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SUMMARY OF ACTIVITIES

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

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Bills refered to subcommittee	192
Bills on which hearings were held	26
Bills reported favorably by full committee to House	5
Bills reported adversely to full committee	0
Bills passed House	5
Bills pending in House	0
Bills pending in Senate	1
Bills which became law	2

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House joint resolutions pending	1
House committee resolutions pending	0
House resolutions approved	2
Recommitted to committee	1
Senate bills:	
Private Laws	7
Pending	29
Requests to reconsider adverse action by the subcommittee	0
Deferred for administrative remedies	0
Ordered unfavorably reported to the full committee	1
Tabled	0
Senate joint resolutions pending	0
Total private bills	426
Total private laws	16

The Subcommittee on Immigration, Citizenship, and International Law, has jurisdiction over legislation on immigration, nationality, international law and related matters, as well as other legislation which may be assigned. The subcommittee processes and considers a large number of private immigration bills, adjustment of status cases, and cases referred to the subcommittee by the Attorney General in which he has exercised his discretionary authority to waive certain provisions of the Immigration and Nationality Act or his special authority to grant conditional entry status or to parole certain refugees into the United States. The subcommittee reviews approved petitions granting preference status in the issuance of immigrant visas to certain workers and specialists, analyzes numerous general immigration bills, as well as other assigned public bills, and exercises oversight jurisdiction which requires continuous consultation with both Government and private agencies as well as field investigations. Furthermore, the staff of the subcommittee, devotes considerable time to answering telephonic inquiries from Members' offices, as well as analyzing individual immigration problems and cases referred to the subcommittee by Members of Congress.

During the first session of the 95th Congress, the subcommittee held 22 meetings which included hearings on pending legislation and oversight matters. Subjects covered were: the establishment of permanent legislation to implement prisoner transfer treaties, adjustment of the immigration status of Indochina Refugees, extension of the Indochina Migration and Refugee Assistance Act, establishment of a statutory refugee policy, reform of current refugee admission procedures, grand jury reform, extraterritorial criminal jurisdiction, increasing the United States dues to Interpol (the International Criminal Police Organization), the removal of restrictions on Intercountry adoptions, oversight of the Immigration and Naturalization Service, the deportation and denaturalization of alleged Nazi war criminals residing in the United States, and the admission of additional Indochina refugees.

Six meetings were held on private immigration and nationality bills. In addition, there were 17 days of public hearings on general legislation, as well as four markup sessions on such legislation.

A summary of the activities of the subcommittee follows:

I. Public Legislation Enacted into Law

OFFENDER TRANSFER TREATIES

H.R. 7148—to provide for implementation of treaties for the transfer of offenders to and from foreign countries.

On July 19 and 21, 1977, respectively, two treaties, one with Canada and the other with Mexico, received the advice and consent of the Senate. The treaties were not self-executing and required legislation for their implementation.

Basically, the treaties provide for the voluntary transfer of convicted offenders serving time in a foreign country to their own country for completion of their sentence. Once transferred, the parole law of the receiving country is applicable. Another treaty provision precludes attack of an offender's foreign conviction in the courts of the offender's home country.

The implementing legislation was introduced in the House on May 12, 1977, at the request of the Administration. The subcommittee held two days of hearings on this bill, H.R. 7148, on September 16 and October 6, 1977.

The legislation sets forth detailed procedures and guidelines for pre-transfer consent verification hearings, at which hearings legally represented offenders are apprised of the terms and conditions of their transfer. These provisions were included to cure any constitutional problem which might arise out of the treaty limitations.

A similar bill, S. 1682, was reported out of the Senate Judiciary Committee, with amendments, on September 15, 1977. The bill passed the Senate on September 21, 1977. The subcommittee ordered S. 1682, as amended, favorably reported to the full committee on October 13, 1977 (action on H.R. 7148 was postponed indefinitely) and the full committee reported the bill to the House (House Report 95–720) on October 18, 1977. The bill passed the House on October 25, 1977, and was approved on October 28, 1977 (Public Law 95–144).

ADJUSTMENT OF IMMIGRATION STATUS FOR INDOCHINESE REFUGEES

H.R. 7769, Title I—This legislation enables any Indochinese refugee, who is not specifically ineligible, who has been present in the United States for two years, to adjust his immigration status from parolee to permanent resident alien. This later status will eventually allow such refugees to become naturalized U.S. citizens. Similar legislation has been adopted after other large-scale admissions of refugees to the United States.

The subcommittee held hearings on a similar bill, H.R. 2051, on May 25 and June 2, 1977. Following subcommittee markup, a clean bill, H.R. 7769, was introduced by the Honorable Hamilton Fish, ranking minority member of the subcommittee and was cosponsored by the entire subcommittee.

The full committee ordered favorably reported H.R. 7769 (House Report 95–547) on July 13, 1977. The House passed the measure on September 27, 1977, on the suspension calendar.

The Senate passed it on October 10, 1977, with amendments which are discussed below. The House concurred in the Senate amendments on October 18, 1977, and the President approved the bill on October 28, 1977, (Title I of Public Law 95–145).

EXTENSION OF INDOCHINA REFUGE ASSISTANCE PROGRAM

H.R. 7769, Title II—Extends the Indochina Migration and Refugee Assistance Act of 1975 for four years. This program reimburses the states for medical, cash, and social service assistance provided to refugees. This assistance is phased down and terminated in four years. The legislation also authorizes the expenditure of $25 million for job training and placement projects. These projects are specifically designed to train and place those refugees who are now receiving cash assistance.

As a result of an executive communication, H.R. 9133 and H.R. 9134 were introduced respectively by the Honorable Peter W. Rodino, Jr., chairman of the full committee, and the Honorable Joshua Eilberg, chairman of the subcommittee.

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The subcommittee held hearings on various extension bills on September 23 and 27, 1977. Testimony was received from Members of Congress, as well as from officials from the Departments of State and H.E.W., state and local governments, and the voluntary resettlement agencies. The hearings revealed the need for a more expanded program than embodied in the executive communication.

As noted earlier on October 10, the Senate passed H.R. 7769, which adjusted the immigration status of Indochinese refugees. The Senate amended the bill to include an extension of the assistance program which was more comprehensive than the Administration bill.

The subcommittee recommended concurrence in the Senate amendment on October 12, 1977, and the full House approved the amended bill on October 18, 1977, under suspension of the rules.

The bill was signed into law on October 28, 1977 (Title II of Public Law 95–145).

II. Action on Other Public Legislation

REFUGEE POLICY

H.R. 7175—This bill establishes a statutory policy and procedure governing the admission of refugees into the United States. At the present time no specific statutory authority exists for the admission of large groups of refugees and Congress has only an advisory role in the admission process. The bill proposes numerical limitations for normal refugee flows, and gives separate consideration to emergent refugee situations which may arise. It defines the term, refugee, establishes a commission to study existing immigration and refugee policy, and provides for the automatic adjustment of status of refugees. Of particular significance, the legislation formalizes the congressional consultation process, eliminates the use of "parole" for groups of refugees and gives each house of Congress a veto over the admissions of refugees.

The subcommittee held hearings on the legislation on February 24, March 3, and April 22, 1977. On May 4, 1977, the committee marked up and approved H.R. 7175 which was introduced as a clean bill on May 13, 1977, and was sponsored by subcommittee members: Eilberg, Evans, Fish and Sawyer.

GRAND JURY

Hearings on grand jury reform proposals, particularly H.R. 94, were held on March 17, April 27, June 1, June 29, and October 13, 1977. Testimony was received from representatives of the Department of Justice, the Judicial Conference, and the American Bar Association, with specific proposals for consideration by the subcommittee. In addition, representatives from state and local bar associations, state prosecutor offices, regional judge's associations, and civil liberty and other reform groups also testified and offered comments, criticisms and suggestions. Finally, individual citizens, unions, business groups, judges, lawyers, and professors testified.

In addition to the numerous witnesses who testified, many individuals and groups provided submissions for inclusion in the record. The subcommittee expects to proceed to markup of the grand jury reform legislation in the second session—the first time such comprehensive reform has been considered by the Congress since enactment of the Bill of Rights.

EXTRATERRITORIAL CRIMINAL JURISDICTION

H.R. 6148, H.R. 7842—to amend Title 18 of the U.S. Code to discourage, and subject to federal penal jurisdiction, criminal conduct in Antarctica by U.S. citizens and certain foreign nationals. H.R. 763—which would subject certain nationals or citizens of the U.S. (those employed by, and/or accompanying the United States Armed Forces) to the jurisdiction of U.S. district courts for certain crimes committed outside the territorial limits of the United States .The subcommittee held hearings on these three bills on July 21, 1977. The proposals would fill 2 jurisdictional "voids" which presently exist in our federal criminal jurisdictional scheme. Markup will be scheduled on the measure early in the second session of this Congress.

INTERCOUNTRY ADOPTIONS

H.R. 5804, H.R. 871, H.R. 1956, and *H.R. 6488*—The subcommittee held hearings on various bills concerning intercountry adoptions. One group of bills removes the limitation set forth in the Immigration and Nationality Act which prevents a person from petitioning for immediate relative status on behalf of more than two foreign adopted children. The present limitation makes it difficult to adopt more than two foreign born children.

A second group of bills would remove the two year residency requirement for the naturalization of a foreign born adopted child.

The subcommittee held hearings on the bills on June 15, 1977. Several Members of Congress and representatives from the Administration testified in support of the legislation.

INTERPOL

H.R. 6461—Authorizes an increased U.S. dues contribution to Interpol, the International Criminal Police Organization.

The subcommittee held hearings on March 30, 1977. Numerous questions were raised concerning the effectiveness of the organization and the protection of the privacy of Americans in the transfer of information through Interpol. The subcommittee conducted a survey of federal and local law enforcement officials concerning their usage of Interpol and the results of the survey are contained in the printed hearing.

ILLEGAL ALIENS

On January 11, 1977, Subcommittee Chairman Joshua Eilberg introduced a legislative proposal (H.R. 1663) to combat the serious illegal alien problem in this country. His proposal was almost identical to the bill which was favorably reported by the full Judiciary Committee during the 94th Congress (H.R. 8713).

In October, the subcommittee received the Administration's proposal on the illegal alien problem and began its study of this legislation. H.R. 9531, the Administration proposal was introduced by the Chairman of the full committee, the Honorable Peter W. Rodino, Jr.

OUTER CONTINENTAL SHELF

In 1953, the Committee on the Judiciary first considered and secured passage of legislation to govern the leasing and exploitation of the

mineral resources in federal lands located offshore, beneath the Outer Continental Shelf. As a result of an expressed intention to accelerate OCS development in 1974, the Judiciary Subcommittee on Immigration, Citizenship, and International Law held extensive oversight hearings on OCS programs and policies in January, February, and March, 1974.

In February and March of 1975, a number of bills proposing amendments to the 1953 Outer Continental Shelf Lands Act were introduced and referred to the Judiciary Committee and other committees. To avoid jurisdictional disputes and to expedite legislative consideration of the various OCS issues, the House adopted H. Res. 412, establishing an Ad Hoc Select Committee on the Outer Continental Shelf to consider OCS reforms consisting of Members from the Judiciary, Interior and Insular Affairs, and Merchant Marine and Fisheries Committees.

Pursuant to this resolution, six Judiciary Committee Members were assigned to the select committee, led by the chairman and ranking minority member of the Subcommittee on Immigration, Citizenship, and International Law.

After nine months of hearings in 17 cities, and involving over one hundred and fifty witnesses and five months of markup, a bill, H.R. 6218, was reported to and passed overwhelmingly by the House. After a conference to resolve differences with the Senate bill, S. 521, a conference report (House Report 94–1632) was filed in the House. The conference report was recommitted by the House on September 28, 1976.

As Congress was scheduled to adjourn sine die within a few days and with the threat of a veto, there was not sufficient time for the House and Senate to reconsider S. 521 during the 94th Congress.

Almost as soon as the 95th Congress convened, and with the strong support of the Carter Administration, H.R. 1614, the Outer Continental Shelf Lands Acts Amendments of 1977, the bill as reported out by the Conference Committee in 1976, was introduced and referred to the Judiciary and other Committees. On January 11, 1977, H. Res. 97 reestablished the Ad Hoc Select Committee, to consider OCS reforms, again consisting of members from the Judiciary, Interior and Insular Affairs and Merchant Marine and Fisheries Committees. Representation of the Judiciary Committee was led by the chairman and ranking minority member of the Subcommittee on Immigration, Citizenship, and International Law and staff from the Judiciary Committee was assigned to the Select Committee.

Eight days of hearings, involving over fifty witnesses were held in March, April, May and June of 1977. After eight days of markup, a bill, H.R. 1614, was reported to the House (House Report 95–590), and the bill is presently pending Rules Committee approval for Floor action.

III. Oversight Hearings

IMMIGRATION AND NATURALIZATION SERVICE

On March 9, 1977, the subcommittee held an INS oversight hearing which related to the smuggling of illegal aliens into the United States. On March 23, 1977, another hearing was held concerning the operations and administration of the Service. In particular, the subcommittee reviewed the Detention and Deportation function of the Serv-

ice. On April 5, 1977, the subcommittee chairman testified before the Appropriations Committee in favor of additional personnel and funds for the Service for the purpose of improving the enforcement and service functions of INS.

NAZI WAR CRIMINALS

The subcommittee continued to monitor the progress of the investigation of alleged Nazi war criminals residing in the United States by the Departments of State and Justice, and the GAO.

Subcommittee staff monitored deportation hearings against Boleslavs Maikovskis, Karlis Detlavs, and Villis Hazners.

On January 13, 1977, the chairman of the subcommittee requested the GAO to conduct an investigation relative to the handling of deportation and denaturalization cases of alleged Nazi war criminals in the United States. The GAO encountered difficulty because the Justice Department limited access by the GAO to files and information. An oversight hearing was held on August 3, 1977, concerning this problem and the status of INS' and GAO's investigations.

REFUGEES

Parole of Indochinese Refugees

On August 4, 1977, the subcommittee held a hearing concerning a proposal by the Attorney General to parole (admit) an additional 15,000 Indochinese refugees. The Attorney General was the principal witness while officials from Departments of State and H.E.W. also testified. As a result of the hearing, the Attorney General was advised that no objection would be imposed to the parole of the 15,000 refugees.

The chairman of the subcommittee also called upon the President, in a letter of July 12, 1977, to convene an International Conference to address the long-term problem of Indochinese refugees.

Parole of 5,000 Soviet Refugees in Rome

The INS and the State Department brought to the attention of the subcommittee an emergency situation with regard to Soviet refugees in Rome where a build-up of both Jews and non-Jews from Russia were awaiting INS conditional entry processing for the United States.

The unavailability of conditional entry and nonpreference numbers caused an accumulation of some 4,000 Soviet refugees in Rome with a further aggravation of an increase of an additional 1,000 refugees by the end of the year.

The chairman of the subcommittee requested the President and the Secretary of State to request the Attorney General to exercise his parole authority to admit an additional 5,000 Soviet refugees into the United States.

Simultaneously Chairman Eilberg introduced H.R. 9652 which would establish worldwide ceiling on immigration without regard to hemisphere; thereby making available conditional entry (refugee) numbers from the Western Hemisphere (some 5,000 such numbers are unused in the Western Hemisphere).

On December 14, 1977, the Attorney General after consultation with appropriate Members of the House and Senate Judiciary Com-

mittees, authorized the parole into the United States of 5,000 Soviet refugees by May 1, 1978.

Administration of Refugee Programs

A hearing was held on February 24, 1977, to review existing United States refugee policies, programs, and funding. Testimony was received from Mr. James Carlin, Deputy Coordinator for Human Rights and Humanitarian Affairs, Department of State. Mr. Carlin reviewed the history of the government's efforts and participation in the international community in various refugee situations.

Subcommittee staff maintained continuous contact with State Department officials on refugee issues during the session.

FOREIGN MEDICAL GRADUATES

On March 24, 1977 the subcommittee held an oversight hearing to review several problems that had developed in the implementation of title VI of the "Health Professions Educational Assistance Act of 1976". That title established certain requirements which must be satisfied in order for a foreign medical graduate to immigrate to the U.S. or to enter this country as a nonimmigrant temporary worker or as an exchange visitor. As a result of this hearing and based on initiatives taken by the subcommittee amendments were made to Public Law 94–484 and these amendments were included in Public Law 95–83.

IV. Special Studies

HUMAN RIGHTS IN EASTERN EUROPE

Subcommittee Chairman Joshua Eilberg led a delegation of Judiciary Committee members to Eastern Europe in August to review the human rights situation in Yugoslavia, Romania, Czechoslovakia, and Hungary, and U.S. consular activities in those countries. Additional issues discussed on this trip included: Interpol, refugees, Nazi war criminals, religious freedom, and the compliance of the various governments with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki Accords). A comprehensive report on that trip was prepared and it was entitled "Human Rights and U.S. Consular Activities in Eastern Europe" (Committee Print No. 12).

ILLEGAL ALIENS

At the request of the subcommittee, the Congressional Research Service of the Library of Congress prepared two reports relating to the illegal alien problem. The first document entitled "Illegal Aliens: Analysis and Background" (Committee Print No. 5) provides an extensive analysis of the problem including the processing of remedial legislation and oversight of the Immigration and Naturalization Service. The second publication entitled "Illegal Aliens and Alien Labor: A Bibliography and Compilation of Background Materials (1970–June 1977)" (Committee Print No. 9), draws together into one document most of the periodicals, research studies, and newspaper articles which have discussed various aspects of the illegal alien problem. It also provides a brief description of state laws that have

been enacted on this subject and Supreme Court decisions relating to aliens. Both of these studies are designed to provide the subcommittee, the full committee, and the Congress with comprehensive information on the problem as well as an analysis of various social and economic factors that relate to that problem.

V. 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 that Act wherein affirmative action by the Congress is required in order to approve the Attorney General's suspension orders, the subcommittee reviewed 3 cases referred by the Attorney General.

Ninety-nine cases were listed in H.J. Res. 489, which included cases referred to the Congress from 1966 through 1973. This joint resolution was ordered favorably reported by the full committee on July 19, 1977 (House Report 95–809) and passed the House December 6, 1977.

In accordance with the provisions of Section 244(a)(1) of the Immigration and Nationality Act, the subcommittee reviewed 130 cases referred by the Attorney General and one case was disapproved as the result of full committee action on H. Res. 796 on October 11, 1977 (House Report 95–692) and House approval October 25, 1977.

B. 13(C) CASES

Under the provision of section 13(c) of the Act of September 11, 1957, (P.L. 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. Thirty cases in this category were reviewed by the subcommittee during the first session of the Ninety-fifth Congress. H. Res. 795 was favorably reported by the full committee October 11, 1977 (House Report 95–691) and House action October 25, 1977 enabled enactment disapproving adjustment of status to 24 cases.

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 aliens who are temporarily admitted to the United States under section

212(d)(3), although they are otherwise excludable. The subcommittee staff reviewed the 14,840 cases referred to the Subcommittee on Immigration, Citizenship, and International Law during the 94th 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. Twenty-one cases in this category were referred during the 94th 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 Congress, 3,425 reports on September 23, 1977, of approved applications for conditional entry. These reports were reviewed by the subcommittee staff in carrying out the committee oversight jurisdiction over refugee matters.

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) or section 203(a)(6) of that Act. During the first session of the 95th Congress, 18,629 such reports were submitted and referred to the subcommittee for review.

Summary of Activities of the Subcommittee on Administrative Law and Governmental Relations

Tabulation and disposition of public and private bills referred to the Subcommittee on Administrative Law and Governmental Relations

Public bills:	
Bills referred to subcommittee	302
Bills on which hearings were held	9
Bills reported favorably to full committee	13
Bills reported adversely to full committee	24
Bills reported to House	10
Bills passed House	8
Bills pending in the House	2
Bills pending in the Senate	0
Bills which became law	8
Private bills:	
Bills referred to subcommittee	266
Bills on which hearings were held	8
Bills reported favorably to full committee	26
Bills reported adversely to full committee	25
Bills reported to the House	26
Bills passed House	25
Bills pending in the House	1
Bills pending in the Senate	20
Bills which became law	6

The Subcommittee on Administrative Law and Governmental Relations is referred public bills which concern administrative law and governmental relations. Its basic jurisdiction over Administrative Law includes legislation relating to administrative procedure and practice including amendments to the Administrative Procedure Act as now codified in title 5 of the United States Code. The subcommittee is given jurisdiction over bills concerning claims against the United States, public contract law, and bills relating to relations between the several States. The latter area of jurisdiction relates principally to bills providing for the approval of interstate compacts. The oversight responsibilities of the subcommittee follow its legislative jurisdiction. These classifications of jurisdiction are actually basic guidelines which have been applied in the light of practice and experience in the committee.

The subcommittee's jurisdiction over the Tort Claims Act provisions of title 28 demonstrate this practical application. Thus the subcommittee's primary jurisdiction over claims matters also includes jurisdiction over matters which are incident to and necessary to that primary jurisdiction. Thus a bill relating to claims against the United States may also provide court jurisdiction and judicial procedures disposing of claims made pursuant to the bill's provisions and the subcommittee's complete proposal for claims settlement. This is provided for in broad language of committee rule VII since it confers upon each subcommittee the authority to consider fully bills referred to it by the committee.

The breadth of subcommittee jurisdiction over matters affecting governmental relations is illustrated by the fact that bills have been

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referred to the subcommittee on subjects such as Federal regulation of lobbying and related activities, financial disclosure by Federal public officials, and ethics, immunity of foreign sovereignties against suit by citizens of the United States and administrative processes under the legislation known as "Government in the Sunshine."

Disclosure of Lobbying

The subcommittee initiated its consideration of the bill H.R. 1180 and companion measures, regulating lobbying and related activities, with a hearing on April 4, 1977. The bill H.R. 1180 included the provisions of the bill reported by the committee in the 94th Congress, H.R. 15, which passed the House on September 29, 1976. Since these provisions of the bill in the previous Congress were the result of extended hearings and consideration in the committee and on the Floor of the House, the bill H.R. 1180 was selected as the principal bill for consideration in the present Congress. Following the hearing on April 4, 1977, additional hearings were held on April 6, 21, 27, 28 and 29, 1977. Markup sessions on the bill H.R. 1180 were begun on May 23, 1977, and after eighteen days of markup, on July 21, 1977, a revised bill, H.R. 8494 was ordered favorably reported to the full committee.

Ethics and Financial Disclosure

On September 9 and September 13, 1977, the subcommittee held hearings on the bills H.R. 1, H.R. 9, H.R. 6954 and a large number of companion bills relating to financial disclosure by government personnel. The bills H.R. 1 and H.R. 9 and a series of companion bills provided requirements for financial disclosure by officials and employees in all three branches of the Government. The bill H.R. 6954 was introduced as recommended by the President and covered only the Executive Branch as to financial disclosure but also provided for an amendment to Section 607 of Title 18, the section barring certain government contracts by former officers and employees.

On September 12, 13, 14, 15, 16 and 20, the subcommittee conducted markup sessions on the bill H.R. 1, and on September 20, 1977 ordered an amended bill reported to the full committee.

The full committee held markups on the bill H.R. 1 as amended on September 30, and October 5, 11, and 12, 1977, and ordered the bill with committee amendments reported to the House. The report was filed on November 2, 1977 as House Report No. 95–800.

Public Participation in Federal Agency Proceedings

On March 30 and 31, 1977 and on April 1, 27, and 28, 1977, hearings were held on the bill H.R. 3361 providing for awards by federal agencies for reasonable attorneys fees and other expenses for public participation in agency proceedings. After four days of markup, on May 6, 1977 the bill was ordered reported to the full committee with amendments. The bill was the subject of two days of full committee consideration and on May 12, 1977 the bill was recommitted to the subcommittee.

On May 17, 1977 the subcommittee approved several amendments to the bill H.R. 3361, and on July 27, 1977 the final markup was held on the bill and a clean bill, H.R. 8798, was ordered reported to the full committee.

Extending the Statute of Limitations Concerning Certain Indian Claims

On May 17, 1977 the subcommittee recommended favorably the bill, H.R. 5023, to the full committee. This bill provided for an extension of the statute of limitations for claims asserted by the United States sounding in torts or contracts which accrued prior to July 18, 1966. The bill was reported to the House on June 1, 1977.

On June 6, 1977 an identical Senate bill, S. 1377, failed to pass under suspension of the rules. In view of the fact that the statute of limitations would expire on July 18, 1977, a House joint resolution, H. Res. 539, was passed by the House and Senate and approved on July 11, 1977, as Public Law 95–64.

The bill, H.R. 5023, was considered in the House on July 11, 1977 and July 13, 1977 and the provisions of the House bill as amended were substituted for the Senate bill, S. 1377, which was passed in lieu of the House bill. After a conference of the two Houses, the conference report providing for an extension of the statute of limitations for two and three-fourths years was approved by both bodies and was enacted as Public Law 95–103 on August 15, 1977.

Indian Claims Commission Cases

The bill, H.R. 4585, as amended, authorized appropriations for the Indian Claims Commission for fiscal year 1978, and amended the Indian Claims Commission Act to include provisions to facilitate the transfer of cases from that Commission to the Court of Claims, and authorized an additional commissioner for the Court of Claims to meet the increased workload incident to those transfers. The bill was recommended to the full committee by the subcommittee with amendments and was ordered reported by the full committee in that form. The bill passed both Houses and was enacted into law as Public Law 95–69 on July 20, 1977.

Direct Actions Against Insurers Involving Claims Against Persons Entitled to Diplomatic Immunity

On August 1, 1977 the subcommittee held a hearing on the bill, H.R. 7679 which would amend title 28, United States Code, to provide for direct actions against persons entitled to diplomatic immunity. Testimony was received from Members of Congress and representatives of the Justice and State Departments, as well as insurance associations. This bill would complement the bill H.R. 7819, reported by the International Relations Committee and passed by the House, which amended the law concerning diplomatic immunity and required that diplomatic personnel carry liability insurance.

Nonprofit Corporations

The subcommittee approved the bill H.R. 1952 amending the provisions of the incorporation to change the corporate name of AMVETS. The bill was reported, passed both Houses and was approved on August 15, 1977 as Public Law 95–98.

The subcommittee approved the bill H.R. 7249, providing for the amendment of the Federal Charter of Big Brothers of America to authorize a merger with Big Sisters. The bill was reported to the House. On the Floor an identical Senate bill, S. 2208, was passed on October 31, 1977. The bill was approved on Nov. 11, 1977 as Public Law 95–167.

Compacts

H.R. 1551, amending the Sabine River Compact between the States of Louisiana and Texas to permit those States to address problems concerning pollution abatement, was approved by the subcommittee and reported by the full committee. It passed both Houses and was approved as Public Law 95–71 on July 23, 1977.

H.R. 3662, granting the consent of Congress to the Mississippi-Louisiana Bridge Construction Compact between those States, was favorably recommended to the full committee which reported the bill to the House on May 10, 1977. The bill passed both Houses and was approved as Public Law 95–35 on June 1, 1977.

Administrative Conference Appropriation Authorization

The subcommittee held a hearing on the bill H.R. 7662 authorizing appropriations for the Administrative Conference of the United States. The testimony demonstrated that the responsibilities and work of the Conference had increased and that, in addition, specialized tasks such as were mandated by the Magnuson-Moss Act and the Government in the Sunshine Act have placed an additional burden upon its limited staff. The subcommittee approved the bill; an amendment that provides for the appropriation authorization as follows: $1,700,000 for the fiscal year ending September 30, 1979, $2,000,000 for the fiscal year ending September 30, 1980, and $2,300,000 for the fiscal year ending September 30, 1981, and the bill was reported to the House in the form recommended by the subcommittee.

Oversight on Government in the Sunshine Act Implementation

In the 94th Congress, after a sequential referral to the Committee on the Judiciary, the subcommittee considered the bill H.R. 11656 and held hearings on the proposal on March 24 and 25, 1976. The bill was recommended to the full committee with amendments and reported to the House where the provisions of the House passed bill were substituted for the Senate bill S. 5, which was subsequently enacted into law as Public Law 94–409.

In the first session of the 95th Congress, on February 23, 1977, the subcommittee conducted an oversight hearing on implementation of the Act. At that time, the affected departments and agencies were required to promulgate implementing regulations. The subcommittee received testimony from representatives of the Administrative Conference of the United States and from representative agencies concerning the implementation of the Act and, in particular, the progress and status of implementing regulations.

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

Tabulation of bills referred to the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, and disposition

Public bills and resolutions:	
Bills referred to subcommittee	218
Bills on which hearings were held	19
Bills reported favorably to the full committee	7
Bills pending in full committee	2
Bills re-referred to another subcommittee of Judiciary	5
Bills pending in subcommittee	200
Bills reported to the House	4
Bills passed House	4
Bills pending in Senate	0
Bills which became law	4
Private patent bills:	
Bills referred to subcommittee	1
Hearings held	0
Reported favorably to full committee	0
Bills pending in subcommittee	0
Bills reported to House	0
Bills passed House	0
Bills pending in Senate	0
Bills which became law	0

The subcommittee has jurisdiction over legislation which affects federal corrections policy, privacy, civil liberties, courts, the administration of justice, copyrights, patents and legal services for the poor.

During the first session of the 95th Congress a total of 219 bills were referred to the subcommittee. Highlights of the subcommittee's activities are as follows:

Legal Services Corporation

The subcommittee has oversight of the Legal Services Corporation, a private, non-profit District of Columbia Corporation, which was created by Congress in 1974 through the enactment of the Legal Services Corporation Act of 1974, Public Law 93–355. The main purpose of the Corporation is to serve as an independent, non-political conduit for federal funds to local programs which provide civil legal aid to those persons unable to afford legal assistance. The Corporation, which monitors local programs, offers technical assistance to existing programs and aids in the development and planning of new and expanded programs.

On February 18, 1977, the subcommittee held a one-day hearing on the functions of the Corporation. Since the three-year authorization for appropriations for the Corporation would expire at the end of fiscal year 1977, the subcommittee held two days of hearings (February 22 and 23) on amendments to the 1974 Act, including additional authorization for appropriations. These proposals were incorporated

in H.R. 3719, the subject of the hearings. (Serial No. 4) The subcommittee held six days of public markup sessions on H.R. 3719, and on March 17, 1977, unanimously ordered that a clean bill be reported favorably to the full committee. That bill, H.R. 5528 (introduced on March 23 with the co-sponsorship of all subcommittee members), was the focus of committee markup, and was reported out favorably on May 3, 1977, in the form of a clean bill H.R. 6666.

The House passed the bill on June 27, 1977; the Senate passed H.R. 6666, as amended, on October 12, 1977, after debate on S. 1303, the companion bill to H.R. 6666. Conference was had, and the conference report (House Report No. 95–825) was agreed to by the House on Dec. 7, 1977, and by the Senate on December 15, 1977. The President signed the measure into law on December 28 and it became Public Law 95–222, the "Legal Services Corporation Act Amendments of 1977."

Salient Documents

House Reports: No. 95–310 (Committee on the Judiciary) and No. 95–825 (Committee of Conference).

Senate Report: No. 95–172 (accompanying S. 1303) (Committee on Human Resources).

Congressional Record, vol. 123 (1977):

June 9 and 27, considered and passed House.

October 10, 11, and 12, considered Senate companion bill, S. 1303, and passed Senate as H.R. 6666, as amended.

December 7, House agreed to conference report.

December 15, Senate agreed to conference report.

The main purpose of the "Legal Services Corporation Act Amendments of 1977" was to extend the authorization for appropriations for the Legal Services Corporation for an additional three fiscal years, at the level of $205 million for fiscal year 1978, and at "such sums as may be necessary" for fiscal years 1979 and 1980. Some of the other major provisions are:

Requires that at least two members of the eleven-person Board of the Corporation be "eligible clients";

Subjects the Corporation to the Government in the Sunshine Act (5 U.S.C. §552(b));

Makes "staff attorneys" of local programs subject to the same provisions of the Hatch Act as are state and local employees who are covered by 5 U.S.C., Chapter 15;

Removes restrictions on the use of Corporation funds in the representation of juveniles; and

Clarifies the legislative and administrative advocacy which can be provided by local programs.

Attorneys' Fees

Two days of hearings were held on November 16 and 17, 1977, on the issue of the payment of attorneys' fees to prevailing parties in federal cases. The subcommittee had commenced similar hearings in the 94th Congress, after the Supreme Court's ruling in *Alyeska Pipeline Services Co* v. *Wilderness Society*, 421 U.S. 240 (1975), which held that, absent specific statutory authorization, federal courts generally do not have power to allow the awarding of attorneys' fees. Although most

of the bills pending in the subcommittee this session involved the liability of the United States for attorneys' fees, the scope of the November hearings also included the issue of liability of private parties and other governmental units. The specific bills which were pending before the subcommittee at the time of the hearings were: H.R. 552, H.R. 913 (identical to H.R. 975, 1817, 1819, 2035, 2803, 4814, 7455), H.R. 4903, and H.R. 2034. The last-mentioned bill relates to criminal cases; the other bills and the main focus of the hearings pertained to civil cases.

Civil Rights of Institutionalized Persons

Five days of hearings (April 29, May 11, 13, 18, and 23) were held by the subcommittee on H.R. 2439 and H.R. 5791, two legislative proposals to clearly authorize the Attorney General of the United States to initiate or intervene in civil actions to protect institutionalized persons against state action which violates their federal rights. The necessity for such legislation was increased when federal courts denied standing to the United States Attorney General as a plaintiff in two cases, absent specific statutory authorization. The cases are: *United States* v. *Solomon*, 563 F. 2d 1121 (4th Cir., Oct. 12, 1977), aff'g 419 F. Supp. 358 (D. Md. 1976), and *United States* v. *Mattson*, Civ. No. 74–138 BU (D.C. Mon't., unpublished order of Judge Smith, Sept. 29, 1976, dismissing the case based on *United States* v. *Solomon*).

The subcommittee, having received strong support for legislation from the Justice Department and several national organizations, held five days of markup on H.R. 2439 and on September 27, unanimously ordered reported out a clean bill. That bill, H.R. 9400, was introduced on Sept. 30, 1977, and is pending before the committee. A companion bill in the Senate, S. 1393, has been reported favorably to the Senate Committee on the Judiciary by the Subcommittee on the Constitution.

The Courts and Access to Justice

The subcommittee has held extensive hearings on the subject of the jurisdiction of the federal courts and the crisis of court congestion.

Several months after the start of the 95th Congress the subcommittee decided to hold general oversight hearings on the State of the Judiciary and Access to Justice. The reasons for this were threefold. First, Congress over the years has been somewhat negligent in not conducting an in-depth examination of the needs of the federal courts and the people who use those courts. As a consequence, few Members of Congress have ever set legal priorities for improving the administration of justice. Bills designed to aid the courts tend to move forward in a haphazard fashion.

Second, although Congress expressly created a commission (the Commission on Revision of the Federal Court Appellate System) to study the needs of the federal judicial system, it never provided a legislative forum for the conclusions of that respected body. Likewise, during the past ten years many conferences and commissions have studied or reported on the needs of the federal courts; these groups (for example, the Study Group (Freund Committee) on the Caseload of the Supreme Court (1972); the Commission on Revision

of the Federal Court Appellate System (June 1975); the National (Pound) Conference on the Causes of Popular Dissatisfaction with the Administration of Justice (Apr. 1976); Pound Conference Followup Task Force (Aug. 1976); and the Department of Justice Committee on Revision of the Federal Judicial System (Jan. 1977), were never given an opportunity to present their views during hearings to Members of Congress.

Third, the Administration created within the Department of Justice a new "Office for Improvements in the Administration of Justice". Similarly, the American Bar Association has created a Subcommittee on Coordination of Federal Judicial Improvements. The emphasis placed on court reform by these organizations, not to mention those of the Chief Justice and the Judicial Conference, provided convincing evidence that the Subcommittee on Courts, Civil Liberties and the Administration of Justice ought to get involved in the areas of court reform and resolution of disputes in American society.

Oversight hearings on Access to Justice and the State of the Judiciary were held on June 20, 22 and 29, 1977, and July 21, 22, 28 and 29, 1977. The subcommittee, keeping within the time frame allotted, not only invited representatives of the above discussed groups but also solicited the participation of other organizations. All in all, the hearings produced excellent testimony from a variety of well known legal scholars. Statements were received from representatives of the three branches of government, the state courts, the practicing bar, the public interest law community, and academia.

DIVERSITY OF CITIZENSHIP JURISDICTION

One of the subcommittee's first surprises was the unanimity with which the witnesses suggested that diversity jurisdiction be abolished or curtailed. The following witnesses supported total abolition: Thomas Ehrlich; Hon. Robert Ainsworth; Prof. Burt Neuborne; Father William Cunningham; Prof. Robert Bork; Hon. Shirley Hufstedler, Dennis Sweeney, Esq.; Steven Steinglass, Esq.; Hon. Robert Sheran; and Hon. Warren Burger (by letter). Several other witnesses (Ralph Nader; Hon. Griffin Bell) proposed that diversity be curtailed by preventing in-state plaintiffs from suing in the federal court of their home state. Not a single witness challenged the proposition that nothing should be done to diversity.

On the basis of this solid evidence, the subcommittee decided that legislative hearings on diversity jurisdiction should be conducted. Four days of hearings were held (on September 22, 27, 28 and 29, 1977) during which such respected legal scholars as Prof. Charles Alan Wright; Hon. Henry J. Friendly; John P. Frank, Esq.; Robert Begam, Esq.; Thomas Ehrlich, Esq.; Hon. Edward T. Gignoux; Hon. Daniel Meador; and Pamela Horowitz, Esq. testified. In addition, the subcommittee received written statements from Prof. Thomas D. Rowe, Jr.; the Deputy Comptroller General of the United States; William M. Shernoff, Esq.; the NAACP Legal Defense and Educational Fund; the National Senior Citizens Law Center; Public Citizen Litigation Group; and the American College of Trial Lawyers. Once again, the vast majority of participants supported abolition of diversity jurisdiction.

John P. Frank, Esq., and Robert G. Begam, on behalf of the Association of Trial Lawyers of America, were the only witnesses to publicly oppose any legislative charges. They did state however that if change is to be necessary, abolition would be the preferred course.

Shortly after the hearings the subcommittee, having decided for none of the four pending proposals, voted at an informal briefing to draft its own bill to use as a markup vehicle.

It was determined that the legislative proposal should abolish diversity jurisdiction, retain alienage jurisdiction and interpleader, abolish the amount of controversy requirement in federal question cases, and add conforming amendments. The sponsors of the new bill (H.R. 9622) were subcommittee members Kastenmeier, Danielson, Drinan, Railsback and Butler, and also Representatives Edwards, Wiggins, and Bennett. Moreover, the subcommittee determined that one additional day of hearings should be held on the federal question issue, which had not been adequately dealt with during the first four days of hearings. This was done (on October 13, 1977), and three witnesses (Daniel Meador, U.S. Department of Justice; Joseph Spaniol, Jr., Administrative Office of the U.S. Courts and Prof. Lucas L. Powe, University of Texas Law School) testified. All three witnesses wholeheartedly endorsed the proposed change. In addition, several individuals and organizations, including Prof. Charles Alan Wright, University of Texas; The Administrative Conference of the United States; Prof. Kenneth Karst, UCLA Law School; Richard Field, Esq.; Erwin Griswold, Esq., and Prof. Telford Taylor, Harvard Law School, wrote to the subcommittee expressing their support. Thus far, no opposition has been expressed to abolishing the amount in controversy requirement in federal question cases.

On October 20, 1977, the Subcommittee on Courts, Civil Liberties and the Administration of Justice held one day of markup on the legislation, and after adoption of three minor amendments, unanimously recommended the bill to the full committee.

Magistrates Reform

The federal magistrates system was created by Act of Congress in 1968. The Act, building upon the existing foundation of the United States Commissioner system, transferred the criminal responsibilities of the old commissioners, granted increased duties in the criminal area, and expanded judicial responsibilities in the civil area, to a new tier of judicial officer: the United States Magistrate.

The Federal Magistrates Act, which was only implemented in 1971, worked for five years before being scrutinized by Congress. During this period, magistrates toiled under the specific statutory grant of authority (28 U.S.C. § 636(b)) which allowed them to (1) serve as special masters in appropriate civil actions, pursuant to the applicable provisions of the Federal Rules of Civil Procedure; (2) assist the district judge in conducting pretrial or discovery proceedings in civil or criminal actions; and (3) preliminarily review applications for post-trial relief by those convicted of criminal offenses. Moreover, § 636 specifically granted district courts authority to delegate to magistrates "additional duties as are not inconsistent with the Constitution and laws of the United States."

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Since the 1968 Act did not precisely detail the power of magistrates, the result was uneven usage of magistrates throughout the federal judicial system. In addition, a number of courts restrictively construed the role of magistrates.

Consequently, in 1976 Congress undertook to amend § 636(b) to "clarify and further define the additional duties which may be assigned to a United States Magistrate in the discretion of a judge of the district court."

Although the 1976 reform clearly broadened the powers of magistrates and manifested congressional intent to allow continued experimentation toward achieving the most effective use of parajudges in the federal system, it still left the appointment and utilization of magistrates in the hands of the district court.

Not surprisingly, this had two immediate results: continued unevenness in quality and disparity in use of magistrates; and made more legislation, as stated in the report of Association of the Bar of the City of New York, "inevitable".

Thus, early in the first session, 95th Congress, the Department of Justice formulated a proposal to expand the criminal and civil jurisdiction of magistrates. The expressed goals of this legislation—now embodied in S. 1613 as it passed the Senate by unanimous voice vote on July 22, 1977—are to render consistent the utilization of magistrates, to reduce the present unevenness in quality of magistrates, and at the same time to maintain a certain amount of flexibility in the federal judicial system. On November 3, 1977, the subcommittee began markup on S. 1613, the Magistrates Act of 1977.

Other Activities

In other areas the subcommittee—

held four days of oversight hearings on the agencies over which it has jurisdiction, including the Executive Office of United States Attorneys, the United States Marshals Service, the Bureau of Prisons, the Administrative Office of United States Courts, the Office for the Improvement in the Administartion of Justice, the Patent and Trademark Office, and the Copyright Office;

held two days of hearings on the federal role in pretrial detention programs;

processed legislation extending the design patent of the United Daughters of the Confederacy;

processed legislation to provide accommodations of judges of the Court of Appeals;

processed legislation extending by seven months the life of the Commission on New Technological Uses of Copyrighted Works;

attended meetings of the Intergovernmental Committee of the Universal Copyright Convention;

engaged in a dialogue with the Administration on proposed privacy legislation; and

supervised staff inspections of Bureau of Prisons institutions at Atlanta, Georgia; Butner, North Carolina; Petersburg, Virginia; Memphis, Tennessee; and McNeil Island, Washington and had staff visit the United States District Courts for the Northern District of California, the District of Oregon, and the Western District of Washington, to view the use of magistrates in those courts.

Summary of Activities of the Subcommittee on Civil and Constitutional Rights

Tabulation of bills referred to the Subcommittee on Civil and Constitutional Rights and disposition

Bills referred to subcommittee	224
Bills on which hearings were held	5
Bills reported favorably to full committee	4
Bills reported adversely to full committee	0
Bills pending in subcommittee	220
Bills reported to House	2
Bills passed House	1
Bills pending in House	1
Bills pending in Senate	0
Bills which became law	1

In addition to its general legislative and oversight jurisdiction with regard to civil rights, constitutional rights, constitutional amendments, and the Federal Bureau of Investigation, the subcommittee also has special jurisdiction over bankruptcy and reorganization, and various commissions.

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

General Legislation

BANKRUPTCY

The subcommittee continued its work on bankruptcy law revision during the first session of the 95th Congress. The work began in earnest during the 94th Congress with 35 days of hearings on H.R. 31 and H.R. 32, both of which were comprehensive revisions of the bankruptcy laws. Drafting continued through the 94th Congress, and was completed just as the 95th Congress convened.

On January 4, 1977, the first day of the Congress, Chairman Edwards, for himself and Mr. Butler, introduced H.R. 6, a bill to establish a uniform law on the subject of bankruptcies. This bill was the culmination of over six years of study, hearings, research, and drafting, beginning with the congressionally-created Commission on the Bankruptcy Laws of the United States, on which Chairman Edwards served. The bill proposed the first major revision of the bankruptcy laws in 40 years, and covered all areas of bankruptcy law, including the court and administrative structure for handling bankruptcy cases, which have out numbered all other Federal, civil, and criminal cases combined in recent years.

Shortly after the subcommittee was organized, it began work on the bill. Four days of briefing sessions were held in early March. Then beginning on March 21, and continuing until May 16, the subcommittee held 22 days of mark-up sessions on the bill. The sessions lasted over 42 hours, and the subcommittee adopted over 100 amendments. On May 16, the subcommittee unanimously reported the bill, as amended, to the full committee.

A tentative clean bill, H.R. 7330, was introduced on May 23, but was later superseded by H.R. 8200, introduced on July 11 by Chairman Edwards and all members of the subcommittee.

The full Judiciary Committee began mark-up on July 14, and continued its work on July 15, and July 19, adopting six amendments plus an amendment in the nature of a substitute incorporating the six amendments, and ordered the bill reported favorably to the full House by a recorded vote of 26–3, with one Member voting "present."

Because of a potential jurisdictional conflict with the Ways and Means Committee concerning four tax-related provisions in the bill, actual reporting of the bill was delayed. On September 8, the committee reconsidered its vote to order H.R. 8200 reported, adopted amendments to the four tax provisions to avoid any jurisdictional conflict, and once again ordered the bill, as amended, reported favorably to the full House by a recorded vote of 23–8. The bill was reported and the Committee Report, No. 95–595, was filed later that day.

The Rules Committee held a hearing on H.R. 8200 on October 13. Chairman Edwards testified. After the hearing, the Rules Committee reported H. Res. 826, providing for consideration of the bill.

On October 27, the House began consideration of H.R. 8200, as reported. General debate was completed, and the amending stage was reached. On October 28, the Committee of the Whole adopted the Danielson-Railsback amendment, which substantially rewrote title II of H.R. 8200, the title that dealt with the court and administrative structure for bankruptcy cases. The vote on the amendment was 183–158, with one Member voting Present, and 92 Members absent. The Floor Manager of the bill, Chairman Edwards, pulled the bill from the Floor immediately.

The subcommittee held additional hearings on title II of H.R. 8200 in December, to examine the Danielson-Railsback amendment and alternatives to the amendment and to the bill. The hearings were held on December 12, 13, and 14. Witnesses included the Attorney General; representatives of the Judicial Conference of the United States, of the National Bankruptcy Conference, of the National Conference of Bankruptcy Judges, of the Commercial Law League of America, of the Robert Morris Associates (National Association of Commercial Bank Lending Officers), and of the American College of Trial Lawyers; and Harold Marsh, former Chairman of the Commission on the bankruptcy law of the United States Court of Appeals; J. Stanley Shaw, Esq.; and Jesse Levine, Esq., of New York.

The bill is scheduled for further consideration by the House early in the second session.

FBI Oversight

DOMESTIC SECURITY AND AN FBI CHARTER

The subcommittee commenced its FBI oversight hearings on June 6, 1977, at which time the Department of Justice and the FBI reported on the Bureau's domestic security programs. The effect and meaning of the Attorney General's guidelines for FBI domestic security investigations, issued by Attorney General Levi in December of 1975, were discussed. The witnesses reported a significant reduction in the domestic security caseload, which they attributed to (1) the implementation of the guidelines; (2) the Bureau's own internal review

of cases and its effectuation of the policy in favor of quality rather than quantity of cases; and (3) the coincidental reduction of domestic disorder. The need for a legislative charter for the FBI delineating the Bureau's role in this area, was emphasized by the witnesses.

The General Accounting Office (GAO) reported its findings on this same subject to the subcommittee in a hearing on November 9, 1977, and in its report, entitled "FBI Domestic Intelligence Operations: An Uncertain Future," issued the same day. The witnesses concurred that the FBI's domestic intelligence operations have been reduced significantly in scope and level of effort as a result of Bureau and Department efforts. Investigative controls were reported to be strengthened. However, the GAO's earlier finding that domestic intelligence activities provided few visible results was reaffirmed in in this updated study. Furthermore, much of the decline in caseload was attributed to external forces—the lack of militant activity by protest groups—and therefore, legislation delineating the objectives and scope of domestic intelligence activities was needed.

In December, 1977, H.R. 10400 was introduced by the Chairman, Mr. Edwards. This bill would provide the authority for the FBI to conduct investigations of federal criminal law violations, and would define the standard which must be met for the initiation of such investigations. The Bureau would not be permitted to engage in any other law enforcement activities, such as domestic intelligence matters where no criminal violation is suspected. Hearings on this charter proposal were scheduled for early 1978.

FREEDOM OF INFORMATION ACT COMPLIANCE

On June 27, 1977, a hearing was held on the subject of the FBI's compliance with the Freedom of Information and Privacy Acts (FOI/PA). In hearings held before the subcommittee in the previous session, the Bureau's backlog of requests was discussed, and at the request of the subcommittee, a plan was submitted for bringing the Bureau into compliance with the FOI/PA time requirements. The Bureau reported that the plan—dubbed "Project Onslaught"—was operating successfully, and it was expected that the backlog would be effectively eliminated by September, 1977. The witness from the Department of Justice testified as to the Department's policies and procedures with respect to the FBI's processing of FOI/PA requests, including recent directives from the Attorney General and Deputy Attorney General which would facilitate disclosure of information requested pursuant to the Freedom of Information and Privacy Acts.

NATIONAL CRIME INFORMATION CENTER

The subcommittee embarked on an intensive study of the FBI-run National Crime Information Center (NCIC) and related systems, exploring questions of policy, management control and technology. In June of 1977, members were given a three day briefing on technical issues, from the Department of Justice, the FBI the state-run National Law Enforcement Telecommunications Systems (NLETS) and state users of the NCIC and NLETS systems.

In September 1977, the Task Force on Science and Technology in the Criminal Justice System of the Scientists' Institute for Public In-

formation testified concerning their inspection of and briefings at NCIC. Among their findings and conclusions were the following: no regular, independent audit of the data and procedures had ever been conducted; the actual benefits of NCIC have never been fully evaluated; the procedures for insuring accuracy, correction and update of data were inadequate; the computer downtime was excessive; security and privacy of information was insufficiently protected.

To assist the subcommittee in assessing these issues as well as other related questions of individual rights, management, operations, and public interest, the Office of Technology Assessment (OTA) was requested to undertake an extensive study. Beginning in November, 1977, an OTA special task force of consultants began its preliminary analysis, which was expected to be completed in early 1978.

At the same time, other studies were begun to gather the opinions of state users of NCIC: a survey conducted by the Congressional Research Service, and a field inspection survey by Department of Justice personnel and members of the subcommittee staff.

FBI FIELD OFFICES AND U.S. ATTORNEYS

In August of 1977, the subcommittee chairman and the subcommittee staff initiated a series of field trips to FBI field offices and U.S. attorneys. The purpose of the trips is to gain an understanding of the actual working relationship between the FBI and the U.S. attorneys, as well as to observe the day-to-day operations of the FBI field offices.

The subcommittee had received reports that, in a number of cities, coordination between the two offices was lacking and that FBI resources were not being utilized in the most effective manner possible. Critics pointed to the high number of declinations of cases presented for prosecution by the FBI, as well as a growing reliance on in-house investigators by some U.S. attorneys as proof of these allegations. Through these visits, the subcommittee hopes to learn whether the allegations are true, how widespread the problems are and what solutions may be available.

The subcommittee chairman and staff began their investigation in early August by visiting FBI field offices in New York City and Newark, New Jersey, and the U.S. attorneys for the Eastern and Southern Districts of New York (Brooklyn and Manhattan) and the District of New Jersey (Newark). Later that month, the subcommittee staff travelled to California to talk to the U.S. attorneys in San Francisco, Sacramento and Los Angeles, as well as to visit the FBI field offices in San Francisco and Los Angeles. Additional visits are being planned for the second session of the 95th Congress.

As a result of the visits, certain problems were uncovered that the subcommittee believes must be resolved if the federal law enforcement effort is to function in an efficient and productive manner. Indeed, the questions raised by the relationships between the FBI and the U.S. attorneys reflect the much larger question of the role of the FBI within the Department of Justice and in federal law enforcement generally. Because of his concern that this role be properly defined and implemented, the subcommittee chairman met with the Attorney General on his return from the New York-New Jersey trip to elicit from the Attorney General a commitment to work with the

FBI, the Department and the Congress to resolve some of the existing problems.

Equal Rights Amendment Extension

On October 26, 1977, H.J. Res. 638 was introduced and referred to the subcommittee. The purpose of the resolution is to extend the ratification period of the proposed Equal Rights Amendment to a total of fourteen years from the date it was initially passed by the Congress.

When the amendment was first submitted to the States by the Congress in 1972, a seven year ratification period was provided for in the preamble of the resolution proposing the amendment. That seven year period will expire on March 22, 1979. The introduction of H.J. Res. 638 reflected a concern on the part of its sponsors that although equal rights is still an important political and societal goal, a number of state legislatures had not been able to consider the amendment fully and fairly and would not be able to do so within the time limits originally established in 1972.

The action contemplated by the sponsors of H.J. Res. 638 is unprecedented. Article V of the Constitution, dealing with the amendment process, is silent on the issue. Accordingly, serious constitutional questions regarding the authority of Congress to take such a step were raised by the introduction of the resolution. Before the subcommittee could consider the merits of the proposal, it was necessary to address those questions.

The subcommittee held hearings on the constitutional implications of the proposal on November 1, 4, and 8, 1977. At the first hearing the subcommittee heard testimony from the Assistant Attorney General of the Office of Legal Counsel of the U.S. Department of Justice on the Department's opinion on the constitutional questions raised by the extension. At that same hearing, and at the two subsequent hearings, the subcommittee heard from several other witnesses who are experts in the field of constitutional law. In addition, the subcommittee solicited written comments from a number of law professors who were unable to testify in person.

At the close of the last hearing, the Chairman announced that the subcommittee staff would compile all the testimony the subcommittee had received as well as the additional views the subcommittee solicited and draft a report outlining the arguments for and against the extension, as well as the alternatives available to the subcommittee, and analyzing related issues, such as rescission. This report will be made available to the subcommittee members early in the second session of the 95th Congress. The report, along with the hearing transcripts, will enable the subcommittee to determine what further action to take.

The Bilingual Provisions of the Voting Rights Act

Subcommittee staff worked with the General Accounting Office, the Federal Elections Commission and the League of Women Voters for the purpose of acquiring solid information on the implementation of and difficulties with the Voting Rights Act. Testimony reflecting the results of these inquiries is expected in the second session of the 95th Congress.

Voting Representation for the District of Columbia

The subcommittee held hearings on House Joint Resolution 554 and seven similar or identical proposals on August 3, September 14 and 21, and October 4 and 6, 1977. The resolution provides for a constitutional amendment which would (1) extend voting representation to the District of Columbia in the House of Representatives and in the Senate, (2) permit the District to participate fully in the process of the electoral college, and (3) permit the District to participate in the ratification process of future proposed constitutional amendments.

During the hearings, alternate proposals such as statehood, retrocession to Maryland and partial retrocession for voting purposes were also considered.

On October 31, 1977, the subcommittee unanimously ordered H.J. Res. 554 favorably reported to the Committee on the Judiciary. Consideration by the full committee and floor action was anticipated to occur early in 1978.

Civil Rights Oversight

(1) Puerto Rican Problems

On June 23 and 24, 1977, the subcommittee heard testimony regarding some of the unique civil rights problems experienced by the Puerto Rican community residing in the United States. Congressman Herman Badillo of New York as well as witnesses familiar with the problems in the mid-west and west testified regarding the issues of concern in their communities. The hearings demonstrated a continuing need for effective federal enforcement of existing laws and the need for better state, local and community interest in the problems of Americans who have language and cultural differences with the majority of United States citizens.

Subcommittee staff continued close contact with individuals and groups interested in these important issues as well as with the United States Commission on Civil Rights which has a continuing interest in federal, state, and local minority problems.

(2) Office of Revenue Sharing

Subcommittee staff worked on the development of a review procedure for reviewing implementation within the Office of Revenue Sharing, the civil rights amendments to the 1976 Revenue Sharing Extension.

The United States Commission on Civil Rights

The subcommittee held hearings on H.R. 5645, authorizing funds for fiscal year 1978 for the United States Commission on Civil Rights, on April 1 and 26, 1977. The bill was reported to the full committee on April 26, 1977, and reported favorably by the full committee on May 3, 1977. The House passed the bill as amended on May 23, 1977.

Fair Housing

Throughout the first session of the 95th Congress, comments were solicited on proposed legislation that would amend Title VIII of the

Civil Rights Act of 1968, the Fair Housing Act. Attention was focused particularly on H.R. 3504, introduced by the chairman of the subcommittee and Representative Drinan. The bill would amend several important aspects of the Act, including both enforcement procedures and substantive rights. Hearings to receive the testimony of the Secretary of HUD and the Assistant Attorney General for the Civil Rights Division, were postponed at the request of HUD until early in the 2nd session.

Polygraph

Information pertinent to legislation introduced by Representative Koch which would restrict the use of polygraphs and similar devices in the employment context was studied by the staff. Previous hearings and research by the House and Senate had focused on the questionable accuracy and reliability of the devices, as well as constitutional issues raised by their use by employers for job applicant screening and investigations of theft. Research was expanded to focus on the industries which claimed a particular need for the polygraph, with a view toward testing the allegation that its use produced demonstrable beneficial effects for the employer and reduction in the incidence of crime.

Summary of Activities of the Subcommittee on Monopolies and Commercial Law

Tabulation of bills referred to the Subcommittee on Monopolies and Commerical Law, and disposition

Bills referred to subcommittee	104
Bills on which hearings were held	5
Bills reported favorably to full committee	1
Bills reported adversely to full committee	0
Bills pending in subcommittee	88
Bills reported to House	1
Bills passed by House	1
Bills pending in House	0
Bills passed by Senate	0
Bills pending in Senate	0
Bills which became law	1

The subcommittee has basic jurisdiction over legislation which affects protection of trade and commerce against unlawful restraints and monopolies, although it is frequently assigned bills which range over a wide area of jurisdiction. During the first session of the 95th Congress, the subcommittee exercised a broad range of its responsibilities.

Antitrust Jurisdiction

ANTITRUST EXEMPTIONS AND IMMUNITIES

The subcommittee held a hearing on March 29, 1977 on the scope and extent of antitrust exemptions and immunities. The purpose of this hearing was to begin an examination of this area of antitrust law based largely upon certain studies compiled by the Antitrust Division of the Department of Justice. These studies included inquiries into milk marketing and the Capper-Volstead Act, insurance and the McCarran-Ferguson exemption, the Postal Service, Ocean Shipping and various other exemptions. Antitrust activity in these areas is strong, with courts, agencies and the private bar continuing to narrow the scope of these exemptions. The subcommittee used this hearing to obtain an idea of the scope of the problem and to map out its future set of hearings into antitrust immunities and exemptions which will probably begin with a study of the McCarran-Ferguson antitrust exemption enjoyed by the insurance industry.

MERGER LEGISLATION

On June 16, 1977, the subcommittee held one day of hearings on H.R. 6001, a bill to expand the scope of § 7 of the Clayton Act by adding the word "affecting" to present § 7. Under present law, a large corporation may acquire a corporation which, while large, does business in only one state. It is thus technically not "in" commerce. Nevertheless, its activities may well "affect" commerce, and thus in turn affect competition. This bill, now awaiting markup, will

remedy that defect. Testimony was heard from members of the private bar, academics, the Federal Trade Commission and the Department of Justice.

Merger Oversight

In the 94th Congress, the Subcommittee on Monopolies and Commercial Law began oversight of merger law enforcement which continued in the 95th Congress. These hearings led to the premerger notification provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

Subcommittee merger oversight continued in the 94th Congress with the receipt of material and data from the Antitrust Division and the Federal Trade Commission on mergers and merger enforcement. Using this data, Professor Willard F. Mueller, author of a 1967 subcommittee report on merger enforcement, is preparing a similar report on 25 years of merger enforcement for the subcommittee. The project will be completed during the second session of the 95th Congress.

The study will describe the effects of horizontal, vertical and conglomerate mergers on industrial concentration, and will examine trends in merger activity. It will examine the effectiveness of the Antitrust Division and the Federal Trade Commission merger enforcement policy. The study will also examine the effect of Federal Trade Commission and Antitrust Division merger guidelines on merger activity in specific industries. This analysis will be useful to the subcommittee in determining whether merger enforcement could be improved by applying guidelines to other industries or to specific types of mergers.

Other issues to be included in the report include:

1. Dual enforcement of merger law and the liaison process between the Federal Trade Commission and the Antitrust Division;
2. Adequacy of available time and resources for either agency to examine a merger and obtain a preliminary injunction;
3. Industry compliance with merger reporting requirements;
4. Merger enforcement in the regulated or exempt industries;
5. Private enforcement of merger law;
6. Examination of specific mergers which may have violated agency guidelines or law but which were not challenged.

The subcommittee believes the report will provide a valuable basis for gauging the overall effect of the nation's merger policy and the effectiveness of its enforcement. Additionally, it will provide a valuable benchmark for comparing pre and post passage merger enforcement of the Pre-Merger Notification title of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

"Illinois Brick" Legislation

On June 9, 1977 the United States Supreme Court held in *Illinois Brick* v. *Illinois*, 431 U.S. 720 (1977) that only first purchasers of price-fixed goods could maintain damage actions. The Court's opinion

in a footnote also cast extreme doubt on, and may have effectively disarmed the parens patriae provisions of the Hart-Scott-Rodino Antitrust Improvement Act of 1976.

Accordingly, Chairman Rodino and Senator Kennedy introduced identical bills (H.R. 8359, S. 1874) to overrule this decision. Four days of hearings have been held on H.R. 8359—September 9 and 16 and October 6 and 20, 1977.

The subcommittee took extensive testimony from antitrust officials, members of the private bar and academics. The subcommittee plans action early in the second session on this legislation.

Competition Review Act of 1977

On December 6, 1977, the subcommittee held one day of hearing on H.R. 6098, a bill to establish a Commission to be known as the Competition Review Commission. Testimony was taken from Department of Justice and Federal Trade Commission officials. Testimony was also taken from the sponsor of the bill, Representative Udall, and from Representatives Kastenmeier and Simon.

The purpose of the measure is to provide an in-depth study and analysis of the state of American industry and competition.

Energy Investigation

The subcommittee staff has continued the energy investigation which it began in the 94th Congress.

Primary subcommittee concentration has been upon the subject of joint ventures for the exploration and production of crude oil. The subcommittee staff is now concluding a computerized analysis of American petroleum companies responses to a questionnaire.

The subcommittee staff has also looked into questions of vertical integration in the petroleum industry and oil company expansion into alternative fuels. It is expected that staff reports on these matters will be available early in the second session of the 95th Congress.

Professional Athletics

Subcommittee staff, pursuant to instructions from the chairman and members of the subcommittee, began long range preparations for hearings in 1978 on the antitrust aspects of the current structure of professional sports in America.

It is anticipated that a comprehensive study will be made by the subcommittee on competitive practices in all the major sports including baseball, football, basketball and hockey. As one part of the study, the subcommittee will be examining the record and the recommendations of the former Select Committee on Professional Sports, chaired by Representative Sisk in the 94th Congress.

Judgeship Legislation

At the start of the 95th Congress, pursuant to a policy adopted in 1964, the Judicial Conference of the United States transmitted to the Congress its quadrennial survey of the judgeship needs of the United States district courts and the circuit courts of appeals. Those Con-

ference requests for additional judgeships were introduced by Mr. Rodino, by request, as H.R. 3685.

Beginning in March, 1977, the Subcommittee on Monopolies and Commercial Law commenced an exhaustive inquiry into the current needs of the federal courts, focusing upon H.R. 3685's request for 107 additional district court judgeships and 25 additional circuit court judgeships.

Hearings were conducted throughout March, with testimony received from Members of Congress, from the Attorney General and from representatives of the federal branch including Judge Butzner and Judge Browning, and from the American Bar Association.

In June of 1977, following a thorough analysis of the needs of the courts by subcommittee staff, the subcommittee itself undertook three long and detailed sessions of markup, on June 6, June 7, and June 9, at which time it reported a clean bill, H.R. 7843, to the full committee.

On October 25 and 26, and on November 1, 2, 9, 10, and 30, the full committee wrestled with the exhaustive subcommittee work product and ultimately reported H.R. 7843 as amended. The legislation authorizes 110 district court judgeships and 35 appellate court judgeships. It is expected to be acted upon by the full House early in 1978.

In connection with its review of the needs of the circuit courts, the subcommittee conducted three days of hearings on a separate question—the proposed split of the U.S. Court of Appeals for the Fifth Circuit—in September and October of 1977. Testimony was received once again from the Attorney General, and additionally from six distinguished members of the Fifth Circuit bench, from the N.A.A.C.P. and from the Lawyers Committee for Civil Rights Under Law. No resolution of the proposed division of the Fifth Circuit had been reached by the subcommittee at the conclusion of the first session.

ESTABLISH THE POSITION OF ASSOCIATE ATTORNEY GENERAL

S. 2089, to establish within the Justice Department the position of Associate Attorney General was introduced by Senator Eastland on September 14, 1977. It passed the Senate on September 20. On September 21 it was referred to the House Committee on the Judiciary, and on September 23 was referred to the Subcommittee on Monopolies and Commercial Law. The subcommittee ordered S. 2089 favorably reported to the full committee on September 27, and on September 29 the Committee on the Judiciary reported the bill to the House. The bill passed the House on October 18, and on October 19 it was approved by the President. (Public Law 95–139)

Summary of Activities of the Subcommittee on Crime

Tabulation of bills referred to the Subcommittee on Crime and disposition

Bills referred to subcommittee	204
Bills on which hearings were held	25
Bills reported favorably to full committee	1
Bills reported adversely to full committee	0
Bills pending in subcommittee	179
Bills reported to House	1
Bills passed by House	1
Bills pending in House	[1] 1
Bills passed by Senate	[1] 1
Bills pending in Senate	0
Bills which became law	0

[1] The House passed its child pornography bill, H.R. 8059, in October and conferred with the Senate on H.R. 8059 and the Senate bill, S. 1585, in November. The conference report on S. 1585 has been accepted by the Senate and House action is expected early in the second session.

During the first session of the 95th Congress, 204 bills were referred to the Subcommittee on Crime. They include 94 measures on firearms, ranging from repeal of the Gun Control Act in its entirety to strengthening it substantially; 24 bills to prohibit the sexual exploitation of children; 20 to address the problem of cigarette racketeering; 7 to provide penalties for theft of controlled substances from pharmacies; and 10 to establish an Officers' Bill of Rights. The subcommittee held hearings on bills relating to railroad vandalism and the sexual exploitation of children.

In addition to its legislative jurisdiction, the subcommittee also has oversight jurisdiction of the Law Enforcement Assistance Administration. In this regard, the subcommittee held hearings on the implementation of the Community Anti-crime Program as mandated by Public Law 94–503, which authorized $15,000,000 per year for three years for community organizations involved in specific community anti-crime programs. The subcommittee also held hearings on the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA; on a proposal by LEAA to suspend the data collection aspect of the National Crime Survey; and on the Justice Department's proposal to reorganize LEAA.

In addition, the subcommittee held a series of hearings on the relationship between unemployment and crime in Washington, D.C., and in San Francisco and Los Angeles, California.

Child Pornography

At the beginning of the 95th Congress, a series of bills, with more than a hundred co-sponsors, was introduced that addressed the problem of sexual abuse of children. Primary sponsors of these bills, each of which carried the title of the "Child Abuse Prevention Act", were Representatives Dale Kildee, (D–Michigan), and John Murphy, (D–New York). With one exception, the bills contained identical substantive provisions providing criminal penalties for sexual abuse

of children as defined in the bills. However, some of the bills placed these provisions in Title 18, the Criminal Code; these were referred to the Judiciary Committee for consideration. Others proposed these same criminal provisions as amendments to the Child Abuse Prevention and Treatment Act located in Title 42, U.S.C.; these were referred to the Education and Labor Committee.

Representative Conyers on June 28, 1977, introduced H.R. 8059 to amend Chapter 117 (commonly called the Mann Act) of Title 18, United States Code, to prohibit the transportation of minors in interstate and foreign commerce for sexual purposes. That bill was referred solely to the Subcommittee on Crime.

The two committees worked on a parallel course toward reporting out legislation.

The subcommittee held a series of hearings on H.R. 3913 and H.R. 8059 on May 23, and 25, 1977.

June 10, 1977, and September 20, 1977 members of our subcommittee and those of the Select Education Subcommittee sat together for an important hearing on the bills H.R. 3913 and 4571.

ISSUES CONSIDERED

1. Whether the proposed legislation should amend Title 18 of the United States Code or be placed elsewhere
2. Whether the criminal penalties for this behavior should be more severe than present Mann Act penalties
3. Whether sections of the bill penalizing the transportation, distribution and dissemination of materials could be unconstitutional
4. How to address the separate issue of juvenile prostitution
5. Whether present federal law was adequate to cover the person who induces or coerces a child to engage in sexually explicit conduct for the purpose of promoting printed or visual matter
6. Whether by legislating the Federal government would be intruding upon an area reserved for the states under the police power of the Constitution

SUBCOMMITTEE MARKUP, COMMITTEE MARKUP, AND FLOOR ACTION

On September 26, 1977, the subcommittee members met to markup H.R. 8059, Mr. Conyers' bill which would have amended 18 U.S.C. 2423 to apply to minors transported across state lines for sexual purposes. The subcommittee reported the bill to committee by a 4 to 0 vote. The committee met on September 29, 1977, to mark-up H.R. 8059 as reported from subcommittee with amendments and favorably reported H.R. 8059, with amendments, unanimously by voice vote. (H. Report 95–696)

On October 25, 1977, the House considered H.R. 8059 under suspension of the rules and it was passed by a vote of 420–0. Later the same day, Representative Ashbrook offered a preferential motion to instruct the conferees to accept a provision in the Senate version known as the "Roth Amendment". That language prohibited the transportation, sale or distribution for sale of material depicting the sexual exploitation of a minor. The language was similar to language in the bill H.R. 6693, inserted by Congressman Kildee, which was accepted

by the House on September 26, 1977, in the Child Abuse Prevention and Treatment Act reported out of the Education and Labor Committee. Mr. Ashbrook's motion carried by a vote of 358–54.

CONFERENCE

The Senate disagreed to the House amendment and a conference was held on November 21, 1977. Conferees from the House included subcommittee members and the Chairman of the Judiciary Committee, Representative Peter Rodino, Jr., along with Representative Dale Kildee of the Education and Labor Committee. The major points of difference between the House and Senate versions were resolved as follows:

1. The Senate version contained a section on the prohibition of transportation, sale or distribution for sale of material depicting sexual exploitation of minors. The House bill did not. The House agreed to accept the Senate language but to insert the word "obscene" requiring that the Supreme Court obscenity standard be used to determine whether the materials should be banned.

2. The Senate bill contained an amendment offered by Senator Bayh to prohibit certain activities relating to "live performances" and the House amendment contained no comparable provision. The Senate agreed to omit the language recognizing that the activity sought to be prohibited would come entirely under the new Mann Act section.

3. The Senate and House versions differed in their penalty provisions. The penalties for engaging in this activity became $10,000 and/or 10 years in jail except in Sections 2251 and 2252 of the bill where mandatory minimum sentences appear.

4. The Senate bill amended existing Federal obscenity law to increase the penalties of each violation that involved the sexual exploitation of a minor and the House amendment did not. There was no need to keep the Senate provision after an obscenity standard was written into Section 2252 of the law.

Having achieved a compromise, the Senate receded from its disagreement to the amendment of the House and the conferees unanimously approved the Conference Report (Report No. 95–811) reported November 2, 1977, entitled the Protection of Children Against Sexual Exploitation Act of 1977.

As reported by the conference committee, S. 1585 would make three related changes in Title 18 of the United States Code. First it would add a new section 2251 that would make it a Federal crime to cause any child under the age of 16 to engage in sexually explicit conduct for the purpose of producing materials that are to be mailed or transported in interstate commerce. It also adds a companion section that prohibits the sale or distribution of any obscene materials that depict children engaging in sexually explicit conduct if such materials have been mailed or transported in interstate commerce. Finally, it amends section 2423 of Title 18 to prohibit the interstate transportation of both males and females under 18 years of age for the purpose of engaging in prostitution or other sexually explicit conduct for commercial purposes.

The Senate approved the Conference report on November 4, 1977, unanimously. The Chairman of the Subcommittee on Crime will bring the Conference report before the Floor in the beginning of the next session.

Unemployment and Crime

On September 27, 1977, the subcommittee held the first of a series of hearings on the relationship between unemployment and crime. This issue is of particular interest to Congress and the subcommittee, bearing directly on consideration of the Humphrey-Hawkins full employment bill, the future direction of the Law Enforcement Assistance Administration, and criminal justice policy throughout the United States. So far, hearings have been held in Washington, D.C. (September 27–28, and October 26–27, 1977), San Francisco, California (December 5–6, 1977), and Los Angeles, California (December 7, 1977).

Among those who have given testimony are: economist Harvey Brenner, Hopkins University; Ronald Brown, the National Urban League; Professor Eli Ginzberg of Columbia University; the Honorable Abraham Beame, Mayor of New York City; Sheriff Richard Hongisto, San Francisco; the Honorable George Moscone and Lionel Wilson, respective Mayors of San Francisco and Oakland, California; John Maher of the Delancy Street Foundation; the Honorable Richard Hatcher representing the National League of Cities; Los Angeles Police Chief Edward Davis; and Representative Augustus Hawkins (D.-Calif.), cosponsor of the Humphrey-Hawkins bill (H.R. 50).

In testimony before the subcommittee, the Director of the Office of Criminal Justice Plans and Analysis for the District of Columbia revealed the startling fact that in 1975, at least 46 percent of those adults arrested for a serious misdemeanor or felony were unemployed. Less than half of those employed had worked at their current job for more than a year, and 50 percent of those employed earned less than $3 per hour.

Economist Harvey Brenner presented the results of a time-series analysis indicating that a 1 percent rise in the rate of unemployment results in a 6 percent increase in embezzlement and robbery, a 9 percent rise in narcotics arrests, a 4 percent increase in the number of homicides, and a 5 percent rise in state prison admissions. The subcommittee has also learned that in 1966, a study of Harlem residents concluded that roughly two out of every five adult inhabitants had some illegal income, and that one out of every five appeared to exist entirely on money derived from illegal sources.

Unemployment among Black males is the highest since World War II. Coincidentally, this is occurring at a time when murder has become the leading cause of death among Black males between the ages of 15 and 44.

The subcommittee currently has underway a number of its own empirical studies examining the relationship between unemployment and crime and intends to hold further hearings both in Washington and in other major U.S. cities.

Railroad Vandalism

The subcommittee met on March 9, 1977, to study the problem of railroad vandalism.

Many passengers and railroad employees have been seriously injured or killed over the years because people shoot or throw missiles at moving railroad trains. It is very difficult to apprehend the assailants, particularly juveniles who perform these acts.

The issue is compounded by the fact that it is very difficult for railroad employees to recover compensation for their injuries, because the Federal Employees Liability Act does not apply, since the incidents are not a result of the railroad's negligence.

Congress has received requests for federal legislation in this area for many years. In March and July of 1967, the Criminal Laws and Procedures Subcommittee of the Senate Judiciary Committee held hearings on S. 552, a bill to amend Title 18 of the United States Code in order to provide that committing acts dangerous to persons aboard trains shall be a criminal offense. The Senate passed this bill on October 12, 1967, and it was referred to the House Judiciary Committee where no action was taken. Since then, similar bills have been reintroduced each Congress and referred to the Committee on the Judiciary. Since 1973, those bills have come to our subcommittee. In each succeeding Congress no action was taken on the bills.

The bill actually before the subcommittee was H.R. 4507 introduced by Representative William Hughes, formerly a subcommittee member. The members considered this bill in the context of exploring the possibility of legislative remedies.

Our witnesses on March 9, 1977, were Representative William Hughes (D.—N.J.), who had proposed a bill to remedy the problem; Mr. Alfred Hamtmann of the Department of Justice commented on the need for legislation; Mr. J. R. Snyder, Mr. Edward McCollough, Mr. Lawrence Mann, Conductor H. E. Thrower, Engineer James E. Wiles, and Brakeman Riley Yonker spoke for the legislation on behalf of the Railroad Unions; and Mr. Donald Bennett of the Federal Railroad Administration gave the Department of Transportation's views. The American Association of Railroads submitted a prepared statement for the record.

As a result of information received at the March 9 hearing, the subcommittee determined that legislation was not warranted and voted unanimously to respond to the problem by directing a letter to Honorable Brock Adams, Secretary of the Department of Transportation, urging him to step up regulations to require bullet and missile resistant windows in railroad cars.

Law Enforcement Assistance Administration

The first session of the 95th Congress was a period of particularly active oversight of the Law Enforcement Assistance Administration by the Subcommittee on Crime. Among the factors contributing to this were:

The fact that the House, in initially voting only a one-year reauthorization for LEAA in 1976 and in later compromising with the Senate for a three-year extension, in effect put the program on probation, with the necessity that it be carefully monitored before a further reauthorization.

The Carter Administration, particularly Attorney General Griffin Bell, indicated very early in the year that substantial changes would

be made in the program within the limits of existing executive branch authority, and that legislative changes would be recommended early in the Carter Administration.

New provisions added by the Crime Control Act of 1976, such as the Community Anti-crime Program and the Jordan Amendments strengthening civil rights enforcement provisions of the law.

The four major areas of oversight activities by the subcommittee were the Community Anti-crime Program, the LEAA research program, the National Crime Survey, and the on-going issues of LEAA reorganization.

Community Anti-crime Program

In September, 1976, after lengthy hearings and much debate in both the House and the Senate, the 94th Congress extended Title I of the Omnibus Crime Control and Safe Streets Act of 1968 for a period of 3 years.

This title is the legislative authority for the Law Enforcement Assistance Administration program within the Department of Justice.

Section 101(c) of the LEAA reauthorization legislation, the Crime Control Act of 1976, establishes a new Office within LEAA—the Office of Community Anti-crime Programs.

Section 520(a) of the Act authorized to be appropriated $15 million per year for the next 3 fiscal years to provide grants to community groups for specific community anti-crime programs.

The purpose of the community anti-crime program is to make financial and technical assistance available to grassroots, community oriented anti-crime efforts.

Although funding of such programs under the LEAA block grant and discretionary grant programs is possible, testimony before the subcommittee indicated that community groups find funds for such efforts were very hard to come by.

Six months after the President signed this Act into law, little progress had been made in getting the program operational; the Office of Community Anti-crime Programs mandated by the Act had not been set-up, nor had LEAA demonstrated an intent to do so in the near future; furthermore, proposed guidelines for the program issued by LEAA raised questions as to whether the program funds would reach the recipients intended by Congress. For these reasons Chairman Conyers scheduled an oversight hearing on the Community Anti-crime Program for May 11, 1977, to receive a report from LEAA on progress in implementing the program and to receive the views of public witnesses on such progress.

Witnesses who appeared were a former Director of LEAA's National Institute of Law Enforcement and Criminal Justice, the coordinator of the crime task force of a large community organization, and the Acting Administrator of LEAA.

The two main points of contention, mentioned above, which prompted the hearing were not resolved during the hearing. However, the direction of the program continued to be a subject of dialogue between the subcommittee chairman, members, and staff and LEAA and Department of Justice management; by the close of the year, the Office of Community Anti-crime Programs had been formed and staffed, criteria for evaluating grants applications had been developed

stressing the need for funds to be channeled to indigenous groups; and the first round of grants had been made.

The Federal Role in Criminal Justice Research

Early in April the subcommittee staff met with the staff of the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation, chaired by Representative James H. Scheuer, of the House Science and Technology Committee. Because of joint jurisdiction, Chairman Conyers and Chairman Scheuer decided that the two subcommittees would hold joint hearings on federal criminal justice research.

The hearings were intended to answer the following questions: What, if any, should be the federal role in crime and criminal justice research? What should be the priorities assigned to various types of federally sponsored research? Where should the research be performed? What existing Government models would be useful to consult? Who would have policy direction and control of such a facility? What type of research should take place and in which fields? Many other questions arose during the course of the hearings.

PROPOSALS FOR CHANGE

Throughout the years the subcommittee has had jurisdiction over the agency, and it has entertained proposals for change of the Institute. Several recent studies were brought to the attention of the subcommittee members during the hearings.

(1) *The National Academy of Sciences.*—The most recent and intensive review of National Institute performance was that undertaken by the National Research Council of the National Academy of Sciences, which recommended:

> An end is suggested to "LEAA domination over the Institute" with the Institute Director being accorded Assistant Attorney General rank, full sign-off authority on all awards, and control over administrative budget, personnel and program review.
>
> A statutory "Criminal Justice Research Advisory Board" should be established to assure independence and establish program priorities.
>
> LEAA's juvenile justice institute and criminal justice statistics service should be included within the structure of the new independent National Institute (hopefully expanding the latter to a Bureau of Criminal Justice Statistics).
>
> Functions and activities extraneous to the Institute's substantive research program (e.g., technical assistance to planners and practitioners in designing evaluations and the "packaging" or "marketing" aspects of dissemination) should be dropped from the Institute and put elsewhere in the LEAA structure.
>
> The Institute should abandon organization of its program around functional divisions (police, courts, corrections) or character of tasks (dissemination, evaluation, research funding, equipment and technology) and focus on an organization based on substantive program areas which reflect priority subjects of inquiry, e.g., deterrence, rehabilitation, consequences of change in the system, relation of socialization to crime, and focusing on the criminal law.

(2) *The Twentieth Century Fund.*—The Twentieth Century Fund's 1976 study of the total LEAA program, "Law Enforcement: The Federal Role" would appear, after dropping "block grants," to mold the complete LEAA program into an entity similar to the National Institute.

(3) *National Advisory Commission on Criminal Justice Standards and Goals.*—Issued in early 1977, this document is a set of standards dealing exclusively with criminal justice R. & D. from LEAA's national standards and goals program.

(4) *Law and Disorder IV Study.*—This is the latest in a series of LEAA reviews that have been the most critical of all outside studies of the agency. Like the National Academy of Sciences review, Law and Disorder found the National Institute inadequate, politicized and ineffective. It recommended, in its place, the creation of a new, scholarly high-quality center to carry out its own research on the causes of crime, ways of protecting society from its ravages and means for reduction of criminal behaviour.

It was in the wake of all these criticisms the subcommittees decided to hold joint hearings.

HEARINGS

The hearings began on Wednesday, June 22, 1977, and continued on Thursday, June 23, 1977, on Wednesday, June 29, 1977, and on Thursday, June 30, 1977. The final day of hearings took place on July 21, 1977.

FURTHER ACTION

In November of 1977, the DISPAC Subcommittee printed a report on its recommendations developed as a result of testimony received at the hearings. The Subcommittee on Crime is considering those recommendations very carefully in light of a new reorganization proposal by the Attorney General which would greatly change the research function in LEAA and the efforts of the President's Reorganization Project which should be presenting a reorganization proposal to Congress early next session on a new Federal Criminal Justice research entity.

The National Crime Survey

As part of its oversight responsibilities over the Law Enforcement Assistance Administration, the subcommittee held a hearing on October 13, 1977, concerning the suspension of the National Crime Survey.

The National Crime Survey—the so-called victimization survey—is designed to collect accurate statistics on the incidence and nature of crimes involving serious violence and property offenses. Unlike the FBI's *Uniform Crime Reports*, which depend on police departments to assess the incidence of crime, the National Crime Survey obtains its information from a representative sample of some 60,000 households across the United States. This survey collects detailed offender and victim data for rape, robbery, assault, personal larceny, and the household crimes of larceny, burglary, and motor vehicle theft. The survey is far superior to the existing FBI police reports since it gathers data on crimes both reported and not reported to the police. In addition, because the survey employs a large, representative

sample and utilizes one format, it is not subject to serious differences in reporting practices that exist among the 13,000 law enforcement agencies that comprise the FBI's *Uniform Crime Reports.*

Chairman John Conyers, Jr., called the hearing because Acting LEAA Administrator James M. H. Gregg had signed a memorandum suspending this valuable survey for a period of one year. The Chairman of the Judiciary Committee, Mr. Peter W. Rodino Jr., participated in the hearing and observed, "This was a decision which was made without our having been consulted in this area, and I feel constrained to say that . . . LEAA, which has been the subject of so much criticism, at least was supported in great measure because it did have within its structure such an operation as the National Crime Survey." The committee's ranking minority member, Robert McClory, stated that this "apparent decision . . . to discontinue the National Crime Survey function would seem to me to be a most serious and unfortunate step."

Representatives of the academic and statistical communities who testified at the hearing were unanimous in their criticism of the decision to suspend the survey.

Following the hearing , Deputy Attorney General Peter F. Flaherty overruled the Administrator's decision to suspend the survey and ordered on December 8, 1977, that existing data collection levels for the NCS be continued through June, 1978, pending further study.

Reorganization

The Crime Control Act of 1976, signed by the President on October 15, 1976, reauthorized the Law Enforcement Assistance Administration Program for a period of three years. However, while authorization for the program does not expire until September 30, 1979, the Carter Administration early in 1977 evidenced its intention.

On April 8, 1977, the Attorney General established a study group of seven persons (four from his staff and three from LEAA) to review the LEAA program and to make recommendations to him concerning its future. Two and a half-months later the study group presented its report and recommendations to the Attorney General. The group's report was then, per its own recommendation, released to the public for a 60 day period, with an indication that all comments received would be reviewed before any further action by the Attorney General on the study group's recommendations.

It became evident, therefore, that more than the normal oversight would be required of the subcommittee on this matter during the first session, and that the question of reorganization of LEAA could not be deferred until the next reauthorization cycle in 1979.

The subcommittee first scheduled a hearing on the study group's report and recommendations, to which all seven members of the group were invited. Six of the seven members appeared at this August 1st hearing.

The study group made a number of specific recommendations which were designed to accomplish two overall objectives of a restructured federal aid program, which they formulated as follows:

1. Refocus the national research and development role into a coherent strategy of basic and applied research and systematic national program development, testing, and demonstration and evaluation; and

2. Replace the present block (formula) portion of the program with a simpler program of direct assistance to State and local governments with an innovative feature that would allow State and local governments to use the direct assistance funds as "matching funds" to buy into the implementation of national program models which would be developed through the refocused national research and development program.

The group recommended the dropping of the comprehensive planning requirement by the recipients of federal financial assistance, the combining of Part B planning funds and Parts C and E action funds into a single grant fund which would flow directly to recipient State and local units of government; minimum levels of fundings for certain designated functions, such as juvenile delinquency and community anticrime, would be continued, as would requirements of "coordination" and "systems improvement."

The subcommittee requested and received from the Attorney General copies of all comments received by him on the study group report, which numbered several hundred. Following the close of the comment period, the subcommittee held two days of hearings focusing upon comments offered on the report. On October 3rd, testimony was heard from Richard C. Wertz, Executive Director of the Governor's Commission on Law Enforcement and the Administration of Justice, of the State of Maryland; Saul Arrington, spokesman for LEAA's National Minority Advisory Council; Dr. Malcolm Feeley, Department of Political Science, University of Wisconsin; and Dr. David Walker, Dr. Carl Stenberg, and Ms. Jane Roberts represented the Advisory Commission on Intergovernmental Relations. October 4th witnesses were Honorable Robert McClory, ranking minority member of the Committee on the Judiciary; Senator Tony Derezinski, spokesman for the National Conference of State Legislatures; Honorable Romano Mazzoli, a Judiciary Committee member; David L. Armstrong, Secretary of the National District Attorneys Association; Gregg Morris, Chairman of the Regional Justice Planning Board, San Jose, California; and John Lagomarcino, Staff Director of the National Governors' Association.

Testimony at these hearings and a review of all comments submitted to the Attorney General suggest that the major recurring objection to the study group report and recommendation was that the lack of specificity in the recommendations made it difficult and in some cases impossible to determine just what the study group had in mind. An October 7th letter from Chairman Conyers communicated detailed observations in this regard and recommended that an expanded study group continue where the first group left off, filling in the omissions of the first group. Chairman Conyers suggested that, as a first step in carrying out the study group's recommendation of "intensive consultation" with Congress, the Attorney General announce his own proposed timetable for reorganization of LEAA, indicating the various legal steps which the Attorney General proposed utilizing (administrative changes, President's reorganization authority statutory changes).

By memorandum of November 21, 1977, the Attorney Genera. forwarded a proposal to the President for the restructuring of LEAAl The Attorney General listed the three components of his proposal as

follows: (a) a reorganization plan that would abolish LEAA and create a new organization to be called the National Institute of Justice which would consolidate the functions of six specific organizations within the Department of Justice; (b) an amendment of the Omnibus Crime Control and Safe Streets Act; and (c) administrative changes which would be initiated immediately and carried through to the proposed National Institute of Justice.

The substance of the Attorney General's proposal is in many respects similar to the recommendation of the Study Group and in several points divergent from them. The basic components of a federal aid program with reduced federal requirements, a research component, and a national demonstration program are features of both. The latest proposal would, however, include civil as well as criminal justice research, and a new Bureau of Justice Statistics would be housed in the new National Institute of Justice. The block grant funding mechanism would be retained, and direct funding of local governments would be much more modest than under the study group proposal and limited to a revised "mini-block grant" provision.

Of more immediate importance, however, in the view of Chairman Rodino and Chairman Conyers, is the procedure proposed by the Attorney General for reorganizing and restructuring this program. While recognizing that fundamental program changes proposed by him require congressional action in the normal legislative process, the Attorney General nonetheless proposes making structural and organizational changes—changes which parallel and facilitate these statutory changes—in advance of congressional action on the legislative changes. The Attorney General would make these changes by a reorganization plan to be submitted to the Congress by the President under authority granted by the Congress early in the Carter Administration.

On January 5, 1978, Chairman Rodino and staff of the committee and subcommittee met with the Attorney General to advise him of the inadvisability of proceeding in the manner proposed in his Memorandum For the President of November 21. The inseparability of the organizational (by Reorganization Plan) and program (by legislation) changes, the limited consideration which the Congress is able to give to reorganization plans under existing law, and the complications introduced by the fact that the President's reorganization project is working separately on reorganization plans that overlap in several respects the Attorney General's proposal were among the reasons cited by Chairman Rodino in urging the Attorney General to forgo further action at this time to bring about submission of a Presidential reorganization plan for federal criminal justice assistance. The chairman expressed the view that the whole issue of reorganization and restructuring this program should be considered as a single unified package in the normal legislative process.

The Attorney General, while declaring in response that his responsibility for direction of the Department of Justice did not permit him to agree to an open-ended indefinite delay on reorganization of LEAA, did express a willingness to hold off on submission of such a formal plan until hearings are held on the proposed program and organizational changes by the Subcommittee on Crime in the second session of the 95th Congress. Chairman Conyers will call a meeting of the subcommittee during the first few days of the second session at which such hearings will be scheduled.

Summary of Activities of the Subcommittee on Criminal Justice

Tabulation of bills referred to the Subcommittee on Criminal Justice and dispositon

Bills referred to subcommittee	147
Bills on which hearings were held	39
Bills reported favorably to full committee	[1] 5
Bills reported adversely to full committee	0
Bills pending in subcommittee	114
Bills reported to House	2
Bills pending in Rules Committee	0
Bills pending in House	0
Bills passed House	2
Bills which became law	1

[1] Action disposed of a total of 28 measures.

During the first session of the 95th Congress, the subcommittee held 13 days of hearings and 28 meetings.

The Subcommittee on Criminal Justice has jurisdiction over legislation pertaining to: recodification of federal criminal laws, crime victim compensation, office of special prosecutor, selected amendments to Title 18 of the U.S. Code, the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure, and the Rules of Procedure Governing Proceedings under 28 U.S.C. §§ 2254 and 2255, as well as other matters assigned by the committee.

The subcommittee has oversight responsibility for the activities of the Criminal Division of the Department of Justice.

Federal Rules of Criminal Procedure

On April 26, 1976 the Supreme Court promulgated several amendments to the Federal Rules of Criminal Procedure. The original effective date of these amendments was to be August 1, 1976. Public Law 94–349, however, extended the effective date of the amendments until August 1, 1977 in order to provide the Congress with sufficient opportunity to conduct a thorough review of them.

Early in the first session of the 95th Congress the subcommittee held 3 days of hearings on the proposed amendments, during which testimony was received from a wide spectrum of the legal community. As a result of the hearings and subsequent mark-up meetings, the subcommittee drafted a bill, H.R. 5864, which it recommended to the full committee on March 30, 1977. It was favorably reported by the full Judiciary Committee on April 5, 1977 (House Report No. 95–195).

The House passed the bill, by a vote of 376–3, on April 19, 1977, and the Senate passed it, with amendments, on July 25, 1977. On July 27 the House concurred in the Senate amendments, and the President signed the bill into law on July 30, 1977 (Public Law 95–78).

Public Law 95–78 approved as promulgated the amendments to Rules 23(b) (jury of less than twelve) and 23(c) (trial without a jury) of the Federal Rules of Criminal Procedure. It was approved, with modifications, the amendments to Rule 41(c), dealing with oral (telephonic) search warrants. It disapproved the amendments to Rule 24(b) (peremptory challenges) as well as proposed Rule 40.1, dealing with removal of criminal cases from state to federal court. However, the legislation incorporated the substance of proposed Rule 40.1 into section 1446 of title 28, United States Code.

Enactment of Public Law 95–78 made unnecessary further action on two other bills the subcommittee had previously reported to the full Judiciary Committee: H.R. 7888, dealing with oral (telephonic) search warrants, and H.R. 8253, dealing with removal of criminal cases from state to federal court.

Crime Victim Compensation

During the 94th Congress the subcommittee studied various legislative proposals to provide financial assistance to the victims of crime. When the 94th Congress adjourned *sine die* it had pending before it a bill prepared by the subcommittee and recommended favorably to the committee.[1]

At the beginning of the 95th Congress, the subcommittee resumed its consideration of crime victim compensation legislation with five days of hearings on pending bills. Several persons testified, including representatives from the Department of Justice, the National District Attorneys Association, the National Conference of State Legislatures, the American Bar Association, the National Association of Crime Victim Compensation Boards, American Association of Retired Persons and National Association of Retired Teachers, the National Council on Crime and Delinquency, the National League of Cities and United States Conference of Mayors, as well as several Members of Congress, including Representative Peter W. Rodino, Jr., the chief sponsor of the legislation.

On May 6, 1977 the subcommittee recommended approval of H.R. 7010, and on May 11, 1977, the Judiciary Committee reported it favorably to the House (House Report No. 95–337). The House passed the bill with several amendments on September 30, 1977 by a vote of 192–173. At the end of the first session of the 95th Congress, H.R. 7010 was pending before the Senate Judiciary Committee.

H.R. 7010, as passed by the House, provides for Federal financial aid to states that establish and operate crime victim compensation programs. The legislation permits a state crime victim compensation program that qualifies to be reimbursed for roughtly 25% of the cost of awards that are made to crime victims.

Special Prosecutor

The subcommittee has considered special prosecutor legislation during each of the last two Congresses. One hearing day during the first session was devoted to this topic, with testimony being received

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[1] H.R. 13157 of the 94th Cong. See H. Rept. No. 94–1550.

from representatives of the Department of Justice, the American Bar Association, and the American Civil Liberties Union. After four mark-up sessions, the subcommitee reported favorably on H.R. 9705. That bill was pending before the Judiciary Committee at the end of the first session of the 95th Congress.

The Senate has already acted on special prosecutor legislation, including its provisions in a comprehensive reform bill, S. 555, that passed the Senate on June 27, 1977.

Both H.R. 9705 and title I of S. 555 establish a mechanism for the appointment of a special prosecutor in appropriate cases. The bills provide that if certain high-level government officials are the subject of serious criminal investigations, then a special division of the U.S. Court of Appeals shall appoint a special prosecutor, who is independent of the Department of Justice, to conduct the investigations and any resulting prosecutions.

Criminal Code Revision

During the first session of the 95th Congress the subcommittee initiated its hearings on legislation to revise and recodify federal criminal laws (H.R. 2311, H.R. 6869 and S. 1437). These 3 bills repeal all of current title 18 of the United States Code and replace it with a comprehensive new title 18. The ultimate objective of the bills is a modern, uniform and cohesive federal criminal code. At the hearing, the Attorney General testified in support of the revision project.

The subcommittee also held several briefing meetings on the criminal code bills. In March, round-table discussions were held with the members of the subcommittee, several Members of Congress, federal judges representing the Judicial Conference of the United States, as well as other interested persons, including former members and personnel of the National Commission on Reform of Federal Criminal Laws. These meetings were designed to outline to the subcommittee the available options it could pursue in studying criminal code revision.

In December the subcommittee began a comprehensive study of the legislative proposals. Ten days of public briefing meetings were held, during which the subcommittee members and staff went over the bills section by section.

The subcommittee will resume its briefing meetings at the beginning of the second session and resume its hearings as soon as the briefings are concluded.

Late in the first session, on November 15, 1977, the Senate Judiciary Committee reported favorably S. 1437 (Senate Report No. 95–605, 2 parts).

"Baby Selling"

The subcommittee held two days of hearings on legislation that seeks to prohibit the sale of children in interstate or foreign commerce (H.R. 2826 and related bills).

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