

HISTORY OF THE COMMITTEE ON THE JUDICIARY

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From the date of the creation of this committee on December 7, 1813, until the aforesaid revision in 1880, the jurisdiction of the committee under rule 83 was determined—

to take into consideration all such petitions and matters or things touching judicial proceedings as shall be presented or may come in question and be referred to them by the House.

In recent years the House Judiciary Committee has handled legislation in a number of diversified areas. Some of the significant matters include the Federal judiciary, antitrust, immigration and naturalization, criminal law, civil rights, espionage, law revisions, patents and copyrights, bankruptcy, administrative law, claims, interstate compacts, Presidential succession and inability, and constitutional amendments.

The Committee on the Judiciary acts mainly through subcommittees in the discharge of its legislative and investigative responsibilities. Subcommittees, which are advisory to the full committee, are created by the chairman when appropriate or as the need arises. The committee presently is organized into five subcommittees, each with a special jurisdiction, plus general jurisdiction of judiciary bills as assigned.

The five subcommittees and their special jurisdictions are as follows:

Subcommittee No. 1—Special jurisdiction over immigration and nationality.

Subcommittee No. 2—Special jurisdiction over claims.

Subcommittee No. 3—Special jurisdiction over patents, trademarks, copyrights, and revision of the laws.

Subcommittee No. 4—Special jurisdiction over bankruptcy and reorganization.

Subcommittee No. 5—Special jurisdiction over antitrust matters.

**HISTORICAL BACKGROUND OF SUBCOMMITTEE**

*Subcommittee No. 1—Immigration and Nationality*

Prior to the Legislative Reorganization Act of 1946, jurisdiction over immigration and naturalization matters was divided. On August 18, 1893, a Committee on Immigration and Naturalization had been established as a standing committee, and before that it had functioned as a select committee. At that time, the Immigration and Naturalization Committee exercised a general, but not an exclusive, jurisdiction over the subject of immigration. In 1882 (47th Cong., 2d sess.), for example, the President's message concerning "the construction of the law restricting immigration of laborers from China," was referred to the Judiciary Committee. The Committee on Immigration and Naturalization was given exclusive jurisdiction over the subject of naturalization in 1906. In 1946, this authority was transferred to the Judiciary Committee and since that time has been a primary responsibility of its members.

*Subcommittee No. 2—Claims*

Prior to January 2, 1947, claims against the United States were handled by a separate standing committee. The Committee on Claims had been organized in 1794 and was the second oldest standing committee of the House. The Elections Committee, the oldest standing committee, had been established in 1789.

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The Committee on Claims had jurisdiction of all “matters or things touching claims and demands on the United States.” In the revision of 1880 the form of the rule was fixed to provide for the reference to the Committee on Claims of subjects relating to private and domestic claims, and demands other than war claims, against the United States.

By the Legislative Reorganization Act of 1946 the Committee on Claims was abolished and its jurisdiction transferred to the Judiciary Committee. Since that time a subcommittee of the Judiciary Committee has devoted a substantial portion of its time processing public and private claims bills.

*Subcommittee No. 3—Patents, Trademarks, Copyrights, and Revision of the Laws*

The work of this subcommittee has its roots in two standing committees with long histories. In the 1st session of the 25th Congress, on September 15, 1837, Congress “raised” a Committee on Patents, with jurisdiction at that time confined to patents alone. Jurisdiction over copyrights and trademarks was added on motion of Mr. John S. Newberry, of Michigan, in the 2d session of the 46th Congress.

A Standing Committee on the Revision of Laws was created on July 25, 1868; and in 1880, its jurisdiction was fixed “to the revision and codification of the statutes of the United States.” Prior to its establishment as a standing committee, it had operated as a select committee. The Law Revision Committee replaced an old standing committee that had become obsolete. In the early years of the Republic, the Revisal and Unfinished Business Committee, established in 1795, had been useful to give continuity to business that had not been completed during the previous session. At that time, business unfinished fell with the end of the session.

In the Reorganization Act of 1946, the jurisdictions of both the Committee on Patents and the Committee on the Revision of Laws were transferred to the Judiciary Committee.

The law revision staff classifies all laws enacted by the Congress and undertakes codification of specific areas of the law. After a law is enacted, it is assigned to a specific title and section of the United States Code or District of Columbia Code. There is in process a program of enacting titles of the United States Code and the District of Columbia Code into positive law, rather than merely prima facie evidence of the law.

The goal of the Judiciary Committee is to prepare all titles of the United States Code and the District of Columbia Code for enactment into positive law.

*Subcommittee No. 4—Bankruptcy and Reorganization*

Jurisdiction over matters pertaining to bankruptcy and corporate reorganization traditionally have been within the responsibilities of the Judiciary Committee. As early as January 5, 1841, the Judiciary Committee had reported out a bankruptcy bill.<sup>8</sup> Since that time legislation concerning bankruptcy has been an important body of law under the jurisdiction of the Judiciary Committee.

<sup>8</sup> Congressional Globe, vol. 9, No. 5, Jan. 5, 1841, 26th Cong., 2d sess., p. 65.

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With its responsibilities for bills within the general jurisdiction of the Judiciary Committee, a heavy and continuous body of work is referred to this subcommittee in each Congress.

*Subcommittee No. 5—Antitrust*

This subcommittee regularly processes bills relating to the Federal judiciary, Federal penal statutes, penal correction, civil rights, legislative apportionment, congressional redistricting, and equal rights. In addition, the subcommittee deals with the special problems that are involved in amendments to, and administration of, the antitrust laws.

Operations of the Federal judicial system have been of principal concern to the Judiciary Committee since its organization in 1813. This jurisdiction has involved legislative provision for growth and improvement of the Federal judicial system; additional district and circuit judges have been authorized, as well as additional places where terms of court may be held. Provision has been made for effective administration of the judicial system through legislation to provide salary increases for Federal judges, U.S. attorneys and other court officials, as well as increases in fees for witnesses, jurors, and U.S. marshals and their deputies. With respect to criminal law enforcement and penal correction, the subcommittee has exercised surveillance of law enforcement functions and correctional administration in an effort to reduce the development of habitual offenders and to enhance the possibilities of rehabilitating youthful offenders.

This subcommittee is particularly active in connection with the Judiciary Committee's mandate to protect trade and commerce against unlawful restraints and monopolies. The basic charter of the anti-trust laws, the Sherman Act of 1890, was processed through the Judiciary Committee and reported to the House on April 25, 1890.<sup>9</sup> Similarly, supplemental legislation to amend or to reinforce the provisions of the Sherman Act have been handled by the Judiciary Committee.<sup>10</sup>

In the 81st Congress, Chairman Emanuel Celler appointed a special subcommittee, named the "Subcommittee on the Study of Monopoly Power," with a specialized staff to assist in the investigations and to prepare the legislation needed in connection with the antitrust jurisdiction of the committee. In 1955 this work was assumed by Subcommittee No. 5. Over the years the subcommittee has conducted studies and made reports on a number of industries, including steel, aluminum, newsprint, pulp, television, airlines, shipping, organized professional team sports, telecommunications, and oil pipelines.

<sup>9</sup> 51st Cong., 1st sess., Congressional Record, pp. 3326 and 3857, Apr. 11 and Apr. 25, 1890.

<sup>10</sup> Clayton Act, H. Rept. 627, Public Law 212, 63d Cong. (1914); Celler-Kefauver Act, H. Rept. 1191, Public Law 899, 81st Cong., 1st sess. (1950).