an equal basis with boys. Passed House on November 18, 1974; passed Senate on December 16, 1974. Public Law 93–551.

S. 3204—To amend the Federal charter of the Naval Sea Cadet Corps to eliminate discrimination based on sex. Passed Senate October 2, 1974; passed House November 18, 1974. Public Law 93–504.

S. 4013—To amend the Act incorporating the American Legion so as to redefine eligibility for membership in that organization. Passed Senate October 4, 1974; passed House December 16, 1974. Public Law 93–557.

Miscellaneous Legislation

S. 1585—This bill was enacted at the request of the Department of Agriculture. The purpose of the bill is to protect the name and character "Woodsy Owl" from unauthorized use or manufacture.

S. 5969—This bill was enacted at the request of the Department of Interior. The purpose of the bill is a technical amendment of Section 701(c) of Title VII of Public Law 90–284, to insure the compliance with the congressional intent that certain materials relating to the constitutional rights of Indians be revised and republished.

GENERAL OVERSIGHT OF THE DEPARTMENT OF JUSTICE

Various disclosures and information which came to light during 1973, occasioned principally by the Select Senate Committee on the Presidential Election of 1972 and other major news events focused the Subcommittee's attention on areas of past performance by the Justice Department under prior Attorneys General.

The Subcommittee's attention was directed back to early May of 1970 where in a period of ten days, students were killed and wounded on the campuses of Kent State University in Ohio and Jackson State College in Mississippi. In the wake of these tragic incidents the President announced a Commission to look into student and campus unrest which was popularly called the "Scranton Commission" after its Chairman, William Scranton, former Governor of Pennsylvania. The Commission concluded the shootings were "unnecessary, unwarranted and inexcusable."

In the case of Kent State, Attorney General Mitchell announced on August 13, 1971, almost sixteen months after the shootings, that the Justice Department would do nothing further. Revelations of 1973 at least indicated the possibility that the motivation for this and similar decisions may be suspect.

A staff investigation was begun in July of 1973. The thrust of the inquiry was directed at the Justice Department's handling of these incidents subsequent to their occurrence, but in order to fully understand all of the circumstances, the facts of the incident at Kent State were reviewed. Staff investigators were dispatched to Ohio. Numerous personal and telephone interviews were completed, and all documentation that could be compiled was reviewed.

Prior to the announcement of the Subcommittee's public hearings in this area, Assistant Attorney General J. Stanley Pottinger announced for then Attorney General Elliot Richardson on August 3, 1973, a further Federal inquiry into the circumstances surrounding the fatal shootings.

The Subcommittee staff met with Department of Justice officials and cooperated in every way with this new inquiry. A Federal Grand Jury was impaneled in late 1973 which issued indictments against eight of the National Guardsmen involved. A trial was held and on November 1974, Federal District Court Judge Frank Battisti ordered a directed acquittal of all the defendant National Guardsmen.

The Subcommittee is still interested in the role of the Justice Department with regard to the handling of the Kent State, Jackson State and other similar matters.

The Subcommittee's interest was also directed to the operation of the Bureau of Narcotics and Dangerous Drugs (BNDD) and the Office of Drug Abuse Law Enforcement (ODALE), now combined with other agencies as the Drug Enforcement Agency, by the incidents reported at Collinsville, Illinois, in late April 1973. Drug agents without warrants broke into two residences which were not the subject of any investigation.

The Subcommittee staff requested and received a staff briefing on the incidents by the Department of Justice. Further, Mr. Myles Ambrose, then Director of ODALE, was called to an Executive Session of the Subcommittee to discuss the incidents. The Subcommittee expressed its concern regarding the training of and the regulations guiding Federal drug agents. As a result, new guidelines were issued on July 17, 1973.

Oversight of the Federal Bureau of Investigation

As part of the Committee's responsibility to oversee the operations of the Department of Justice, this Subcommittee began its review of the operations of the Federal Bureau of Investigation (FBI).

The Subcommittee believed it necessary to initiate such an effort so it can more effectively carry out its legislative responsibilities, but recognized that it is essential to thoroughly plan such an effort before beginning detailed reviews or holding oversight hearings.

To further this effort, a letter was sent to the Honorable Elmer B. Staats, Comptroller General of the United States, asking the General Accounting Office to be of continual assistance to the Subcommittee by providing information on the efficiency, economy and effectiveness of the FBI's operations. These reports will be a primary basis for decisions by the Subcommittee in determining how best to exercise its legislative oversight responsibilities.

This effort is now underway and the first reports from the GAO are expected during the First Session of the 94th Congress.

At the same time that the general review was requested by the Subcommittee, it specifically asked the GAO to initially review the Bureau's domestic intelligence operations, to focus on the policies, procedures and criteria used by the Bureau to identify and select areas which are to be investigated by its domestic intelligence section and on how funds and resources are applied to such operations.

Subsequently, but before the GAO audit and review began, Attorney General Saxbe on November 18, 1974 made public a report, prepared by a committee headed by Assistant Attorney General Henry Petersen, on the FBI "Counterintelligence Programs."

On Wednesday, November 20, 1974, the Subcommittee held a public hearing on the subject of that report. Called as witnesses were Attorney General William B. Saxbe, who was represented by Deputy Attorney General Laurence H. Silberman; the Director of the Federal Bureau of Investigation, Clarence M. Kelley; and Assistant Attorney General Henry E. Petersen. The potential for invasions of constitutionally protected rights was only too apparent, and the Subcommittee wished to be directly informed by those presently responsible about the situation.

This Subcommittee regards its legislative oversight function in the area of the Federal Bureau of Investigation as one of its most important obligations and will be devoting a considerable amount of its time and interest to this project in the forthcoming Congress.

Civil Rights Oversight

Accompanying the legislative jurisdiction of the Subcommittee is oversight jurisdiction in the civil rights area. Specifically granted to the Subcommittee on February 23, 1971, civil rights oversight jurisdiction includes major responsibility for review of the administration and enforcement of Federal civil rights laws. Increasingly, it has become apparent that equal access by all citizens to American resources depends heavily upon the the enforcement of the law.

In this regard, the Subcommittee has established high priority concerns with an eye to commencing activities in areas of maximum impact.

GENERAL REVENUE SHARING

Staff study and hearings were begun relative to enforcement of the civil rights provisions of the State and Local Fiscal Assistance Act of 1972. The Act, more commonly known as General Revenue Sharing, provided for a total of 30.2 billion dollars to be divided automatically among state and local governments over a five year period. The civil rights provisions require that funds not be used in any manner which discriminates on the basis of race, color, national origin or sex.

In the first of a series of hearings, testimony was received from the Office of Revenue Sharing in order to provide the Subcommittee with an overview of the procedures and mechanisms by which civil rights compliance by recipient units of government will be insured.

Current appropriations for general revenue sharing under the State and Local Fiscal Assistance Act of 1972 run through the period ending December 31, 1976. Therefore, it is expected that the question of the continuation of general revenue sharing, and the form of any such continued program, will be dealt with by the 94th Congress. By the time these issues come before the Congress for action, the Subcommittee on Civil Rights and Constitutional Rights hopes to have prepared a report containing findings and considerations relative to the civil rights provisions of the revenue sharing legislation and their enforcement.

Toward this end, staff work of the Subcommittee has included the establishment of ongoing contact with persons and organizations who have been involved in monitoring the civil rights enforcement effort under general revenue sharing. Such organizations include the Leadership Conference on Civil Rights, the National Lawyers Committee for Civil Rights Under Law, the Center for Community Change and the National Clearinghouse on Revenue Sharing.

On November 20–22, 1974, a Subcommittee staff member attended a GAO-sponsored conference on revenue sharing which was attended by representatives of local government, consultants, economists and community leaders. Contacts made through attendance at the conference are expected to aid staff members in the review and analysis of civil rights and general revenue sharing.

Meetings are now taking place between Subcommittee staff persons and representatives of the General Accounting Office for the purpose of working out the details of a GAO study to be requested by the Subcommittee which will focus on the manner in which civil rights requirements are now being enforced by the Office of Revenue Sharing.

During the 94th Congress, the Subcommittee will hold hearings at which representatives of GAO will present the findings of their report. Testimony will also be received from members of community groups which have been involved in this area and from representatives at the Office of Revenue Sharing. These hearings will serve as the basis for the Subcommittee Report to be issued in this area.

EQUAL EMPLOYMENT OPPORTUNITIES IN THE FEDERAL DRUG FIGHTING AGENCIES

An additional high priority which emerged for the Subcommittee was equal employment opportunity. With the passage of Title VII of the 1964 Civil Rights Act, increased attention has focused upon the employment area as a means by which minorities and the poor could seek to escape from the poverty cycle. Further, with drug abuse reaching even more heavily into urban ghettos and recently extending beyond, the Subcommittee sought to combine two areas of interest by reviewing the Affirmative Action Plans of the Bureau of Narcotics and Dangerous Drugs, the United States Customs Service, the Office of Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence.

Extensive hearings held in May 1973, highlighted statistical employment data, recruitment, retention, and promotion efforts and were helpful in delineating necessary areas of improvement for the fulfillment of goals and timetables established for the hiring of minorities and women. Initial improvements in the administration of mechanisms designed to strengthen recruitment and retention of minority and female employees have already occurred.

During the Second Session of the 93d Congress, the Subcommittee received follow-up testimony in this area from Mr. John Bartels, Administrator of the Drug Enforcement Administration (DEA) and Mr. Vincent T. Oliver, a Deputy Personnel Officer at DEA. Earlier testimony had been received from representatives of the Bureau of Narcotics and Dangerous Drugs, the Bureau of Customs, the Office of National Narcotics Intelligence and the Office of Drug Abuse Law Enforcement, all of which are former drug fighting agencies which were merged into DEA on July 1, 1973 in accordance with Reorganization Plan No. 2.

The Subcommittee has just completed its report based on the entire series of hearings in this area.

BUDGETARY CUTBACKS FOR FISCAL YEAR 1974 IN THE COMMUNITY RELATIONS SERVICE

On March 22, April 11 and 12, and October 10, 1973, the Subcommittee conducted hearings into proposed cutbacks in the fiscal year 1974 budget of the Community Relations Service (CRS), United States Department of Justice.

The Community Relations Service was created by Title X of the Civil Rights Act of 1964:

> To provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby.

In fiscal year 1973, $6.8 million in funds were appropriated to CRS. However, the President requested only $2.8 million for CRS in fiscal year 1974. The Subcommittee's hearings focused on the effects which the proposed cuts would have on CRS' ability to properly conciliate and prevent racial crises.

CABINET COMMITTEE ON OPPPORTUNITIES FOR SPANISH SPEAKING PEOPLE

In July 1973, the Subcommittee examined the role which the Cabinet Committee on Opportunities for Spanish Speaking People has played in providing equal opportunity for this country's Spanish speaking citizens. Of particular interest to the Subcommittee was the Cabinet Committee's efforts to fulfill its statutory mandate. During the course of the hearings, the Subcommittee reviewed some of the activities of the Chairman of the Cabinet Committee during the presidential election of 1972. While the Subcommittee did not issue a report on its two days of hearings, liaison between the Subcommittee and the Cabinet Committee on Opportunities for Spanish Speaking People is continuing in an effort to insure that the needs of the Spanish Speaking will be met.

ENFORCEMENT OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 IN PROGRAMS RECEIVING MEDICARE AND MEDICAID FUNDS

Pursuant to a request by the Chairman of the Judiciary Committee in the 92d Congress, the General Accounting Office prepared a report on the enforcement of Title VI of the Civil Rights Act of 1964 in programs receiving Medicare and Medicaid funds. Time constraints prevented the Subcommittee from taking up this issue during the 92d Congress. However, in September and October 1973, the Subcommittee conducted a series of hearings on Title VI enforcement in the Medicare-Medicaid programs. The GAO presented its report on the first day of hearings and was followed on subsequent days by the American Public Health Association, the Leadership Conference on Civil Rights, and the Office for Civil Rights at HEW, which is charged with administrative oversight responsibility in this area.

Title VI of the Civil Rights Act of 1964 prohibits recipients of Federal funds from discriminating on the basis of race, color, or national origin. In its inquiry into compliance with these provisions, the Subcommittee tried to determine whether or not HEW was vigorously enforcing Title VI with respect to hospitals and extended care facilities which participated in Medicare or Medicaid. A major area of concern was a finding by the GAO that a pattern of uni-racial occupancy in hospitals and nursing homes was prevalent in the United States. The Subcommittee has submitted additional questions to the Office for Civil Rights and will issue a report based on material presented both during the hearings and in subsequent communication with HEW.

NASA'S EQUAL OPPORTUNITY PROGRAM

On March 13 and 14, 1974, the Subcommittee on Civil Rights and Constitutional Rights held hearings on NASA's Equal Opportunity Program, in an effort to determine the effectiveness of that program. Testimony was received from Ronald H. Brown, Director of the Washington Bureau of the Urban League; Gayle D. Salinas, Chairperson for the National Employment Compliance Task Force for the National Organization of Women; Manuel D. Fierro, Executive Director of the Raza Association of Spanish Surnamed Americans; Roy Johnson, President of Government Employees United Against Dis-

crimination; Willis H. Shapley, Deputy Associate Administrator of NASA; Jo Marie DiMaggio, Federal Women's Co-ordinator for NASA Headquarters; Diane Graham, U.S. Civil Rights Commission; Carlos Garza, EEO Officer, NASA Flight Research Center; Don Edwards, California; Vincent T. Oliver, Deputy Personnel Director, Drug Enforcement Administration, U.S. Department of Justice; and Spann Watson, a retired Air Force career officer who applied for a position at NASA.

During the 94th Congress, as part of a broad program involving the review of the EEO programs of various federal agencies, the Subcommittee plans to again examine the hiring and promotion of minorities and women within the ranks of NASA.

EQUAL HOUSING OPPORTUNITY HEARINGS

On September 19, 1974, the Subcommittee commenced what is expected to be a series of hearings in the area of equal housing opportunities. Testifying before the Subcommittee during its one day of hearings was John A. Buggs, Staff Director for the United States Commission on Civil Rights. Mr. Buggs presented to the Subcommittee the Commission's report on "Equal Opportunity in Suburbia."

In view of the picture of unfair and unbalanced housing presented by that report, as well as testimony indicating that the Justice Department and the Department of Housing and Urban Development have not made significant improvement in their enforcement of equal housing since the Subcommittee's hearings on the subject three years ago, the Chairman has indicated that future hearings will be held where representatives of both Departments will be called to testify.

FEDERAL EMPLOYMENT OF SPANISH SPEAKING AMERICANS

The Subcommittee held hearings on May 6, 1974 and September 17, 1974 on Federal Employment of Spanish Speaking Americans. As early as January 1974, the Chairman had announced his intention to hold hearings in this area. In January, Chairman Edwards noted that since November 1970, when President Nixon announced his 16 Point Program to assist Spanish Speaking persons in obtaining Federal employment, the Spanish Speaking Federal workforce had increased from 2.9% to a mere 3.1%. Since the Spanish Speaking make up more than 6% of our national population, that increase was viewed as woefully inadequate.

At the May 6, 1974 hearing, testimony was received from Irving Kator, Assistant Executive Director of the United States Civil Service Commission and from Edward Valenzuela, President of *Image*. The September 17, 1974, hearing included testimony from Mr. Edward E. Shelton, Director of the Office of Equal Opportunity at the Department of Interior, who was accompanied by Ruth A. Graham, Assistant Director of the Office of Equal Opportunity; Mary Wright, Assistant to the Assistant Director of the Office of Equal Opportunity; and Jess Quintero, Spanish Speaking Program Coordinator.

The Subcommittee plans to continue its hearings in this important area during the 94th Congress by hearing from other agencies and departments relative to this implementation of the 16 Point Program.

Additional Activities

The Subcommittee, in addition to its role in holding civil rights oversight hearings, maintains close liaison with Departments in the Executive Branch which have jurisdiction over civil rights matters. During the 93d Congress, the Subcommittee has had various occasions to contact the Civil Rights and other divisions of the Departments of Justice.

VOTING RIGHTS

Voting rights have remained a concern of the Subcommittee in view of the Voting Rights Act of 1965 and the fundamental need to insure this right to every American citizen. The results of several municipal elections are under investigation by the Department of Justice at the Subcommittee's request. The Subcommittee requested early in the session that the Justice Department investigate charges of voting rights violations in Maricopa County, Arizona. The Subcommittee also requested that the Justice Department look into possible civil rights violations in the deaths of two members of the United Farm Workers Union in a recent California labor dispute.

The Voting Rights Act of 1965, as amended, is scheduled to expire in August of 1975. In preparation for its deliberations regarding related legislation which is expected to be introduced early in the 94th Congress, the Subcommittee staff has established and is continuing to establish ongoing contacts and relationships with persons and organizations which may have pertinent information relative to the continued need for the protections afforded by the Voting Rights Act.

The Subcommittee staff has also very recently prepared and directed to the Justice Department an extensive set of questions regarding the rate of activity and Justice Department enforcement under various provisions of the Voting Rights Act.

Contact has also been established with the United States Civil Rights Commission in the area of voting rights in view of the pending release of a Commission Report dealing with that area.

BOSTON BUSING

During the yet ongoing crisis surrounding the busing of children in the City of Boston, pursuant to Federal court order, the Subcommittee has been closely monitoring news accounts of the violence taking place in that city. The Subcommittee Chairman has requested that the Justice Department look into what appear to be civil rights violations as regards the acts of violence which have been reported. In contacting the Department, the Chairman also questioned the Department's decision not to provide Federal law enforcement assistance in the City of Boston, especially in view of the pleas for such assistance by the Mayor of Boston.

EEO IN FEDERAL LAW ENFORCEMENT

As an extension of its investigation in the area of Federal drug law enforcement, the Subcommittee has directed questionnaires to all Fed-

eral agencies and departments having any Federal law enforcement responsibilities. The questionnaires are intended to obtain information regarding the hiring of minorities and women in areas such as the Secret Service, FBI, criminal investigators, Deputy United States Marshals, etc.

The Subcommittee expects to receive all questionnaire responses in the near future and upon analyzing those responses, will determine what future action the Subcommittee may need to take. In recognition of the fact that it is very often the minority members of the society who are most frequently subject to the criminal process, the Subcommittee will of course be reviewing the responses for the purpose of determining the extent to which minorities and women are employed in Federal law enforcement roles, especially at the decision and policy-making levels.

The Subcommittee anticipates the possibility of conducting hearings in this area and leading up that series of hearings will probably be testimony regarding the treatment of minorities and women in the Department of Justice's United States Marshals Service. The Subcommittee has, throughout the First and Second Sessions of the 93d Congress, maintained close contact with the various parties involved in Justice Department rulings of May 4, 1973 and August 31, 1973. The May 4th ruling found a pattern of discrimination against Black Deputy Marshals and the August 31st ruling found that there had been harassment of the Chairman of the Black Deputy United States Marshals Organization, an association involved in setting forth the complaint which led to the May 4th ruling.

The Subcommittee is in receipt of unfavorable reports relative to the Justice Department's failure to rectify the situations which led to its findings of racial discrimination and harassment. Therefore, any hearings or investigations of EEO in Federal law enforcement must involve a close scrutiny of the Justice Department and especially the United States Marshals Service relative to this matter.

Miscellaneous

During the 93d Congress, the Subcommittee has directed many inquiries to various Executive Departments asking that they investigate or report upon certain matters that have come to the attention of the Subcommittee. For example, the Subcommittee has recently requested follow-up information on a complaint filed with the Law Enforcement Assistance Administration regarding race discrimination in employment in a State Criminal Justice Planning Agency. Also, charges of discrimination were pursued by the Subcommittee during the First Session regarding disaster relief provided by the Department of Housing and Urban Development and the Small Business Administration to flood victims in certain Mississippi counties.

The Chairman of the Subcommittee has also engaged in correspondence with the Director of the Office of Management and Budget for the purpose of requesting that OMB vigorously improve its civil rights enforcement effort. This correspondence was initiated at the time that OMB was undergoing a major reorganization in 1973.

A Subcommittee inquiry was addressed to the Justice Department early during the Second Session requesting that the Department be in-

volved in preventing violence in the Imperial Valley where the Farm Workers had called for a work stoppage involving 8,000 to 10,000 workers covered under Teamster Union contracts.

During October and November 1974, the Subcommittee was involved in a still ongoing exchange of letters with the Deputy Administrator for the Agency for International Development. In those letters, the Subcommittee Chairman has requested detailed information regarding the race and category of employees to be affected by a proposed AID reduction-in-force (RIF). It is of special concern to the Subcommittee that minorities and women not be disproportionately affected by the RIF, particularly by the application of any blanket "last-hired, first-fired" policy.

Subcommittee attention has also been directed toward the numerous charges of racial discrimination which have been leveled at State Bar examiners. In April 1974, the Chairman of the Subcommittee directed a letter to the Justice Department suggesting that the Department ought to seriously consider participating in ongoing bar discrimination litigation. Subcommittee staff has also established contacts and is meeting with interested parties for the purpose of determining whether or not extensive Subcommittee involvement is necessary and appropriate in this area.

Second Session activities of the Subcommittee also included contacts with the Department of Agriculture regarding possible discriminatory practices on the part of the Farmers Home Administration, as outlined in a complaint which was brought to the Subcommittee's attention. Other inquiries regarding discriminatory practices in home financing were also directed to the Federal Reserve Board.

Summary of Activities of the Subcommittee on Monopolies and Commercial Law

Summary of bills referred to the subcommittee

Bills referred to subcommittee	275
Bills on which hearings were held	36
Bills reported favorably to full committee	3
Bills reported adversely to full committee	0
Bills pending in subcommittee	239
Bills reported to House	3
Bills passed House	2
Bills pending in House	1
Bills pending in Senate	0
Bills which became law	2

Under its former designation as Subcommittee No. 5 of the Judiciary Committee, jurisdiction over a variety of subjects including the Federal judicial system, antitrust, and matters as assigned was traditionally exercised. On June 19, 1973, Judiciary Committee action resulted in a change from a numbered designation of the Subcommittee to a titled designation as the Subcommittee on Monopolies and Commercial Law. Much of its traditional and historical jurisdiction was retained, including antitrust oversight or legislative review jurisdiction.

Subcommittee jurisdiction was affected, however, by H. Res. 988 of October 8, 1974 that amended Rules X and XI of the Rules of the House of Representatives: Judiciary Committee jurisdiction over working conditions under public supply contracts was transferred to the Education and Labor Committee. During the 93d Congress, bills, e.g. H.R. 11298, To amend the Walsh-Healey Act and the Contract Work Hours and Safety Standards Act to change the workday for employees who are employed under contracts subject to those Acts from eight to ten hours per day, had been referred to the Monopolies Subcommittee.

During the 93d Congress, the subcommittee had referred to it 275 bills. Hearings were held on 36 of these measures, of which 3 were favorably reported to the full Judiciary Committee. Committee reports on three measures were filed with the House of Representatives; two, subsequently, became public law. In addition, antitrust amendments to the Energy Emergency Act (H.R. 11882) prepared by the Subcommittee were incorporated into that Act and accepted by the conferees thereto.

A summary of the principal subcommittee activities follows:

U.S. Courts

The subcommittee received testimony on three bills recommended by the Judicial Conference of the United States to alleviate adminis-

trative burdens on the Chief Justice. The one-day hearings held on September 14, 1973 encompassed the following: (1) H.R. 7723, to provide for a within-grade salary increase plan for secretaries to Circuit and District judges of the courts of the United States, and for other purposes; (2) H.R. 8150, to provide for the appointment of transcribers of official court reporters' transcripts in the United States district courts, and for other purposes; and, (3) H.R. 8151, to provide for the appointment of legal assistants in the courts of appeals of the United States.

In addition, the subcommittee received the bills to provide for the appointment of additional United States District and Circuit Court judges; and, a number of similar bills to provide for additional judges and additional judicial districts within the States severally.

Pocket Veto

The subcommittee held a one-day hearing on September 12, 1973, on the bill, H.R. 7386, to provide a rule in cases of the "pocket veto" for the implementation of Section 7 of Article I of the Constitution of the United States. The bill was agreed to by the subcommittee, approved by the full Committee, and a report, H.Rept. 93–1021, filed.

H.R. 7386 provided a definite rule for adjournments that "prevent the return" of a bill by the President to the Congress for reconsideration. For adjournments not sine die but for more than three days, the President would be required to return disapproved bills to the Congress.

U.S. Constitution

During the 93d Congress, more than 75 Resolutions to amend the Constitution with respect to appropriations, business, the Congress, Congressional districts, federal judges, Supreme Court Justices, presidential elections, and qualifications for the presidency, were received by the subcommittee.

Law Enforcement Assistance Administration

Most of the subcommittee's efforts during the first half of the first session of the 93d Congress focused on twenty-six bills to extend authorization for the Law Enforcement Assistance Administration (LEAA) and to significantly amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968. Hearings were held on March 15, 20, 22, 26, 28, 29, 30; and April 4 and 5, 1973.

H.R. 8152, a clean bill, was reported to the full Committee on the Judiciary for its consideration on May 30 and May 31, 1973, and approved with amendments. H.Rept. 93–249 was filed in the House on June 2, 1973, and the bill, with amendments, passed the House by a record vote of 391–0 on June 18, 1973.

The Senate passed H.R. 8152 with amendments on June 28, 1973. The resulting Conference on H.R. 8152, chaired by Mr. Rodino, filed its Conference Report in the House on July 26, 1973 (Rept. 93–401) and in the Senate on the same date (Rept. 93–349). The House agreed to the Conference Report on August 2, 1973 and was signed by the President August 6, 1973 (Public Law 93–83).

The new Public Law represents what the Committee believes is a major step forward in the fight against crime. A major, fifty-page piece of legislation, it makes a variety of amendments to Title I of the Safe Streets Act that established the Federal Law Enforcement Assistance Program.

Most importantly, the bill authorizes appropriations for the next 2 fiscal years for the Law Enforcement Assistance Administration (LEAA), created by the 1968 Act as a financial and technical partner for State and local governments in reducing crime and improving the Nation's criminal justice system.

Additionally, the new language addresses those deficiencies that have most severely hampered aspects of LEAA performance in the past.

The bill estimates the unwieldy "troika" system as LEAA administration, and replaces it with a single Administrator and a Deputy Administrator appointed by the President with the advice and consent of the Senate.

It makes more emphatic the intention of the Congress that monies expended under this Act address all aspects of the criminal justice system—not merely police, and not merely the purchase of police hardware. The Committee, to clarify this end, has added the words "and criminal justice" to the words "law enforcement" wherever they appear throughout the bill. Thus, for example, a part of the Declarations and Purpose Section of the Act is amended to read:

> It is, therefore, the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement *and criminal justice* at every level by National assistance.

Also in this regard, the Committee has broadened the definition of law enforcement and criminal justice to include prosecutorial and defender services, and has defined "comprehensive" as it relates to plans under the Act as "a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State."

The purpose of rehabilitating criminals as well as simply detecting and apprehending them is added to the purposes of the Act.

The Committee rejected proposals to convert this program into a simple "no strings attached" special revenue sharing program (H.R. 5613), and in so doing retained Federal responsibility for administering the program and for assisting the States in comprehensive planning.

Antitrust Jurisdiction

LEGISLATIVE

In September and October 1973, four days of legislative hearings were held on the complex Antitrust Procedures and Penalties Act (S. 782; H.R. 9203; H.R. 9947). The proposed legislation, a package of issues in three distinct areas, originally provided: (1) The Antitrust Division would be required to file an impact statement for each of its civil antitrust consent decrees; federal district courts would be required to determine if a proffered consent decree was in the public interest; mechanisms for publicizing proffered decrees and their

contents and for assisting federal district courts in discharging their new legislative mandate are provided; and, lobbying contacts by antitrust defendants with the Department of Justice would be made public; (2) Sherman Act fines would be increased to $100,000 for individuals and to $500,000 for corporate and other business entities; and (3) Present provisions for convening a three-judge court upon the filing of a government antitrust case would be repealed and procedures for expeditiously assigning one judge substituted; intermediate appellate review of interlocutory orders in government antitrust cases would be enacted for the first time; present procedures providing direct Supreme Court review of government antitrust cases from federal district court adjudication via Supreme Court mandatory jurisdiction would be repealed and substituted, instead, would be appellate procedures routing adjudicated government antitrust cases through the intermediate federal courts of appeals except when a party seeks "an order starting that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice," the judge who adjudicated the case grants such order, and the Supreme Court, in the exercise of its discretion, does not remand the case to the federal courts of appeal. In addition, relevant portions of the Communications Act of 1934 and of the Interstate Commerce Act would be repealed.

On March 12, 1974, the subcommittee recommended S. 782 with amendments to the full Committee. Subsequently, a clean bill, H.R. 17063, was agreed upon by the subcommittee and on October 8, 1974, the Committee ordered reported S. 782 with one amendment in the nature of a substitute, the language of which was the text of H.R. 17063. H. Rept. 93–1463 was filed in the House on October 11, 1974. In a letter of October 8, 1974, to the Speaker, the Administration requested that S. 782 be amended further before House action to increase fines for corporate violations of the Sherman Act to $1,000,000. In a letter of November 1, 1974, Chairman Rodino acknowledged the request for a fine increase and added that an amendment making Sherman Act violations felonies was also possible in the 93d Congress. In a letter of November 8, 1974, the Administration renewed its request for a fine increase and added a request to increase jail sentences to a five-year minimum, and to make Sherman Act violations felonies. On November 19, 1974, the Committee approved the amendments requested by the Administration except jail sentence ceilings were raised to three years; and, on the same day, the House by voice vote, approved S. 782 as amended. The bill was signed into law on December 21. 1974 (Public Law No. 93–528).

On March 18 and 25, 1974, the subcommittee held hearings on H.R. 12528 and H.R. 12921, antitrust parens patriae amendments to the Clayton Act, that seek: (1) to allow a State attorney general to sue for antitrust damages in federal courts as parens patriae either for damages sustained by citizens of his State or on behalf of the State for injuries to its general economy; (2) to streamline and to expedite the proof of damages in actions brought by State attorneys general; (3) to provide procedures for the distribution of the fund of damages thus recovered; (4) to enact methods whereby the Attorney General of the United States could assist or supplement parens patriae actions

by State attorneys general; (5) to devise self-funding mechanisms for parens patriae actions; and (6) to specify coordination and cooperation between State and Federal antitrust enforcers in the area of recoveries of damages to federally-funded State programs. The Assistant Attorney General for Antitrust; The National Association of Attorneys General; and thirty-one State attorneys general, among others, expressed their support for the major provisions of the bill. Further action on the measure is expected in the 94th Congress. Overall, the bill is intended to strengthen the antitrust laws; to strengthen the Antitrust Division; and, to augment and increase antitrust enforcement by public agencies.

During November and December 1973, antitrust amendments were drafted for inclusion in the House version of the Energy Emergency Act, H.R. 11450 (subsequently, H.R. 11882). These amendments sought to clarify and to narrow the immunity from the antitrust laws originally provided for members of the oil industry complying with the Act; to define the burdens of proof and elements of the good faith defense to antitrust prosecution provided; to enact competitive safeguards; and, to provide for Antitrust Division and Federal Trade Commission participation during the formulation as well as the execution by the oil industry of plans of action or voluntary agreements permitted by the Act. On December 12, 1973, by a House vote of 286–112, the subcommittee's antitrust amendments were adopted for incorporation into the Energy Emergency Act that, subsequently, also passed the Senate but was vetoed.

Previously, during September and October 1973, analysis and subsequent support for the antitrust provisions of the Trans-Alaskan Pipeline Bill (S. 1081 and H.R. 9130) culminated in Chairman Rodino's communication of October 10, 1973 to the Conference Chairman urging retention of these antitrust measures. Specifically, Chairman Rodino gave his approval to those provisions that would authorize federal district courts to issue mandatory injunctions in Federal Trade Commission civil penalty cases; permit the Federal Trade Commission to appear in court on its own behalf if the Justice Department failed to act; clarified FTC authority to investigate companies engaged in banking or common carrier industries; provide authority for the FTC to seek preliminary injunctions against violations of the FTC Act; and, transfer the review of the collection of information required by independent regulatory agencies, including the FTC, from the Office of Management and Budget to the General Accounting Office. The antitrust amendments that Chairman Rodino urged be retained were included in the Conference Report (Rept. 93–624) that was signed into law by the President on November 16, 1973 (Public Law 93–153).

Important antitrust legislation referred to the subcommittee during the 93d Congress included: H.R. 1016, To establish a commission to review United States antitrust law; H.R. 1017, To permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; H.R. 2027, To amend the Clayton Act to preserve competition among corporations engaged in the production of oil, coal, and uranium; H.R. 2384, to amend the Clayton Act by adding a new section to prohibit sales below

cost for the purpose of destroying competition or eliminating a competitor; H.R. 4531, To amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry; H.R. 9140, To divorce the businesses of production, refining, and transporting of petroleum products from that of marketing petroleum products; H.R. 9632, To regulate commerce by assuring adequate supplies of energy resource products will be available at the lowest cost to the consumer, and for other purposes; H.R. 10587, To amend the Export Trade Act, as amended, to provide for clarification of law, for prior Federal Trade Commission clearance of export trade associations, and for other purposes; H.R. 13581, To amend section 8 of the Clayton Act to prohibit certain corporate management interlocking relationships; H.R. 13992, To amend the Antitrust Civil Process Act to increase the effectiveness of discovery in civil antitrust investigations; and, S. 1939, The Pyramid Sales Act.

INVESTIGATIVE

Food

Early in April 1973, the subcommittee became concerned about the skyrocketing of food prices occurring in the first quarter of calendar 1973 as evidenced by public reports and statistics. As materials and information on food industry pricing were assembled and scrutinized, the subcommittee became convinced that an investigation into competition and antitrust enforcement in the food industry was essential. Subsequently, on June 27, 28; July 11, 12, 16, 17, and 19, 1973, investigative hearings into food prices were conducted. Testimony and statements from spokesmen at every level of the vast food industry as well as from commodity exchanges and agricultural industry representatives was obtained.

During the course of the subcommittee's hearings on food pricing, the President imposed a nationwide freeze on retail prices. Since government regulation can freeze industry practices and high prices that are the product of anticompetitive conduct and market structure as well as pricing effects of untainted industry behavior, an added objective of the investigative hearings involved an attempt to ascertain if such occurrences had materialized.

At approximately the time of the subcommittee's closing of its investigative hearings into food pricing, a drastic and unprecedented nationwide rise in the price of soybeans was experienced. Without hesitation, Chairman Rodino expressed his dismay over the possibility that a few large corporations had worked in concert illegally to raise soybean prices to the Comptroller General of the United States in a letter, dated July 26, 1973. Chairman Rodino requested that as a part of the imminent GAO review of the Commodity Exchange Authority (CEA), that an evaluation of the adequacy of the CEA to deal with manipulative practices in the futures market, particularly in the soybean trade, be made, and that the GAO staff be alert for other questionable practices with possible antitrust implications that could be referred to or reviewed, additionally, by the Justice Department.

Similarly, an antitrust analysis of proposed amendments to Amendments to the Agricultural Act of 1970 (S. 1888) concluded that proposals to expand dairy milk cooperative power over independent milk

producers and the retail price of milk were inconsistent with the antitrust laws. Subsequently, in a letter of June 12, 1973, to the Chairman of the House Agriculture Committee, Chairman Rodino formally opposed these provisions in order to preserve the freedom of dairy farmers so desiring to market their milk independently; check a dangerous trend toward monopolization of the Nation's supply of milk industry price competition; and, to increase consumer benefits of milk industry price competition. The provisions opposed by Chairman Rodino were not included in the Agricultural Act Amendments that became law on August 10, 1973 (Public Law 93–86).

As prices continued to rise for certain foods, particularly milk, oranges, and tomatoes, Chairman Rodino corresponded with the Secretary of Agriculture on August 30, 1973, and requested that an inquiry be made by the U.S. Department of Agriculture to determine if action under Section 2 of the Capper-Volstead Act was necessary to insure that the market power of appropriate agricultural cooperatives permitted by Section 1 of that Act had not resulted in or come in dangerous proximity to monopoly power.

The subcommittee's food price hearings, the first official action in the 93d Congress on the subject, bore fruit directly as a result of information, knowledge, and experience gained. Early in 1974, the Federal Trade Commission announced and, shortly thereafter, commenced a study of the food industry. When completed, it is anticipated that the FTC study will provide guidelines and recommendations for remedial and preventive federal legislation in the food industry.

The food price hearings had re-emphasized the critical role in the Nation's food pricing mechanisms performed by commodities exchanges directly and indirectly through a rippling effect generated by the events and operations of these exchanges. Moreover, considerable substance was perceived in criticisms of the Department of Agriculture's Commodities Exchange Authority, particularly for inaction and lack of data in the Russian wheat deal and the soybean crisis. Similarly, allegations were myriad of conflicts of interest in exchange operation; of cornering of markets; of speculator overreaction pushing food prices ever higher than they otherwise would be; and, of loopholes in extant commodities legislation.

Consequently, Chairman Rodino, in a letter of January 28, 1974, to the Chairman of the Agriculture Committee that was then considering major commodities legislation, H.R. 13113, The Commodity Futures Trading Commission Act of 1974, objected to the exemption from the antitrust laws provided for commodities exchanges and questioned the propriety of making the new Commission a part of the Department of Agriculture. In extensive testimony submitted to the Senate Agriculture and Forestry Committee on May 14, 1974, Chairman Rodino expressed his support for proposed commodities legislation that would close loopholes, ensure applicability of the antitrust laws and free enterprise principles to commodities markets, and establish a fully independent regulatory agency to regulate and to oversee the commodity futures trading industry, a $500 billion industry. In a letter of September 18, 1974, to conferees on this important legislation, Chairman Rodino repeated the importance to the public interest and to the protection and promotion of competition of the provisions he supported. These provisions were approved in the Conference Report

(Rept. 93–1194) and were part of the legislation enacted (Public Law 93–463).

The complex subject of retail pricing of red meat supplies had also been reviewed during the food price hearings. Among factors identified as contributing to the spiral of meat prices in the past few years were the monopsony power possessed already by large cattle feedlot operators over the more fragmented cattle raising industry; monopoly power by the combined cattleraising and cattle feeding industries as evidenced by the ability to withhold supplies from the market as a prop for retail prices; and, monopoly power achieved by vertical integration through mergers and long-term contracts by members of the meat industry above cattle feedlots in the vertical chain of distribution of meat supplies producing cost-plus rather than competitive pricing and little, if any, decline in retail prices of meat supplies that could otherwise have been expected. In a letter of March 19, 1974, to the Agriculture Secretary, Chairman Rodino stressed these facts and, thus expressed record support for pending Regulations governing the Packers and Stockyards Act that would subject custom feedlots to federal regulatory authorities and, in effect, close one loophole; and, that would prevent either meat packers from further vertical integration backward into the custom feedlot business or further forward vertical integration by custom feedlot enterprises into meat packing. On May 14, 1974, the Administrator of the Packers and Stockyards Administration promulgated new regulations under the Packers and Stockyards Act of 1921, effective July 1, 1974, that effectuated changes in law recommended by Chairman Rodino whose testimony was included verbatim in the Administrator's opinion accompanying the new regulations adding safeguards to the public interest and to consumer prices for red meat supplies.

Like other commodities and agricultural or food products, meat retail price mechanisms were affected and propped up by restrictions on imports. Consequently, in a letter of June 12, 1974, to the Agriculture Secretary, Chairman Rodino objected to reports that Agriculture representatives were either seeking to reduce meat imports by executive action or negotiating agreements with foreign exporters of meat to the United States whereby the latter would "voluntarily" reduce meat supplies. Subsequently, in a letter of June 26, 1974, to the Agriculture Secretary concerning Agriculture responsibilities under the extant Meat Import Act, Chairman Rodino renewed his "concern for artificial manipulation of world supply and demand forces" that would aggravate further the "high prices paid by domestic consumers for meat supplies over the past two years." Meat imports were not, subsequently, reduced by executive action under regulatory authority conferred on the Agriculture Department by virtue of the Meat Import Act. Nevertheless, provisions of that Act whereby the Agriculture Department could cause or exacerbate domestic meat shortages—high prices, are expected to receive further subcommittee study.

One other noteworthy result of the food price hearings occurred in connection with legislation before the Commerce and Finance Subcommittee of the Interstate and Foreign Commerce Committee, e.g. S. 978, H.R. 122, and H.R. 10014, that included provisions for exempting certain trademarked food and soft drink products from the antitrust laws. Similar legislation in previous Congresses had been

referred to the Monopolies Subcommittee. The antitrust exemption for soft drinks alone would have added $250 million annually to consumer prices according to FTC economists; for the larger food industry, estimates were submitted that the antitrust exemptions would have cost consumers billions of dollars in addition, in extensive testimony submitted by Chairman Rodino on July 2, 1974, to the Commerce and Finance Subcommittee, he vigorously opposed the antitrust exempting provisions as having widespread adverse effects on antitrust law and enforcement; as inflationary with significant, immediate transfers of purchasing power from consumers; and, as against the public interest. The antitrust exemptions opposed by Chairman Rodino were not enacted in the 93d Congress.

The dramatic skyrocketing of food prices preceded similar developments occurring subsequently in energy prices. In energy, pricing phenomena in the past two years have been caused, in large measure, by clearly identifiable cartel practices and actions. However, in both areas, antitrust exemptions, anticompetitive regulations; and, monopolistic practices and industry structure; are, unquestionably, contributory causes of skyrocketing prices. The subcommittee expects to pursue its investigation into these causes in the 94th Congress.

Energy

In May 1973, the subcommittee became concerned about a number of developments in the oil industry: A proliferation of voluntary allocation plans announced by large, integrated oil companies followed by seemingly rapid-fire changes thereto, ostensibly needed to cope with a gasoline shortage predicted for the summer of 1973; allegations that the bottleneck in refinery output of domestic oil companies evidenced undue economic power of the majors and a concentrated market structure inimical to the free enterprise system; shortages of refined products were aggravated by seemingly concerted action of the large majors intended to withhold supplies and, thereby squeeze out the independents in the retailing sector of the oil industry; incipient pricing patterns and complaints about pricing that appeared to emulate more mature developments being experienced in the food industry; and a blossoming advertising campaign by oil companies that appeared to impute the seemingly overnight shortages in petroleum supplies to causes wholly outside an industry widely reputed to be the Nation's most sophisticated industry and one of its most profitable.

Chairman Rodino, therefore, directed the subcommittee staff to collect factual data on a number of issues in preparation for possible investigative hearings to follow the food price hearings about to commence. By mid-June 1973, the Antitrust Division and the Federal Trade Commission had received requests for information and oil industry data. Shortly thereafter, other federal agencies, including the Interior and Treasury Departments; a number of integrated and nonintegrated oil companies; and, independent organizations, for example, the National Science Foundation; all had been contacted in the search for factual information concerning recent developments in the oil industry.

In the interim between the transmission of Chairman Rodino's requests for information and the receipt of initial and follow-up responses in August and September 1973, the Federal Trade Com-

mission in July 1973, filed major litigation against the oil industry's eight largest producers in which industry structure formed a cornerstone for requested judicial relief; and, the Antitrust Division, in the same month, convened a grand jury in Los Angeles, California seeking to investigate a wide variety of possible behavioral antitrust offenses by large oil companies.

These developments in the courts, initiated by the federal enforcers of the antitrust laws, preceded the introduction of numerous bills designed to cope with the energy crisis generally and problems in the oil industry in particular, most of which, because of jurisdictional factors, were assigned to other committees.

This subcommittee's early investigative endeavors into antitrust aspects of oil industry shortages and an alleged crisis bore fruit in four areas: (1) active and vigorous support for the antitrust amendments in the Trans-Alaskan Pipeline Bill; (2) drafting of antitrust amendments subsequently incorporated into the Energy Emergency Act; (3) subcommittee support for mandatory allocation measures and antitrust provisions in the Emergency Petroleum Act of 1973 that were signed into law on November 27, 1973 (Public Law 93–159); and, (4) the introduction by Chairman Rodino of proposed legislation seeking to embargo the export of domestic petrochemicals and petrochemical feedstocks vital to the domestic vinyl, film, plastics, paint, resin, synthetic rubber, agricultural chemicals, ink, and other industries allied to the oil industry and characterized by many small businesses, because anticompetitive economic effects in these industries during petroleum shortages and allocations were particularly pernicious.

Excessive pricing and profits recorded by the oil industry were accompanied by another development of concern to antitrusters: a merger movement by and among oil and gas producers. Mergers are a method for effectuating long-term structural and pricing power changes in an industry. Moreover, expenditures incurred in them are one way of preventing prices from falling or otherwise declining. Mergers, in addition, always affect aggregate concentration of assets and, often, have an adverse impact on market concentration. Shortly after Gulf Oil unsuccessfully attempted to merge a large financial holding company in a billion-dollar takeover bid, Mobil Oil Corporation announced that it would seek control of Marcor, Inc., a conglomerate with subsidiaries that included Container Corporation of America and Montgomery Ward & Co., Inc. Following Mobil's implementation of procedures for acquiring Marcor, Standard Oil Co. (Indiana) announced plans to merge Occidental Petroleum Corporation. During the period in which these large acquisitions by domestic oil companies were being attempted, the Burmah Oil Inc., a subsidiary of Burmah Oil Co. of England, acquired Signal Oil & Gas Co. for $480 million. Not surprisingly, these specific corporate actions occurred while virtually every major domestic oil company substantially increased its expenditures for advertising and for promotions, two other methods for changing an industry's structure by raising barriers to entry and eliminating potential entrants.

In a letter of June 25, 1974, Chairman Rodino urged the Assistant Attorney General for Antitrust to investigate Mobil's (then) 4.5% stock ownership of Marcor and the former's announced (and subse-

quently realized) intentions of seeking majority control of the latter, as possible violations of the Clayton Act. The Mobil-Marcor merger will produce a $16 billion resultant corporation in the largest acquisition in U.S. history. Chairman Rodino was advised that the Mobil-Marcor merger was under investigation by the Antitrust Division. Through subsequent written and oral communications with the Antitrust Division, over which the subcommittee has oversight jurisdiction, the subcommittee's continued concern over the legality of the Mobil-Marcor merger under the antitrust laws has repeatedly been expressed. For this particular merger, further subcommittee action, by way of investigation or legislation, depends upon the results of the Antitrust Division's ongoing investigation thereof.

In any event, the nearly simultaneous mergers achieved or attempted by the Nation's largest oil producers as well as other oil industry practices, are expected to receive further subcommittee consideration.

Inflation

Following the summer of 1973 announcement by the Board of Governors of the Federal Reserve System ("Board") that it intended to conduct hearings in November 1973 on a general proposal placed before it by bank holding companies ("BHC's"), namely, that the operation of savings and loan associations ("S&L's") be added to the list of activities that are closely related to banking so that the acquisition of S&L's by BHC's can be authorized by the Board pursuant to statutory authority allegedly provided in Section 4(c)(8) of the Bank Holding Company Act of 1956, as amended, the subcommittee undertook to investigate the factual and legal issues it perceived in this prospective agency action.

In a letter of October 23, 1973, to the Board Chairman, Chairman Rodino expressed vigorous and comprehensive opposition to the Board's hearings on the following grounds, inter alia: (1) the Board lacked jurisdiction or administrative power to authorize such mergers; (2) separate statutory schemes for the regulation of banks and BHC's and for the regulation of S&L's and savings and loan holding companies did not mesh and, together, expressed a Congressional intention that did not contemplate the reconciliation of these separate schemes of regulation by the Board; (3) Board action would set in motion basic changes in the relationships between financial institutions that would be far reaching and suitable, therefore, for legislative and not administrative action; (4) the President only recently had sent to Congress his recommendations for Financial Change derived from the report of the President's Commission on Financial Structure and Regulation; (5) the S&L industry is strongly committed to providing housing credit during all phases of the credit cycle whereas commercial banks have always given first preference to their business customers, and during inflationary and other periods, ration credit; (6) S&L's are specialized institutions that fill the residential mortgage gap created by the failure of other lending institutions to make adequate mortgage loans; (7) administrative expertise in dealing with S&L's has been vested by the Congress in the Federal Home Loan Bank Board; (8) the timing of the Board's hearings was against the public interest since, on its face, the Board's proposal of a novel issue of law seeking to permit new and more types of corporate mergers can only

serve to fuel the persistent inflation and proliferate problems engendered already by it; and (9) direct antitrust considerations are raised by the specter of a serious and probable long-run threat of undue concentration of financial resources if the two largest financial (and depository) institutions are allowed to merge.

On November 4, 1974, the Board denied the specific application before it for a BHC to acquire an S&L. In its denial order, however, the Board concluded, "In the absence of explicit Congressional action concerning the affiliation of banks and savings and loan associations, the Board has no alternative but to consider any such proposed affiliation under the existing standards of Section 4(c)(8)" of the Bank Holding Act of 1956, as amended.

This conclusion by the Board, as well as the question, raised frequently during national anti-inflation debates, of whether there is an inherent conflict of interest in the Board's dual role as implementor of the national monetary policy and as regulator of BHC's, contain significant ramifications for the issues of inflation and of competition among financial institutions that the subcommittee intends to examine more closely in the future. Legislation in the 93d Congress and measures supported by the Administration in its anti-inflation program are designed to make S&L's more competitive with commercial banks and with BHC's, and vice versa. If, as a result of these public interest and anti-inflation objectives, BHC's are permitted, not by the Congress but by administrative agency action, to absorb S&L's, not only would the increased competition between financial institutions that would benefit the public in the form of higher rates on savings deposits and lower rates on loans be forfeit, but a merger wave of unprecedented proportions radically altering the structure of financial institutions could result.

In June 1974, Chairman Rodino directed the subcommittee staff to prepare a study of the relationship of antitrust law and enforcement with stagflation's causation or amelioration. At that time, the only "policies" receiving national consideration as relief for double-digit inflation were fiscal and monetary policies. Fiscal and monetary measures to attenuate inflation are broad spectrum, relatively short-term prescriptions; they are, in effect, shotgun blasts. Antitrust enforcement, proceeding necessarily on issue orientation and definition, is a rifle shot the effects of which, however, can have industrywide, multiple industry, national and international impact. Throughout every subcommittee activity of the 93d Congress, the subcommittee had repeatedly expressed the belief that vigorous enforcement of the antitrust laws and the closing of loopholes in antitrust coverage were indisputably effective measures for providing some relief from the steady upward spiral of prices and from long-term changes to the economic structure of American industry adverse to the national policies expressed in the antitrust laws. The subsequent national conferences on inflation provided ample support for this subcommittee position. As a result, Chairman Rodino submitted a statement to the Summit Conference on Inflation of September 27 and 28, 1974, and advocated the position taken by the Joint Economic Committee in 1967, "Antitrust must be assigned a central role in national economic policy of no less significance than monetary and fiscal policy;" placing the

price monitoring activity of the Council on Wage and Price Stability in the Antitrust Division; deregulating areas where government regulation serves to restrict competition and increase prices paid by consumers; eliminating undesirable subsidies and other special benefits to inefficient businesses; and, the promoting of procompetitive policies at the State and local levels. The staff studies prepared at Chairman Rodino's direction are expected to perform double-duty as signposts for subcommittee directions in the 94th Congress.

Antitrust Oversight

Historically and, as a practical matter, necessarily, the subcommittee, on a continuing basis, corresponds and otherwise communicates with executive and independent agencies charged with enforcing or applying antitrust law or principles, concerning the manner in which these agencies are administering and promoting antitrust precepts. Inquiries from the subcommittee have taken the form of questions dealing with actual or planned specific agency action; or, questionnaires aimed at the policies, procedures, and practices of an agency. Responses to subcommittee inquiries are essential if the subcommittee is to keep abreast of current antitrust problems and facilitate the subcommittee's follow-up documentation of the manner in which public and internally generated complaints of antitrust violations or anticompetitive and monopolistic practices and circumstances are handled by these agencies.

Rule XI of the Rules of the House of Representatives confers jurisdiction on the Judiciary Committee over the "Protection of trade and commerce against restraints and monopolies." Oversight or legislative review jurisdiction and duties incident to this assignment of jurisdiction were a main feature of the Legislative Reorganization Act of 1970 in the 91st Congress, as the relevant Report (H. Rept. No. 91–1215) makes clear:

> Each House standing committee shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee. The stated purpose of these reviews and studies is to assist the House in its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress and in the formulation, consideration, and enactment by the House of such modifications of, or changes, in, those laws, and of such additional legislation, as may be necessary or appropriate.

Since 1890, the antitrust laws have expressed fundamental national economic, legal, and social policy. Oversight with respect thereto, consequently, can and must take diverse forms and may arise in different forums. Administrative law and most federal regulatory agencies have appeared after enactment of the antitrust laws. In most cases, these developments have not displaced but, rather, reenforced the earlier national policies expressed in the antitrust laws. House committees have jurisdiction over specific regulatory legislation that often necessitates subcommittee comment on or review of the "parts" of such laws relating to or affecting the antitrust laws.

When the subcommittee announced in April 1973 that it was scheduling investigative hearings into food industry pricing and structure, Chairman Rodino specifically enunciated as objectives of those hearings an oversight inquiry into the activities of the Justice Department

that would include legislative scrutiny of the Department's enforcement of the antitrust laws and the promotion of competition in the food industry; Departmental plans formulated in light of skyrocketing price increases during a period of governmental economic controls; and, an exploration of the extent to which certain practices and food industry structure were by law insulated from the normal play of competitive forces.

During the subcommittee's food price investigative hearings, the subcommittee and many of its witnesses repeatedly expressed the beliefs that vigorous enforcement of the antitrust laws is one way to obtain some relief from high food prices and that when competition is not permitted to work with full force, the prices consumers face in the marketplace are higher than they otherwise would be. In fact, Chairman Rodino concluded his statement opening these investigative hearings by observing:

> It is the duty of this subcommittee to oversee the enforcement of the antitrust laws. We must have the knowledge to insure that the operations of the Department of Justice in this area are carried out with the vigor that Congress intended when it enacted those laws. In a very real sense, knowledge is power.
>
> Too often in the past, the Congress, by failing to keep itself informed, has become powerless to act wisely, and powerless to keep the people informed. Lack of information particularly is hazardous in the area of enforcement of the antitrust laws.
>
> The knowledge and experience of the antitrust enforcers must be generally and continuously available to the legislative branch if we are to formulate wise public policy, and so the need for these hearings.

Moreover, because the history of the Nation's antitrust laws and their development demonstrate that serious anticompetitive practices having national impact follow the lifting of government economic controls, as evidenced by antitrust cases following the end of both World Wars, the Korean War, and the abolition of the NRA in the 1930's; and, because the long record of antitrust violations by the oil industry and its members; the subcommittee, in June 1973 naturally commenced its investigation into oil industry developments with a comprehensive questionnaire addressed to the Assistant Attorney General for Antitrust of the Justice Department.

On the Floor of the House of Representatives on June 30, 1973, Chairman Rodino speaking in his capacity as Chairman of the House Judiciary Committee as well as Chairman of its Monopolies and Commercial Law Subcommittee, emphasized:

> Other major recent developments include efforts by this Committee to fully implement the legislative review (oversight) function mandated by the Legislative Reorganization Act of 1970. It is the intent of this Committee to periodically evaluate programs authorized by this Committee and to closely scrutinize the activities and operations of the Department of Justice over which this Committee has exclusive legislative jurisdiction.
>
> I intend to effectuate fully Clause 28 of Rule XI of the House of Representatives which requires "each standing committee [to] review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee."

Shortly thereafter, and in part because of information obtained in the course of the subcommittee's investigative hearings on food pricing as well as the Justice Department's response to the subcommittee's questionnaire concerning the oil industry, the subcommittee announced

the initiation of a broader, more continuous type of oversight inquiry into the Antitrust Division. On July 18, 1973, key personnel of the Antitrust Division were advised of three general areas of subcommittee concern: (1) the need to inform the Congress of the Antitrust Division's organization, function, and procedures; (2) an identification of management and budgetary weaknesses affecting performance in antitrust enforcement; and, (3) an evaluation of antitrust enforcement as to fairness and consistency in handling complaints, investigations, and cases. Arrangements were made subsequently, for the submission of statistical information and for procedures for interviewing Antitrust Division personnel. Presently, negotiations are planned for permitting subcommittee examination of Antitrust Division files. Ultimately, the Committee plans to issue a report and may possibly conduct hearings on this subject.

The subcommittee's food price hearings were actually mixed investigative and oversight hearings. Data elicited from the Antitrust Division concerning the use of consent decrees in food industry antitrust enforcement as well as subcommittee knowledge and experience gained as a result of its inquiries into Division consent decree practices and procedures provided a solid foundation for subsequent hearings on the Antitrust Procedures and Penalties Act, S. 782. The first part of that Act is, in fact, oversight legislation designed to assure the integrity of and public confidence in Antitrust Division consent decree procedures; to remedy the abuse of judicial rubberstamping of proposals for consent decrees; and, to confirm the public's interest in the integrity of judicial procedures incident to the filing of a proposed consent decree.

During the food price hearings, the Antitrust Division was criticized for failing to implement special safeguards and procedures upon the imposition of Phase I controls in August 1971. Division spokesmen readily conceded that antitrust history in the twentieth century convincingly established that the most important antitrust cases followed in the wake of the lifting of wage and price controls as private interests perpetuated Government-approved pricing practices during the control period. Shortly before the expiration of wage and price controls on April 30, 1974, the Division announced organizational changes designed to monitor price behavior upon the lifting of controls.

The subcommittee takes note of at least three developments occurring within the Antitrust Division subsequent to July 18, 1973: (1) the structure of the Antitrust Division has been completely reorganized; (2) shortly before year-end 1973, the Antitrust Division announced a new and liberal policy for public access to the Division's Business Review Letters issued at the request of corporations and informing such corporations of Division antitrust enforcement intentions for plans of action and other corporate action submitted for review; and, (3) abolition of the "open-door" policy.

Hearings on the antitrust parens patriae amendments, H.R. 12528, in March 1974, were mixed legislative and oversight hearings. In Chairman Rodino's letter of February 5, 1974 to Attorney General Saxbe inviting the latter or his representative to testify on the specific legislation, the Justice Department spokesmen were also requested,

In addition, in connection with the Subcommittee's general oversight responsibilities, we would also appreciate receiving your testimony with respect to the following matters: (1) The manner in which the Antitrust Division acquires, evaluates, and disseminates its institutional knowledge of monopolistic and anticompetitive practices including measures to inform and keep informed appropriate Congressional bodies; (2) Antitrust Division plans to investigate and cope with competitive problems being generated by the transition of many industries and sectors of the economies to conditions of "sellers' markets" in which shortages of supplies abound and premium prices are commanded by sellers; and (3) the applicability of merger law to the giant energy conglomerates whose existence and awesome private economic power have been dramatically disclosed by the current oil crisis.

When the Assistant Attorney General for Antitrust concluded his March 17, 1974 testimony on H.R. 12528, he provided a response to the subcommittee's oversight questions that included,

It has become increasingly clear that the current energy shortage requires a coordinated antitrust enforcement effort. The oil industry is multinational in character, and decisions made in international markets may have substantial effects upon domestic markets. Strong relationships between the production of various sources of energy—natural gas, petroleum, fissionable material—are also evident. For these reasons, the Antitrust Division is in the process of establishing an Energy Unit, charged with the investigation of possible antitrust violations in the energy industry, conducting grand jury proceedings and preparing and trying antitrust cases. The work of the Unit will be related solely to energy concerns, specifically those arising from the current energy shortage.

The formation by the Antitrust Division of a special Energy Unit and the announcement thereof in the context of subcommittee oversight hearings are considered by the subcommittee as clear advances in the area of more vigorous enforcement of the antitrust laws in the energy industry and in the promotion of the national policies and public interest expressed in the antitrust laws.

After the Appropriations Committee had reduced the Antitrust Division's budget request by $1.1 million, Chairman Rodino expressed his strong support for the restoration thereof on the Floor on June 18, 1974. Amendments to H.R. 15404 restoring the budget increase for the Antitrust Division were, subsequently, passed by the Congress by a vote of 216 to 185.

Oversight of enforcement of the anti-merger provisions of the Clayton Act has been a continuing concern of the subcommittee. Distortions created by double-digit inflation; "inventory profits" and their use; and, merger statistics that the number of mergers occurring annually is declining but obscuring the fact that the size of assets being acquired by merger is regularly increasing and reaching historical amounts; have intensified subcommittee concern in this area. Illustrative of this concern, Chairman Rodino, in a letter of June 12, 1974, expressed his interest to the Assistant Attorney General for Antitrust over Textron Inc's plans to acquire 45% of Lockheed Aircraft Corporation's common stock. Textron had 1973 sales of $1.9 billion; Lockheed had 1973 sales of $2.7 billion. In addition, Chairman Rodino requested that he also be advised of measures contemplated by the Antitrust Division concerning this pending consolidation, including the conduct by the Division of its Business Review Procedures. Further inquiries by the subcommittee concerning overall merger activity as well as specific mergers with respect to monopolistic increases in aggregate concentration and inflationary effects thereof can be anticipated for the next Congress.

In the same manner that the subcommittee, in the discharge of its oversight responsibilities, must keep itself informed on and occasionally take position with respect to the antitrust "parts of laws" before Congressional committees having jurisdiction over the main legislation, so too is the subcommittee required to contact and make inquiries to Governmental agencies other than the Antitrust Division or the FTC concerning the "application, administration, and execution" of the antitrust laws. Two notable examples of this latter duty occurred in the 93d Congress.

In September 1973, Chairman Rodino directed the subcommittee staff to conduct an inquiry into public reports of (then) Deputy Treasury Secretary William E. Simon's attempts to meet with the FTC Chairman for the purposes of having the FTC modify or withdraw its July 1973 litigation against the Nation's eight largest oil companies. Upon the conclusion of the staff inquiry, Chairman Rodino publicly expressed approval for the FTC's response to Mr. Simon's requests for meetings and/or discussions concerning the oil industry litigation; and, reiterated deep concern about both the impartial enforcement of the antitrust laws and any interference, real or apparent, with antitrust enforcers' attempts to discharge their legislative mandates.

In a letter of June 18, 1974 to the Secretary of Commerce, Chairman Rodino strongly questioned and objected to the Commerce Department's Technical Advisory Board's, "Antitrust White Paper," undertaken, in part, so that for private interests in the industrial sector, "R & D consortia can be designed and operated at low risk of antitrust challenge." In addition, Chairman Rodino expressed concern about the methodology of the Advisory Board whereby limited participation and access was provided to representatives in consortium decision making. In a letter of June 19, 1974, to the Assistant Attorney General for Antitrust, Chairman Rodino requested information concerning the informal participation and approval by Antitrust Division representatives of the Commerce Department's Advisory Board's procedures and purposes concerning joint activity by private commercial interests. In replies of July 23, 1974 and August 16, 1974, the Assistant Attorney General for Antitrust and the Secretary of Commerce, respectively, assured Chairman Rodino that no ad hoc procedures for conferring unofficial antitrust immunity on joint activity by private interests had been effectuated.

The issues of joint activity by private interest in the name of research and development and of the role of technology in contributing to undue concentration in certain sectors of the American economy brought into focus by the activities of the Advisory Board of the Commerce Department were of continuing concern to the subcommittee throughout the 93d Congress. In a letter of February 14, 1974, to the Chairman of the Environmental Subcommittee of the House Committee on Interior and Insular Affairs. Chairman Rodino urged that, since only several bills forming the basis of hearings on the proposed Energy Research and Development Act insured the applicability of the antitrust laws, the clean bill include such a provision to avoid contentions that an implied antitrust exemption had been legislated. In addition, Chairman Rodino emphasized that industrial research, public and private, played an important if not a dominant role in the

different forms of competition occurring in a given industry. H.R. 13565 that, subsequently, emerged from the Environmental Subcommittee included antitrust provisions.

Similarly, in testimony of April 8, 1974 submitted to the Commerce and Finance Subcommittee of the Committee on Interstate and Foreign Commerce, Chairman Rodino opposed H.R. 7506. The International Voluntary Standards Cooperation Act primarily because (1) technological advances achieved unilaterally within the American free enterprise system have been identified as a key factor in America's global economic leadership; (2) technology is already a primary cause of the concentration of economic power in American industry; and (3) the legislation proposed appeared vastly to extend opportunities for the anti-competitive influencing of public agencies.

The subject of joint technological or research and development activities in both foreign and domestic commerce in possible violation of the Sherman Act is expected to be of further concern to the subcommittee in the 94th Congress.

Summary of Activities of the Subcommittee on Crime

Summary of bills referred to the subcommittee

Bills referred to subcommittee	143
Bills on which hearings were held	25
Bills reported to full committee	3
Bills reported to House	3
Bills passed by Senate	3
Bills awaiting President's signature	3
Bills pending in Subcommittee	129

During the second session of the 93d Congress, the Subcommittee on Crime held 11 days of hearings and 5 meetings.

Speedy Trial Act of 1974

After four years of consideration, the Senate unanimously passed the Speedy Trial Act of 1974, S. 754, on July 23, 1974. The bill was referred on August 2, 1974 to the Subcommittee on Crime which conducted three hearings on this legislation and eight similar House bills. The hearings were held on September 12, 18, and 19. Following the lead-off testimony of Senator Sam J. Ervin, Jr., the principal sponsor of S. 754, the Subcommittee heard testimony from representatives of all segments of the Federal criminal justice process, including: the Justice Department; the Administrative Office of the United States Courts; two Federal district judges, one of whom serves as Chairman of the Committee on Administration of the Criminal Law of the Judicial Conference; a chief Federal public defender; a private defense counsel; a law professor; three United States Attorneys; the American Civil Liberties Union; and the American Bar Association.

Because of the complexity of S. 754 and the controversy which this legislation engendered in the criminal justice community, the Subcommittee on Crime conducted a thorough inquiry which built upon the exhaustive record compiled by the Senate Subcommittee on Constitutional Rights. The Subcommittee was greatly assisted in this task by the American Bar Association's 1967 recommendations concerning speedy trial and the work of the House Select Committee on Crime and the National Advisory Commission on Criminal Justice Standards and Goals.

The Subcommittee compiled an impressive record of over 1100 pages pointing overwhelmingly to the need for speedy trial legislation. The Subcommittee held two markup sessions on S. 754 and after making a number of amendments to this legislation to recognize the significant recommendations of Justice Department, the Administrative Office of the United States Courts and other witnesses voted unanimously to report a clean bill to the full committee.

The full committee, by voice vote on November 20, favorably recommended to report H.R. 17409, which was introduced by Representative

John Conyers, Jr., chairman of the Subcommittee and seven members. The Committee's report (Report 93–1508) was filed on November 27, 1974. The House, by voice vote on December 20, passed H.R. 17409 and struck all after the enacting clause of S. 754 and returned it to the Senate with the House amendments. The Senate concurred in the House amendments on December 20. The Act, S. 754, awaits the President's signature.

Judicial Review of Decisions of the Interstate Commerce Commission

On December 10, 1974, the Subcommittee reported S. 663 to the full committee. This legislation would modernize the cumbersome and outdated judicial machinery for review of orders of the Interstate Commerce Commission by placing review of such orders in the United States Courts of Appeals pursuant to the Judicial Review Act of 1970, commonly known as the Hobbs Act. The Committee favorably reported S. 663 to the House on December 11, 1974 (Report 93–1569). The bill passed the House on December 17 with an amendment, which was concurred in by the Senate on December 19.

Black Powder

On December 10, 1974, the Subcommittee reported S. 1083 to the full Committee. The bill passed the Committee and was favorably reported to the House with an amendment on December 11 (Report 93–1570). The House passed the bill on December 17 and the Senate concurred in the House amendment on December 18.

The purpose of S. 1083 as reported by the Subcommittee is to exempt commercially manufactured black powder and certain igniters intended to be used for sporting, recreational or cultural purposes in antique weapons from the regulatory provisions on explosives contained in Title XI of the Organized Crime Control Act of 1970 (P.L. 91–452, 84 State. 948; codified Title 18, Ch. 40). Further, the bill removes the exemption in current law on all black powder in amounts not exceeding five pounds. Thus the bill permits unrestricted purchase and use for sporting, recreational and cultural purposes of commercially manufactured black powder in amounts not exceeding fifty pounds in antique firearms as defined in Title IV for the firearms control assistance of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90–351, 62 Stat. 743), and in antique devices, such as small muzzle-loading cannons, as exempted from the term "destructive devices" in the Gun Control Act of 1968 (P.L. 90–618, 82 Stat. 1214).

Subcommittee members Fish and Cohen introduced bills (H.R. 14018 and H.R. 14442) identical to S. 1083 as passed by the Senate. The Subcommittee received a number of written statements from a variety of organizations and government agencies interested in this legislation. Statements in support of the legislation were received from the North-South Skirmish Association, the Ohio Gun Collectors Association, the National Rifle Association, and representatives of a number of sporting groups. Statements in opposition were received from the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms (ATF) of the Department of the Treasury and the Institute of Makers of Explosives. After a detailed study of the written statements submitted

for the record, the Subcommittee offered the opportunity to the opposing Federal agencies to testify on the bills.

On November 26, the Subcommittee heard testimony from Mr. Rex Davis, Director of the Bureau of Alcohol, Tobacco and Firearms, and from explosives expert David L. Parsons, field representative for the National Rifle Association.

Community Anticrime Assistance Act

On July 10, 1973, Mr. Conyers introduced the Community Anticrime Assistance Act, H.R. 9175, which would provide Federal anticrime assistance grants to cities, public agencies and nonprofit private agencies. This legislation would help to reduce crime and tap the creative and unlimited resources of our private sector in the fight against crime.

This would be achieved by instituting joint programs involving the police, citizens and all segments of the community in reporting criminal activity, and improving citizen cooperation and involvement throughout the criminal justice system. The bill designates the Community Relations Service, CRS, of the Department of Justice to administer the program of community anticrime assistance.

The Community Anticrime Assistance Act has received a considerable amount of support; since its initial introduction, the bill has been reintroduced by four other members of the House. In addition, Mr. Conyers reintroduced this legislation with 11 new cosponsors. Senator Jacob K. Javits introduced a similar version of the bill in the Senate on April 19, 1974 (S. 3337). Further, the hearings of the Subcommittee conducted during the first session of the 93d Congress on this legislation have been the center of considerable discussion by citizen groups and segments of the criminal justice system. A number of seminars were held in different parts of the country on the subject of community crime prevention as a result of the work of the Subcommittee.

During the second session, the Subcommittee held one hearing on H.R. 9175 and companion bills. The principal witness was Representative Claude Pepper, former chairman of the House Select Committee on Crime. Mr. Pepper, who is a sponsor of this legislation, vigorously supported its enactment as a significant method for the reduction and prevention of crime.

Amendments to the Federal Kidnaping Statute

On February 28, the Subcommittee held a hearing on H.R. 4191 and H.R. 8722 which would amend the Federal Kidnaping Statute, section 1201 of title 18 of the United States Code. H.R. 4191 would remove the parental exception to kidnaping while H.R. 8722 would mandate the investigative assistance of the Federal Bureau of Investigation in certain kidnaping cases in which a person voluntarily consents to travel with another and subsequently disappears. It has been the policy of the FBI not to investigate possible kidnaping cases in which no evidence of an abduction is found. However, during the hearing the Subcommittee studied a specific case in which no abduction occurred, but considerable evidence was found to show that the kidnap victim

was inveigled to accept transportation which led to her disappearance and subsequent death.

As a result of the Subcommittee's hearing, Assistant Attorney General Henry E. Petersen announced in a letter dated March 18, 1974, the following new policy concerning kidnaping cases:

> For your information, the Criminal Division has initiated and implemented a new policy whereby this Division closely reviews any decision by field personnel of this Department not to investigate in those missing person cases wherein the facts indicate possible violations of the kidnaping statute. Under this new policy the Bureau will refer information concerning questionable cases involving possible kidnapings to this Division.
>
> In view of the Subcommittee's interest in this area, this Division will very carefully consider whether or not the facts of each case so presented indicate a possible violation of the Federal kidnaping statute that the FBI should investigate. You may be assured that in the future the review by this Division will be more full and complete than the evaluation in the Karen Levy case.

The Subcommittee held a hearing on April 10 to consider this policy. Following Mr. Petersen's testimony, the Subcommittee decided to defer action on H.R. 8722 pending the implementation of the new kidnaping review procedures.

Recommendations of the Select Committee on Crime

On March 13, 1974, the Subcommittee held a hearing to review the recommendations of the House Select Committee on Crime. During its existence from 1969 to 1973, the former crime committee held hundreds of hearings across the country on drug abuse, prison reform, court reform, law enforcement practices, organized crime, juvenile delinquency and a number of other areas of major concern to the Subcommittee on Crime. Representative Claude Pepper, chairman of the Select Committee on Crime and Representative Sam Steiger, a member of the Committee, presented a wide range of recommendations which their Committee made to the Congress during its tenure. The Subcommittee intends to use this valuable input as part of its plan for developing a comprehensive legislative and oversight program in the crime area.

Bureaucratic Accountability Act

On March 27, 1974 the Subcommittee held a hearing on legislation to amend the Federal Administrative Procedure Act entitled the Bureaucratic Accountability Act, H.R. 6667. Representative Conyers, who is a cosponsor of identical legislation along with Representative Ronald V. Dellums, said, in citing the purposes of the bill, that it would increase public participation in Federal agency policy formulation and go a long way toward enhancing the responsiveness of government officials to the ordinary citizen.

In 1972, the Congressional Black Caucus held a series of hearings on the topic of governmental lawlessness and the failure of the bureaucracy to carry out congressional mandates contained in Federal laws. H.R. 6667 was drafted as a result of these hearings. Witnesses testifying at the Subcommittee's hearing included Representative Dellums and Antonin Scalia, chairman of the Administrative Conference of the United States.

Overview of the Law Enforcement Assistance Administration

On April 24, 1974, the Subcommittee was briefed by representatives of the General Accounting Office on the operations and organizational structure of the Law Enforcement Assistance Administration. GAO is presently in the process of investigating a number of programs administered by LEAA for the benefit of the Subcommittee. In outlining the purposes of the briefing, Representative Conyers noting that LEAA had grown tremendously since its modest beginning in 1968 said: "It is critical to a successful oversight program that all members of the Subcommittee be well-versed in the intricacies of the anti-crime program." The Subcommittee intends to recall GAO to review a number of its reports on LEAA prior to the commencement of oversight hearings during the 94th Congress.

Summary of Activities of the Subcommittee on Criminal Justice

Summary of bills referred to the subcommittee

FIRST SESSION

Bills referred to subcommittee	98
Bills on which hearings were held	72
Bills reported favorably to full committee	[1] 4
Bills reported adversely to full committee	1
Bills reported to House	4
Bills passed House	2
Bills pending in House	1
Bills pending in Rules Committee	1
Bills pending in subcommittee	20
Bills which became law	2

[1] Action disposed of a total of 78 measures.

SECOND SESSION

Bills referred to subcommittee	72
Bills on which hearings were held	39
Bills reported favorably to full committee	2
Bills reported adversely to full committee	2
Bills reported to House	2
Bills passed House	2
Bills pending in House	1
Bills pending in Rules Committee	0
Bills pending in subcommittee	[2] 70
Bills which became law	2

[2] There are 18 measures concerned with one subject area, while another 39 measures are concerned with another area.

During the first session of the 93d Congress, the Subcommittee on Criminal Justice held 12 days of hearings and 30 meetings. During the second session, the Subcommittee held 4 days of hearings and 12 meetings.

FEDERAL RULES OF EVIDENCE

In late 1972, the Supreme Court promulgated a code of evidence for use in federal courts. The code as to become effective on July 1, 1973. The subcommittee processed with amendments, S. 583, legislation deferring the effective date of the code until expressly approved by Act of Congress. The President signed this legislation on March 30, 1973, and it became Public Law 93–12.

The Subcommittee held six days of hearings during February and March 1973 on the evidence rules proposed by the Supreme Court. The Hearings were published in April 1973 and distributed to all those who requested copies as well as to all those who participated in the

Hearings. The Subcommittee held 17 markup sessions, and on June 26, 1973, the Subcommittee's tentative recommendations were published in the Congressional Record with a request for comments from interested parties by July 31, 1973. These recommendations, together with Subcommittee Notes, were also printed in a separate document and distributed throughout the country with a similar request for comments.

The comments received were evaluated during the August 1973 recess of Congress. In September 1973, the Subcommittee held five meetings to reconsider its tentative recommendations in light of the comments. On October 2, 1973, the Subcommittee ordered its final recommendations, embodied in H.R. 5463, reported to the full Committee. The full Committee favorably reported H.R. 5463, amended, on November 6, 1973, as reflected in House Report No. 93–650. (The Subcommittee published a Supplement to its Rules of Evidence Hearings which contains the Subcommittee's tentative recommendations and Notes, the comments received from interested parties, and the Subcommittee's final recommendations.)

In January 1974, after a previous unsuccessful attempt, the Subcommittee obtained from the Rules Committee an innovative rule. The rule permitted four hours of general debate and provided that the only amendments in order were those proposed by the Judiciary Committee and those germane amendments printed in the Congressional Record at least two calendar days before the bill was read for amendment. General debate on H.R. 5463 began on January 30, 1974, and was concluded on February 6, 1974, with passage of the bill by a vote of 377–13.

In June 1974, the Senate Judiciary Committee held two days of hearings, at which three members of the Subcommittee testified. The Senate Judiciary Committee favorably reported H.R. 5463 with amendments, and on November 22, the Senate passed it.

The House asked for a conference with the Senate on December 3, and Representatives Hungate, Kastenmeier, Edwards of California, Smith of New York and Dennis were appointed House Conferees. House and Senate Conferees met twice to resolve the differences between the House and Senate bills, and on December 14, 1974, the Conferees filed a Conference Report (House Report No. 93–1597).

The Senate approved the Conference Report on December 16, and the House approved it on December 18. President Ford signed the legislation on January 3, 1975, and it became Public Law 93–595.

Legislation Concerning Watergate-Related Activities

Thirty-seven bills and resolutions relating to: (1) the pardon of former President Richard M. Nixon; (2) the issuance of additional pardons to persons involved in Watergate-related activities; (3) the ability of the Watergate Special Prosecution Force to issue a full and complete report on its Watergate investigation; and (4) the public disclosure of all Watergate-related documents and tapes which were in the custody of the United States which were introduced in the House of Representatives and referred to the Subcommittee. The Subcommittee held three days of hearings on these proposals. The Subcommittee intends to further consider these legislative proposals during the 94th Congress.

Resolutions of Inquiry

The Subcommittee met on October 31, to consider H. Res. 634, resolving that the Acting Attorney General shall furnish to the House of Representatives, papers, documents, etc., in the custody of Special Prosecutor Cox, as of Saturday, October 20, 1973, and agreed to report adversely on this Resolution.

On September 17, 1974, Representative Bella Abzug of New York introduced a resolution of inquiry, H. Res. 1367, requesting President Gerald R. Ford to respond to ten questions relating to the pardon of former President Richard M. Nixon. On September 18, 1974, Representative John Conyers of Michigan, introduced another resolution of inquiry, H. Res. 1370, directing President Ford to respond to five areas of inquiry concerning the former President's pardon.

On October 17, 1974, President Ford appeared before the Subcommittee on Criminal Justice and responded to the several questions posed in the two resolutions pending before the Subcommittee.

On November 22, the Subcommittee Members voted 6–3 in support of Mr. Smith's motion to report unfavorably on the two privileged resolutions of inquiry without amendment and to recommend that the resolutions not be agreed to. The Subcommittee Members supporting Mr. Smith's motion stated that President Ford had substantially responded to the questions posed in the two resolutions of inquiry during his appearance before the Subcommittee.

Watergate Grand Jury

H.R. 10937, a bill to extend the life of the June 5, 1972. grand jury of the United States District Court for the District of Columbia, was referred to the Subcommittee on October 24, 1973. The Subcommittee held hearings on the bill on October 29 and thereafter favorably recommended the bill as amended, to the full Committee. The full Committee favorably recommended the bill to the House, which passed it on November 6, 1973, by a vote of 378–1. The President signed the legislation on November 30, 1973, and it became Public Law 93–172. This legislation extended for six months the life of the grand jury looking into the Watergate break-in and related matters. It also authorized the District Court for the District of Columbia to extend the grand jury's life for an additional six months if the court determined that the grand jury had not completed its work by the end of the first extension.

Special Prosecutor Legislation

Seventy-two bills and resolutions to provide for the appointment of an independent special prosecutor were introduced in the House of Representatives and referred to the Subcommittee. The Subcommittee held five days of hearings on these proposals from October 31, 1973, through November 8, 1973. On November 12, the Subcommittee ordered reported to the full Committee a clean bill, H.R. 11401, providing for appointment of an independent special prosecutor by the United States District Court for the District of Columbia. On November 13, the full Committee ordered this bill favorably reported to the House. The Report was filed on November 26, as House Report 93–

660 and a rule was requested. Although the Rules Committee granted an open rule on December 3, the bill remained pending on the House Calendar at the close of the Congress.

Reform of the Federal Criminal Code

During July and early August, the Subcommittee convened three times to hear a representative from the Department of Justice present an informal overview of H.R. 6046, the Administration's proposed "Criminal Code Reform Act of 1973."

Federal Rules of Criminal Procedure

On April 22, 1974, the Supreme Court promulgated several amendments to the Federal Rules of Criminal Procedure. These amendments made changes in ten existing rules and established three new rules and were to become effective on August 1, 1974. These amendments, together with the accompanying Notes written by the Advisory Committee on Criminal Rules of the Judicial Conference of the United States, were published by the Subcommittee in House Document 93–292 and given wide circulation. The comments on the proposed amendments received by the Subcommittee were published in a document entitled, "Commentary: Proposed Amendments, Federal Rules of Criminal Procedure."

The Subcommittee reviewed the proposed changes at a meeting on June 18, 1974. The full Committee, on June 24, 1974, favorably reported H.R. 15461, a bill delaying the effective date of the proposed amendments until August 1, 1975. House Report No. 93–1144 was filed on June 25, 1974. The House passed H.R. 15461 on July 1, and the Senate passed it without amendment on July 24. The President signed the legislation on July 30, and it became Public Law 93–361.

After passage of the legislation, the Subcommittee began its study of the substance of the amendments. One day of hearings was held on September 17. Representatives of the Judicial Conference, the Justice Department and the Center for Law and Social Policy testified at the hearing.

Publications of the Subcommittee

The Subcommittee on Criminal Justice has caused to be published the following documents:

1. Hearings on the Rules of Evidence, published March 1973.
2. Rules of Evidence Supplement, published August 1973.
3. Hearings on the Special Prosecutor and Watergate Grand Jury, published December 1973.
4. Proposed Rules of Criminal Procedure, published April 1974.
5. Commentary on the Proposed Rules of Criminal Procedure, published July 1974.
6. Hearing on the Proposed Rules of Criminal Procedure, published December 1974.
7. Hearings on the Pardon of Richard M. Nixon and Related Matters, published December 1974.