A HISTORY OF THE COMMITTEE ON THE JUDICIARY 1813–2006

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Committee on the Judiciary

One Hundred and Ninth Congress

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Table of Contents

Foreword

Acknowledgments

Introduction by Dr. Donald Kennon

Section I–Chairmen of the Judiciary Committee

Committee Chairmen, 1813–2007 3
Biographies of Committee Chairmen, 1813–2007 5
Chairman Peter Rodino, 1982–1989 55
Chairman Jack Brooks, 1989–1995 69
Chairman Henry J. Hyde, 1995–2001 77
Chairman F. James Sensenbrenner, Jr., 2001–2007 95

Section II–Jurisdictions History of the Judiciary Committee

Impeachment 115
Major Investigations, Oversight Hearings, and Related Activities 137
Private Legislation 143
Membership of Committee, 1982–2007 149
Jurisdictional History and Current Membership of the Committee and Subcommittees 161
Chronology of Changes in the Size of the Committee 170
Room History 170

Section III–Summary of Activities 1982–2007

98th Summary of Activity/Public Laws/Hearings 175
99th Summary of Activity/Public Laws/Hearings 195
100th Summary of Activity/Public Laws/Hearings 213
101st Summary of Activity/Public Laws/Hearings 233
102nd Summary of Activity/Public Laws/Hearings 253
103rd Summary of Activity/Public Laws/Hearings 273
104th Summary of Activity/Public Laws/Hearings 291
105th Summary of Activity/Public Laws/Hearings 311
106th Summary of Activity/Public Laws/Hearings 331
107th Summary of Activity/Public Laws/Hearings 351
108th Summary of Activity/Public Laws/Hearings 367
109th Summary of Activity/Public Laws/Hearings 385

Section IV–Prior Printed Histories

Brief History of the Judiciary Committee, June 1900. 401
Brief History of the Judiciary Committee, June 1947. 407
Brief History of the Judiciary Committee, December 1956 481
Brief History of the Judiciary Committee, November 1965 551
Brief History of the Judiciary Committee, February 1982 645

Foreword

The Committee on the Judiciary was established within the U.S. House of Representatives in December of 1813. Today, the Committee remains one of the oldest standing committees in Congress, with a jurisdiction that encompasses an expansive list of subject matters.

In its nearly 200 year history, the Committee has played a central role in the deliberation of many of the most consequential issues facing our Nation. The Committee last released a historical overview of its legislative and oversight activities 25 years ago. As the following pages will detail, the past 25 years have posed significant challenges and opportunities, which have shaped the Committee's legislative and oversight priorities.

Over the last quarter century, the collapse of Soviet communism resulted in an increased sense of security for many Americans. However, as old threats receded, new challenges emerged. On September 11, 2001, foreign terrorists murdered over three thousand innocent civilians by hijacking four passenger jets and using them as weapons to destroy the World Trade Center in New York City, attack the Pentagon in Washington, DC, and crash United Flight 93 into the fields of Shanksville, PA.

In the wake of these attacks, the Committee took steps to ensure that U.S. law enforcement and intelligence agencies were provided the necessary tools and resources to prevent additional attacks upon our soil. At the same time, the Committee has exercised rigorous oversight to ensure that efforts to protect the security of Americans are consistent with the values and constitutional liberties that distinguish us.

It is my hope that this publication will highlight the manner in which this Committee has met its mandate to advance the national interest and promote the justice that is the cornerstone of America's legal system and the democracy it serves as Americans.

It has been a privilege to serve as Chairman of the Committee on the Judiciary during this crucial period in America's history, and an honor to have served on the Committee since being elected to Congress in 1978.

Sincerely,

F. JAMES SENSENBRENNER, JR.
Chairman (2001–2007)

Acknowledgments

This history builds upon four histories previously printed that covered 1813 through 1982. By adding this new section, this history now chronicles some of the most significant oversight and historical legislation of the past 25 years.

Prepared in a collaborative effort between the Majority and Minority Committee staff, the update of this history benefited significantly from the guidance, contributions and cooperation of a number of Congressional offices, including the Congressional Research Service, the U.S. Capitol Historical Society, the U.S. House of Representatives Office of History and Preservation, the Office of the House Historian, and the Government Printing Office.

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Introduction

By Dr. Donald Kennon, Historian
U.S. Capitol Historical Society

The Committee on the Judiciary is one of the most important committees in the House of Representatives. Because of its oversight responsibilities in the areas of the federal court system, federal law enforcement agencies, and the impeachment of federal officials, the Committee has sometimes been referred to as the "Lawyer of the House"; but its functions are considerably more varied than this, and the Committee has originated and approved many important pieces of legislation of national significance.

The House of Representatives functioned for its first 20 years largely without the use of standing committees. From the First through the Twelfth Congresses (1789–1813), matters that were to come under the jurisdiction of the Judiciary Committee were handled by the Committee of the Whole or by select committees. On June 1, 1813, Congressman John G. Jackson of Virginia moved to create a standing committee of seven members to deal with judiciary matters. The motion passed on June 3, 1813, without division, but the Committee was not formally organized until December 7, 1813.

The original Committee consisted of four Jeffersonian Republicans and three Federalists and was chaired by Rep. Charles J. Ingersoll, a Jeffersonian Republican from Pennsylvania. The Committee's original jurisdiction was "to take into consideration all … matters … touching judicial proceedings." On January 6, 1880, its responsibilities were enlarged so that the Committee also dealt with "civil and criminal law." Over the years, other responsibilities have been added or transferred to the Judiciary Committee. The Judicial Reorganization Act of 1946 transferred to the Committee the responsibilities of the several Committees, including Patents; Immigration and Naturalization; Claims; War Claims; and Revision of the Laws. In 1975 the jurisdiction of the Committee on Internal Security was also transferred to the House Judiciary Committee.

Today, the Committee's responsibilities include oversight of federal statutes on bankruptcy, mutiny, espionage, counterfeiting, monopolistic practices and illegal restraints upon trade, immigration, refugees, international law, revision and codification of federal law, and claims against the U.S. government. In addition, the Committee is responsible for the apportionment of representation in the House, establishing the dates for the meeting of Congress, State and federal boundary lines, interstate compacts and agreements, consideration of constitutional amendments, civil liberties legislation, and measures related to presidential succession, patents, federal prisons, and trademarks. Most notably, perhaps, the Committee is responsible for the impeachment of federal officials and the confirmation of the vice presidents appointed under the provisions of the Twenty-fifth Amendment (a duty exercised only twice twice in the history of the Committee with the confirmations of Vice Presidents Gerald Ford and Nelson Rockefeller).

For much of its history, the Committee was considered one of the least partisan in the House, with members crossing party lines to support such measures as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and in bringing the impeachment proceedings against President Richard Nixon. The Committee has used the impeachment power in only a handful of cases. Few officials have been impeached, and even fewer have been convicted, such as federal judges West R. Humphreys (1861), Robert W. Archbald (1913), and Halstead L. Ritter (1936). Members of the House Judiciary Committee generally serve as "managers" at impeachment trials in the Senate, including those of Presidents Andrew Johnson and Bill Clinton.

Many notable Chairmen have led the Committee through the years, including Daniel Webster, Philip P. Barbour, James Buchanan, John Bell, James F. Wilson, Benjamin F. Butler, Thomas Brackett Reed, David B. Henderson, Andrew J. Volstead, Hatton W. Sumners, and Emmanuel Celler. In more recent years, the Committee has been chaired by Peter W. Rodino, Jr., Jack B. Brooks, Henry J. Hyde, and F. James Sensenbrenner, Jr., the current Chairman.

The Committee's jurisdiction over immigration policy, subversive activities affecting the internal security of the Nation, and civil liberties puts it at the forefront of current legislation including border security and immigration reform, the PATRIOT Act, and the extension of the Voting Rights Act. Under Chairman Sensenbrenner and Ranking Democratic Member John Conyers Jr., the Committee continues its important role as the "Lawyer of the House."