Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. I yield for a parliamentary inquiry.

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I wish to state that there will be no further voting tonight on a yea-and-nay basis—in other words, no rollcall votes. I understand discussion of the conference report which is pending will be continued. I would like to bring up a few bills on the Calendar to which there is no objection, in an effort to clear up as much business as possible. Then I shall be willing to take my seat.

Mr. JORDAN. Mr. President, who has the floor?

Mr. MANSFIELD. The Senator is correct, but I hope as much discussion as possible will be gotten out of the way tonight.

Mr. JORDAN. But there will be no vote.

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. I think the Senator from Montana is optimistic.

Mr. MANSFIELD. We live in hope and die in despair, but no one can object to being hopeful.

ORGANIZATION OF THE BUREAU OF PUBLIC ROADS—MOTION TO RECONSIDER

Mr. MCNAMARA. Mr. President, I enter the motion that the Senate reconsider the vote by which H.R. 8558, relating to the organization of the Bureau of Public Roads, was passed yesterday, and I ask that the papers be returned to the Senate.

The PRESIDING OFFICER. The motion to reconsider will be entered. Without objection, the return of the papers will be requested.

PRINTING OF ADDITIONAL COPIES OF REPORT, "FREEDOM OF COMMUNICATIONS"

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1072, Senate Concurrent Resolution 47.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 208) to print additional copies of a committee print by the Judiciary Subcommittee on Internal Security entitled "The Pugwash Conferences/"

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Senate Committee on the Judiciary six thousand additional copies of its committee print, entitled "The Pugwash Conferences", issued by its Internal Security Subcommittee during the Eighty-seventh Congress.

ADDITIONAL EXPENDITURES BY COMMITTEE ON APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1074, Senate Resolution 217.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 217) authorizing additional expenditures by the Committees on Appropriations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, $10,000, in addition to the amount appropriated for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 1, 1946, and S. Res. 193, agreed to July 27, 1961.

ADDITIONAL EXPENDITURES FOR INVESTIGATION OF JUVENILE DELINQUENCY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1075, Senate Resolution 212.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 212) authorizing additional expenditures for the investigation of juvenile delinquency in the United States.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That section 4 of S. Res. 48, Eighty-seventh Congress, first session, authorizing an investigation of juvenile delinquency in the United States, agreed to January 31, 1961, is amended by striking out "$181,000" and inserting in lieu thereof "$198,000/"

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1076, Senate Resolution 217.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 217) authorizing the printing of additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education/"

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare five thousand additional copies of Senate Document Number 41, 87th Congress, entitled "Proposed Federal Aid for Education" (prepared by the Legislative Reference Service of the Library of Congress).

PRODUCTION OF DOCUMENTARY EVIDENCE IN CIVIL INVESTIGATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1071, Senate bill 167.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 167) to authorize the Attorney General to take possession of, and to produce documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after "Sec. 2,”
to strike out "As used in" and insert "For the purpose of"; on page 4, line 12, after the word "pertinent" and insert "relevant to an antitrust investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and after the word "claim", to strike out "evidence is to be delivered; and" and insert "material shall be made available"; after line 5, to strike out:

(5) specify a place at which such delivery is to be made.

On page 7, line 2, after the word "shall", to strike out "deliver" and insert "make": in line 3, after the word "material", to insert "available for inspection and copying or reproduction"; in line 4, after the word "where" it appears the second time, to insert "principal"; at the beginning of line 5, to strike out "specified therein" and insert "Such person shall, before line 7, after the word "may", to insert "agree and"; in line 9, after the word "writing."); to strike out "No such demand or custodian may require delivery of any documentary material to be made—"

"(1) at any place outside the territorial jurisdiction of the United States without the consent of the person upon whose request it is served, or (2) at any place other than the place at which such documentary material is situated at the time of service of such demand until the custodian has tendered to such person (A) a sum sufficient to defray the cost of transporting such material to the place prescribed for delivery or (B) the transportation thereof.

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any violation of any antitrust order, shall for each violation be fined not more than $5,000 or imprisoned not more than two years, or both.

"Whoever, with the intent to avoid, evade, prevent, or obstruct compliance in whole or in part, by any person with any civil investigation, demand made under the Antitrust Civil Process Act, willfully removes from any place, conceals, withholds, destroys, falsifies, alters, or by any other means or method mutilates, destroys, alters, or by any other means falsifies any documentary material in the possession, custody or control of any person which is the subject of such proceeding and duly served upon any person shall be fined not more than $5,000 or imprisoned not more than two years, or both.

"§ 1509. Obstruction of antitrust civil process

And, in lieu thereof, to insert:

S. 6. (a) Section 1505, title 18, United States Code, is amended to read as follows:

"(1) Each provision of law defined as one of the antitrust laws by section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U.S.C. title 15, section 1), and for other purposes, approved June 19, 1936 (49 Stat. 1668; 16 U.S.C. 1315), commonly known as the Robinson-Patman Act;

(b) The Federal Trade Commission Act (15 U.S.C. 41 and the following);

(c) The Sarbanes-Oxley Act; or any committee of the Congress, or any joint committee of the Congress; or (D) any unfair trade practice in connection with such commerce;

(b) The term "antitrust agency" means any board, commission, or agency of the United States (other than the Department of Justice) charged by law with the administration or enforcement of any antitrust law or the adjudication of proceedings arising under any such law; or

(c) The term "antitrust order" means any final order of any antitrust agency, or any final order, decree, or judgment of any court of the United States, duly entered in any case or proceeding arising under any antitrust law; or

(d) The term "antitrust investigation" means any inquiry conducted by any antitrust investigator for the purpose of ascertaining whether any person is or has been engaged in any antitrust violation; or

(e) The term "antitrust violation" means any violation of any antitrust law or any antitrust order; or

(f) The term "antitrust investigator" means any attorney general, or any attorney or employee of the Department of Justice, or any employee of the Federal Trade Commission, the Interstate Commerce Commission, or any other Federal agency, or any employee of any corporation, association, partnership, or other legal entity or not a natural person; or

(1) The term "antitrust document" means any documentary material included in the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document; and

(1) The term "custodian" means the antitrust document custodian or any deputy or assistant so designated under section 4(a) of this Act.

CIVIL INVESTIGATIVE DEMAND

S. 3. (a) Whenever the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, has reason to believe that any person has committed, is committing, or is about to commit, a violation of any antitrust law, he may, upon the order of the court, enter and serve at such place as the court may designate, a civil investigative demand requiring such person to produce and deliver to the court, his account, books, correspondence, papers, or other documents; and the court, upon application of the Government, may order the person to produce and deliver such documents as may be relevant to the matters aforementioned.

(b) Each such demand shall:

(1) Prescribe the time within which the demand must be complied with; and

(2) Constitute the taking in writing of the alleged antitrust violation
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which is under investigation and the provi-
ded law applicable thereto;

(2) describe the class or classes of docu-
mentary material to be produced thereunder;

(3) prescribe a return date which will

(c) Any person upon whom any demand
may be served by any antitrust investigator,
or by any United States Marshal, for the
principal place or any office within the terri-
torial jurisdiction of any court of the United
States.

(4) the custodian to whom such
documentary material shall be demand-
ed—

(1) contain any requirement which
would be held to be unreasonable if
in a demand issued by a court of the
United States in aid of a grand jury
investigation of such alleged antitrust
violation;

(2) require the production of any docu-
mentary evidence which would be privileged
from disclosure if demanded by a subpena
dues tecum issued by a court of the
United States in aid of a grand jury
investigation of such alleged antitrust
violation;

(3) prescribe a return date which will

Sec. 4. (a) The Assistant Attorney
General of Antitrust Division of the
Department of Justice shall designate

an antitrust investigator to serve as
antitrust document custodian, and such
additional antitrust investigators as he shall determine
time from time to be necessary to serve
deputies to such officer.

An individual served any such demand or petition setting forth facts to support it, and
the following information shall be proof of such service. In the case of serv-

(1) delivering a duly executed copy there-
of to any partner, executive officer, managing
agent, or general agent thereof, or to any
agent thereof authorized by appointment or
by law to receive service of process on behalf
of such partnership, corporation, association,
or entity to be served;

(2) delivering a duly executed copy there-
of to the principal office or place of business
of the partnership, corporation, association,
or entity to be served;

(3) depositing such copy in the United
States mails, by registered or certified mail
duly addressed to such partnership, corpora-
tion, association, or entity at its principal
office or place of business;

(4) A verified return by the individual
serving any such demand or petition setting
forth facts to support it, and
the following information shall be proof of such service. In the case of serv-

(3) transmit notice in writing to the person who produced
such material, and to the custodian
of the office of such custodian
in the District of Columbia,
and to the custodian
of any antitrust
agency pursuant to subsection
(c) which has not passed into the
control of any court, grand jury,
or antitrust agency through the introduction
thereinto of such material.

(f) When any documentary material has
been produced by any person under this Act
for use in any antitrust investigation, and no
such case or proceeding arising from
such investigation, the custodian shall
return to the person who produced such materi-
al all such material (other than copies
thereof made by the Department of Justice
or any antitrust agency pursuant to subsec-
tion (c)) which has not passed into the
control of any court, grand jury,
or antitrust agency through the introduction
thereinto of such material.

(g) In the event of the death, disability,
or separation from service in the Department
of Justice of the custodian of any docu-
mentary material produced under any
demand issued under this Act, or the
official removal of such custodian from
the custody and control of such material,
the Assistant Attorney General in charge of
the Antitrust Division shall designate
another antitrust investigator to serve
as custodian thereof, and

transmit notice in writing to the person who produced
such material, and to the custodian
of the office of such custodian
in the District of Columbia,
and to the custodian
of any antitrust
agency pursuant to subsection
(c) which has not passed into the
control of any court, grand jury,
or antitrust agency through the introduction
thereinto of such material.

(h) Any final order so en-
terred shall be subject to appeal pursuant to
section 1291 of title 28 of the United
States Code. Any disobedience of such order
may be based upon any failure of such demand
to comply with the provisions of this Act,
or upon any constitutional or other legal
right or privilege of such person.

(i) To the extent that such rules may have
application and are not inconsistent with
the provisions of this Act, the Federal Rules
of Civil Procedure shall apply to any petition
under this Act.

Sec. 5. Any person failing to comply
with any civil investigative demand
duly served upon him under section 3, or
whenever satisfactory copying or reproduc-
tion of any such material cannot be done
whether to any attorney on such such material,
the Attorney General, through such
officers or attorneys as he may designate,
transcripts business shall be served upon
such person for an order of such court for the enforce-
ment of this Act, except that if such person
transacts business in more than one
United States for any judicial district in which such
person resides, is found, or transacts busi-
ness as may be agreed upon by the
parties to such petition.

(b) Within twenty days after the service of
any such demand upon any person, or at
any time before the return date specified
in the demand, whoever takes possession of
such person may file, in the district
court of the United States for the judicial
district in which such person resides, is found, or
transacts business shall be served upon
such custodian a petition for an order of such
court modifying or setting aside such de-

criminal penalty

Whoever corruptly, or by threats or force,
or by any threatening letter or communica-
tion, endeavors to influence, intimidate, or
impede any witness in any proceeding pend-
ing before any department or agency of the
United States, or in connection with any in-
vestigation or inquiry authorized by any
House, or any committee of either House, or
any joint committee of the Congress; or
whoever corruptly, or by threats or force,
or by any threatening letter or communica-
tion, endeavors to influence, intimidate, or
impede any witness in any proceeding pend-
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United States, or in connection with any in-
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ing before any department or agency of the
United States, or in connection with any in-
vestigation or inquiry authorized by any
House, or any committee of either House, or
any joint committee of the Congress; or

"Whoever, with intent to avoid, evade, prevent, obstruct, or refuse to comply with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, knowingly or willfully removes from any place, conceals, destroys, mutilates, alters, or by other means of falsifies any documentary material which is the subject of such demand; or

"Whoever corruptly, or by threats or force, or by false pretense or by any obstruction, influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or any of its officers or employees, shall be punished by a fine of not more than $25,000 or imprisonment not more than five years, or both."

SEC. 7. Nothing contained in this Act shall impair the authority of the Attorney General, in charge of the Antitrust Division of the Department of Justice, or any antitrust investigator to (a) lay before any grand jury impaneled before any district court of the United States any evidence concerning any matter which he may learn or come to know or come to have reason to believe is pertinent to a civil antitrust investigation.

Mr. KEFAUVER. Mr. President, the legislation before us is of utmost importance to the Department of Justice in its enforcement of the antitrust laws. In brief, it would give to the Justice Department the authority to issue a civil investigative demand requiring any person, other than a natural person, to produce documentary material for examination whenever the Department has reason to believe that such person may have material pertinent to a civil antitrust investigation. The civil demand must be in writing and may file a civil complaint without sufficient prior information as to the extent or exact nature of the violations. This can easily result in the filing of complaints where no real case exists.

Mr. KEKAUFVER. Mr. President, the legislation before us today would give to the Justice Department the authority to issue a civil investigative demand requiring any person, other than a natural person, to produce documentary material for examination whenever the Department has reason to believe that such person may have material pertinent to a civil antitrust investigation. The civil demand must be in writing and may file a civil complaint without sufficient prior information as to the extent or exact nature of the violations. This can easily result in the filing of complaints where no real case exists.

Mr. PERSON. Mr. President, this bill engaged the attention of the Judiciary Committee for at least 3 years, and possibly 4, to my certain knowledge. We have drafted a series of amendments to the bill which we think are acceptable and which make it at once advisable and workable, and give adequate protection to persons who might be under subpoena. I think the amendments are in order. We are quite satisfied with the bill. I believe I should bestow a compliment on the distinguished Senator from Nebraska (Mr. Hruska) for the time and effort he has devoted to the bill. This is a bill which has had long consideration, and it came out of the Judiciary Committee without a dissenting vote.

Mr. Hruska. Mr. President, this authority constitutes and will constitute an important tool in the hands of the Attorney General for the purposes for which it was designed. The Senator from Tennessee has been very tolerant of the amendment proposals. We are quite satisfied with the bill. I think the amendments are in order. We are quite satisfied with the bill. I believe I should bestow a compliment on the distinguished Senator from Nebraska (Mr. Hruska) for the time and effort he has devoted to the bill. This is a bill which has had long consideration, and it came out of the Judiciary Committee without a dissenting vote.

Mr. KEFAUVER. Mr. President, the legislation before us today would give to the Justice Department the authority to issue a civil investigative demand requiring any person, other than a natural person, to produce documentary material for examination whenever the Department has reason to believe that such person may have material pertinent to a civil antitrust investigation. The civil demand must be in writing and may file a civil complaint without sufficient prior information as to the extent or exact nature of the violations. This can easily result in the filing of complaints where no real case exists.