

Chairman Jack Brooks 1989–1995

During the chairmanship of Jack Brooks, D-TX , the Judiciary Committee was in the forefront of many important issues facing the Nation. During the Brooks chairmanship, the Committee considered far-reaching crime, antidiscrimination, immigration, antitrust, and intellectual property legislation that became law.

Crime

Continuing its work on anti-crime legislation from the previous Congress, the Judiciary Committee in the 101st Congress considered several anti-crime proposals. Congress ultimately passed and the President signed the Crime Control Act of 1990.¹ Among its provisions, it increased penalties for child abuse, promoted alternatives to prison such as house arrest, and provided additional funding for local law enforcement and federal entities such as the Federal Bureau of Investigation.

The 101st Congress, however, did not consider other legislation acted on by the Judiciary Committee. These measures included a seven-day waiting period for people to buy handguns (the Brady bill),² a ban on certain U.S.-made semiautomatic weapons,³ and allowing local governments to purchase certain law enforcement equipment in conjunction with the Departments of Defense and Justice.⁴

In the 102nd Congress, an attempt to pass another major anti-crime legislation fell short after three cloture attempts failed in the Senate.⁵ The Judiciary Committee had reported legislation that, among other things, imposed a five-day waiting period for handgun purchases (the Brady bill). While the House agreed to the conference report, the Senate on three occasions failed to invoke cloture on consideration of the conference report, ending the legislative process.

In the 103rd Congress, Congress passed and President Clinton signed the wide-ranging Violent Crime Control and Law Enforcement Act of 1994.⁶ The new law provided or expanded grant programs, such as for developing alternative methods of punishing young offenders, creating programs to reduce juvenile gangs, and allowing the hiring of community police officers. The hiring program, known as the Community-Oriented Policing Service, was a major initiative of President Clinton. The concept of community policing was championed by state and local political officials as well as by law enforcement officers across the nation. The law addressed drug issues, such as through grants to establish residential substance abuse treatment in federal prisons; improved federal laws related to victims of crime; and made other changes to federal anti-crime statutes. The six-year, \$30.2 billion measure also banned 19 types of semiautomatic assault weapons.

This anti-crime law also included among its provisions the Violence Against Women Act, making interstate stalking and domestic abuse a federal crime. It also recognized a

civil rights violation for violent crimes motivated by gender, and created grant programs to reduce violence against women.

The 103rd Congress also passed and President Clinton signed the Brady Handgun Violence Prevention Act, which provided a five-day waiting period prior to the purchase of a firearm and established a national instant criminal background-check system to prevent handguns from being sold to criminals or other dangerous purchasers.⁷

Other kinds of anti-crime and criminal justice legislation were also acted on by the Judiciary Committee.

Following the widely publicized videotaped beating of African-American Rodney King by Los Angeles police officers, the Judiciary Committee in the 102nd Congress held hearings on police use of excessive force, and considered the “Police Accountability Act of 1991”. The measure allowed the U.S. attorney general to bring civil actions to stop police misconduct that violated individuals’ constitutional or statutory rights. The measure was incorporated into H.R. 3371, Omnibus Crime Control Act of 1991 (see above).

The Hate Crimes Statistics Act, reported from the Judiciary Committee in the 101st Congress, required the Justice Department to acquire and publish data on crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity. Congress passed and President George H.W. Bush signed the measure into law.⁸

In response to a spate of incidents where opponents of abortion rights harassed and intimidated patients and health care providers entering abortion clinics, the Judiciary Committee reported legislation in the 103rd Congress to allow access to clinics providing abortions and other reproductive health services while allowing political and other expressions near such clinics. As passed by Congress and signed by the President, the new law amended the federal criminal code to prohibit persons from injuring, intimidating, or interfering with an individual seeking or providing reproductive health services. It also prohibited the use of force, threats of force or physical obstruction to intentionally injure, intimidate, or interfere with persons who are seeking or providing reproductive health services.

The 101st Congress passed and the President signed the Biological Weapons Anti-Terrorism Act of 1989, which imposed criminal penalties on persons who produced or used biological agents without a peaceful purpose.⁹

Following release of a popular movie that rekindled interest in President John F. Kennedy’s assassination, the Judiciary Committee reported legislation in the 102nd Congress to establish an independent commission to review and release government records concerning the assassination. The commission was to allow the broadest disclosure, with narrow exceptions covering documents which, if released, would violate personal privacy or national security. The measure was enacted into law.¹⁰

Impeachment

House managers, including Chairman Brooks, in the impeachment trial of U.S. District Judge Alcee L. Hastings presented the case to the Senate. The Senate convicted Judge Hastings on October 20, 1989, and removed him from office on one article relating to conspiracy to

obtain a bribe and on seven articles related to false statements. The Senate acquitted the judge on three articles, and did not vote on six articles.

Under Chairman Brooks, the Committee reported three articles of impeachment following its investigation in the 101st Congress of U.S. District Judge Walter L. Nixon, Jr. The House adopted the articles of impeachment, and House managers, including Chairman Brooks, presented the case to the Senate. The Senate convicted the judge and removed him from office on November 3, 1989, on two articles related to lying under oath, and acquitted him on one article related to undermining the judiciary's integrity.

Antitrust

The Judiciary Committee reported legislation in the 102nd Congress to regulate the regional Bell operating companies' (RBOCs) entry into the information services market.¹² A consent decree effective in 1984, known as the modified final judgment (MFJ), settled an antitrust suit that the United States had brought against AT&T in 1974. The consent decree required AT&T to divest itself of 22 local telephone divisions, which consolidated into the seven RBOCs. In 1987, a court decision allowed the RBOCs to enter the information services market, and a 1991 Supreme Court decision denied newspaper publishers' petition to deny the RBOCs' entry into this new market. The legislation reported by the Committee delayed the RBOCs' entry into the information services market and the electronic publishing and long-distance markets, and established legal criteria for market entry. While the Rules Committee held a hearing on the reported legislation, it was not considered on the House floor.

In the 103rd Congress, the Judiciary Committee and Energy and Commerce Committee reported legislation related to competition in the communications industry.¹³ Reflecting the views of the Judiciary Committee, the measure allowed the RBOCs into the long distance market if the Federal Communications Commission (FCC) found it in the public interest to allow their entry and if the Justice Department found that the entry would not impede competition. While the House passed the bill, the Senate Commerce Committee reported it without recommendation, and the Senate did not consider the measure.

The Judiciary Committee also reported legislation in the 103rd Congress to modify the exemption from federal antitrust laws that Major League Baseball enjoyed after a 1922 Supreme Court decision found that organized baseball was not a form of interstate commerce.¹⁴ The legislation was precipitated by the 1994 baseball players' strike, which ultimately led to cancellation of the World Series. The legislation would have allowed players to sue team owners on antitrust grounds if the owners unilaterally imposed conditions on the players. No action was taken on the measure in the House.

Bankruptcy

In the 103rd Congress, the Judiciary Committee reported a broad revision of Federal bankruptcy law, which was ultimately passed by the House and Senate and signed into law.¹⁵ The measure revised Chapters 7 and 13, applicable to individual bankruptcies, and Chapter 11, applicable to business bankruptcies. Provisions sought to encourage debtors

to repay debts rather than sell assets and wipe out debts. Additional provisions sought to bring the bankruptcy process for debtors and creditors to a speedier conclusion. Among its other provisions, the measure allowed credit cards to be used to pay federal income taxes, although such a debt could not be terminated through bankruptcy, and it tightened restrictions on using bankruptcy to avoid alimony and child support payments.

Civil Rights

A major, new civil rights bill became law during the Brooks, chairmanship in the 101st Congress. Congress passed and President George H.W. Bush signed into law the Americans with Disabilities Act (ADA).¹⁶ The legislation was developed in several House Committees, with the Judiciary Committee's contributions including remedies for discrimination under the law. As passed, the ADA provided disabled persons with the same remedies available to women and minorities under Title VII of the 1964 Civil Rights Act. Among its provisions, the new law prohibited discrimination against disabled persons in employment, public services, public accommodations, and transportation.

One of the major accomplishments of the 102nd Congress was passage of a compromise civil rights bill, the Civil Rights Act of 1991.¹⁷ The bill, which President George H.W. Bush vetoed in a similar form in the 101st Congress, was the result of a compromise between Congress and the White House. The new law amended antidiscrimination laws to overturn the effects of nine Supreme Court decisions between 1986 and 1991 that had made it more difficult for workers to file and win employment discrimination lawsuits. It also amended the Civil Rights Act to allow monetary damages for victims of harassment and other discrimination based on sex, religion, or disability, among other provisions; monetary damages were already available for victims of racial discrimination.

The Voting Rights Language Assistance Act of 1992, reported from the Judiciary Committee in the 102nd Congress, extended for 15 years and expanded bilingual services under the Voting Rights Act to ensure that voters with limited proficiency receive assistance in the electoral process. The measure had been reported from the Judiciary Committee before being passed by Congress and signed into law by the President.¹⁸

Judiciary and Judicial Administration

Among its provisions, the Judicial Improvements Act of 1990, reported by the Judiciary Committee and ultimately enacted into law in the 101st Congress, created 74 new district judgeships and 11 new appellate judgeships, and directed district courts to adopt plans to speed up civil litigation.¹⁹

In the 102nd Congress, the Judiciary Committee reported a measure that ultimately was enacted as the Child Support Recovery Act of 1992.²⁰ The new law made it a federal crime for parents who lived in another state to avoid paying child support.

The Full Faith and Credit for Child Support Orders Act, considered by the Judiciary Committee in the 103rd Congress and signed into law, amended the federal judicial code

to require the appropriate authority of each state to enforce, according to its terms, a child support order made by a court of another state.²¹

Immigration

In the 101st Congress, a broad immigration bill considered by the Judiciary Committee was enacted into law.²² Major changes included an increase in total immigration and revisions in the visa system. Visa changes also increased the number of visas for persons with family members in the United States. The new law allowed the secretary of the Health and Human Services Department to determine what are communicable diseases for purposes of excluding persons; a previous change in immigration law had listed diseases. The new law made it easier for persons to enter the United States despite their political views or sexual orientation. The new law also postponed for 18 months the deportation of Salvadorans who were illegally in the United States.

In the 101st Congress, the Judiciary Committee also reported legislation intended to address a shortage of nurses. Congress ultimately passed and the President signed the measure.²³ Among its provisions, the new law allowed nurses already working in the United States on temporary visas to apply for permanent residence.

The 101st Congress also passed a measure that became law to create a process to grant posthumous citizenship to an alien or noncitizen national who died while serving on active duty with the U.S. armed forces during certain periods of hostilities.²⁴

In the 103rd Congress, Congress passed and the President signed a measure, which, among its provisions, extended the visa waiver program for two years so that citizens of certain countries would not have to obtain a visa to visit the United States, and vice versa.²⁵

Refugees

In the 101st Congress, the Judiciary Committee reported legislation that was passed by the House and ultimately enacted into law as provisions of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 1990.²⁶ The measure created categories of aliens presumed subject to persecution in their home countries, and designated nationals of the Soviet Union, Indochinese nations, and Poland, and members of certain religious and other groups in the Soviet Union and the Indochinese nations, in those categories.

The 101st Congress also passed a measure that was vetoed by President George H.W. Bush to allow Chinese students in the United States to seek permanent residency without first returning home. The House overrode the President's veto, but the Senate failed to do so.²⁷

In the 102nd Congress, the House passed legislation reported from the Judiciary Committee to prohibit the involuntary repatriation of Haitian nationals in the custody of the United States. The Senate took no action on the measure.²⁸

The 103rd Congress passed a measure reported by the Judiciary Committee, which was signed by the President, to extend for two years the authorization of appropriations for domestic refugee assistance.²⁹

International Law

The Judiciary Committee in the 103rd Congress reported legislation that was not acted on by the House but which was subsequently included as an amendment to the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995.³⁰ The measure, and provisions of the new law, implemented the United Nations Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment through amendment of the federal criminal code.

Also in the 103rd Congress, the Judiciary Committee reported and the House passed a measure to allow suits in federal courts against the Federal Republic of Germany for personal injury or the death of U.S. citizens who were victims of the Nazi Holocaust. The measure was not considered by the Senate.³¹

Intellectual Property

In the 102nd Congress, the Judiciary Committee reported a measure that ultimately became law that compensated the music industry for home taping with digital audio technology by adding fees to the cost of digital tapes and digital recording equipment.³²

In the 102nd Congress, the Judiciary Committee also considered a measure that provided an interim settlement of a dispute between cable systems and local and distant signals. The measure established an interim fee for cable's use of local and distant signals that paid local broadcasters and production studios. The measure was not reported from Committee or acted on by the House.³³

In the 103rd Congress, the Judiciary Committee reported legislation that ultimately became the Satellite Home Viewer Act of 1994.³⁴ As signed into law, the measure allowed satellite-based television services to retransmit programs carried by networks and superstations for five years.

Oversight Investigations

In the 101st Congress, the Subcommittee on Economic and Commercial Law began investigating allegations that high-level Justice Department officials forced a private corporation, INSLAW, into bankruptcy and arranged for a rival company to purchase INSLAW's primary software product. These allegations had been sustained by two federal judges, U.S. Bankruptcy Court Judge George Bason and U.S. District Court Judge William B. Bryant. Judge Bason, in adjudicating INSLAW's bankruptcy petition, had found that the Department had stolen INSLAW's proprietary software using "trickery, fraud, and deceit." Judge Bryant supported Judge Bason's findings and criticized the Department for attempting to avoid accountability. Over time, the controversy had grown to include Attorney General Edwin Meese, the Deputy Attorney General, and two Assistant Attorneys General.

As part of its investigation, the Committee notified the Attorney General that it would be investigating the Department's contracting procedures and INSLAW. Despite promises

from the Attorney General that the Department would cooperate fully with congressional investigations, the Department refused to transmit all documents related to INSLAW and, instead, submitted only those it selected. The Subcommittee held a hearing on this refusal and heard testimony from INSLAW, Judge Bason's office, and the General Accounting Office.

In the 102nd Congress, the Committee voted 21–13 to adopt an investigative report entitled "The INSLAW Affair." The report was based upon documentary evidence from the Justice Department and witness testimony and found there was strong evidence to support the findings of the two federal courts. It also found that high-level Department officials may have conspired to drive INSLAW into insolvency using trickery. The report recommended that the Department appoint an independent counsel to investigate the matter more fully. As part of its investigation, the independent counsel was to be directed to determine whether there was a plan by any Attorneys General to obstruct the congressional investigation, whether any Department employees engaged in perjury or obstruction to cover up their involvement in the matter, whether any relevant records were lost or destroyed by the Department, and whether any private individuals were involved in the alleged conspiracy.

On September 10, 1992, the entire Democratic membership of the Committee wrote to Attorney General William Barr reiterating the request for an independent counsel. One month later, the Attorney General responded that he was unwilling to appoint one.

¹ P.L. 101–647; 104 Stat. 4789.

² H.R. 467; H. Rept. 101–691.

³ H.R. 4225; H. Rept. 101–621.

⁴ H.R. 4221.

⁵ H.R. 3371; conference report: H. Rept. 102–405.

⁶ P.L. 103–322; 108 Stat. 1796.

⁷ P.L. 103–159; 107 Stat. 1536.

⁸ P.L. 101–275; 104 Stat. 140.

⁹ P.L. 101–298; 104 Stat. 201.

¹⁰ P.L. 102–526; 106 Stat. 3443.

¹¹ H. Res. 87, agreed to in the House May 10, 1989; H. Res. 251, agreed to in the House Oct. 2, 1989.

¹² H.R. 5096; H. Rept. 102–850.

¹³ H.R. 3626; H. Rept. 103–559 (Pt. 1 (Energy and Commerce)), and H. Rept. 103–559 (Pt. 2 (Judiciary)).

¹⁴ H.R. 4994; H. Rept. 103–871.

¹⁵ P.L. 103–394; 108 Stat. 4106.

¹⁶ P.L. 101–336; 104 Stat. 327.

¹⁷ P.L. 102–166; 105 Stat. 1071.

¹⁸ P.L. 102–344; 106 Stat. 921.

¹⁹ P.L. 101–650; 104 Stat. 5089.

²⁰ P.L. 102–521; 106 Stat. 3403.

²¹ P.L. 103–383; 108 Stat. 4063.

²² P.L. 101–649; 104 Stat. 4978.

²³ P.L. 101–238; 103 Stat. 2099.

²⁴ P.L. 101–249; 104 Stat. 94.

²⁵ P.L. 103–416; 108 Stat. 4305.

²⁶ P.L. 101–167, §§559D and 559E; 103 Stat. 1195, 1261.

²⁷ H.R. 2712; conference report: H. Rept. 101–370.

²⁸ H.R. 3844; H. Rept. 102–437.

- ²⁹ P.L. 103-37; 107 Stat. 107.
- ³⁰ P.L. 103-236, §506; 108 Stat. 382, 463.
- ³¹ H.R. 934; H. Rept. 103-702.
- ³² P.L. 102-563; 106 Stat. 4237.
- ³³ H.R. 4511.
- ³⁴ P.L. 103-369; 108 Stat. 3477.