NAS:MCL:mtp

Mrs. Copeland

Mary C. Lawton

cc: Mr. Schlei
Mrs. Copeland
Miss Lawton
Files

MAR 24 1965

Status of the Commission on International Rules of Judicial Assistance.

Creation: The Commission and Advisory Committee on International Rules of Judicial Assistance were established by P.L. 85-906. Originally, the Commission was to expire December 31, 1959. By P.L. 86-287, this date was extended to December 31, 1961. The termination date was further extended to December 31, 1963 by P.L. 87-324. In August 1964, the life of the Commission was retroactively extended from January 1, 1964 to December 31, 1966 with an indication that no reappointment of members would be necessary.

Membership: The original statute provided that the Commission be composed of 3 public members appointed by the President, 2 officials of State governments designated by the President, 2 representatives of the Department of Justice designated by the Attorney General and 2 representatives of the State Department designated by the Secretary of State. To the best of my knowledge, the Commission membership consists of the following: Public members -- Chairman, Oscar Cox of Cox, Langford & Brown, Washington, D.C., Abner McCall of Baylor University, Waco, Texas, Bethuel M. Webster of Webster, Sheffield & Crystie, New York City; State government members -- Justice Charles D. Breitel, New York Supreme Court, Justice Michael A. Musmanno, Pennsylvania Supreme Court; Justice Department -- Solicitor General Archibald Cox and Assistant Attorney General Norbert A. Schlei; State Department -- Abba P. Schwartz, Administrator, Bureau of Security and Consular Affairs. Since the resignation of Abram Chayes as Legal Adviser, State Department there has been one vacancy on the Commission.

The Advisory Committee consists of 15 members selected by the Commission. At present there is at least one vacancy on the Advisory Committee.

Purpose: Under the terms of the original statute the Commission is to investigate and study existing practices of judicial assistance between the United States and foreign countries and to recommend methods of improving these practices.

The Commission's first project was to recommend reforms of domestic law relating to judicial assistance. The reform of federal statutes, recommended by the Commission was enacted by Congress on October 3, 1964 as P.L. 88-619. Two changes in the Federal Rules of Civil Procedure, Rule 4(i) and Rule 28(b) became effective July 1, 1963. Other proposed Rule changes are under consideration by the Judicial Conference. A proposed Uniform State law on judicial assistance has been approved by the Commissioners on Uniform State Law and has been adopted by one State -- Arkansas.

The next project contemplated by the Commission is improvement of international judicial assistance, either by recommending enactment of "compatible" national laws or adoption of judicial assistance treaties. No specific action has been taken on this project pending appropriation of funds.

Financing: The original act authorized appropriation of $75,000 to carry out the purposes of the Commission. Only $25,000 was actually appropriated and these funds were exhausted on December 31, 1959. In April 1960 the Carnegie Corporation granted $350,000 to the Columbia University Law School to finance a program of cooperation with the Commission. These funds provided staff and office expenses for the Commission until December 31, 1962. In May 1963 the Commission received an appropriation of $10,000 for office expenses. These funds were only available until December 31, 1963. P.L. 88-522 amended the original act by substituting an unlimited authorization for appropriations. S. Rept. 1385, 88th Cong., 2d sess., however, recommended that actual appropriations be limited to $500,000 total for the period January 1, 1964 to December 31, 1966. To date, no funds have been appropriated although funds have been requested for a supplemental appropriation for Fiscal Year 1965 and an appropriation for Fiscal Year 1966.

Present status: The Commission has had no funds since the Fall of 1963. The Executive Director, Harry LeRoy Jones serves without compensation. It is believed that Katherine Drew Hallgarten is still serving with the Commission without compensation. It is not clear whether there is a secretary presently serving with the Commission. The Commission has offices at 1701 Pennsylvania Avenue, N.W.

The last meeting of the Commission, its fifteenth official meeting, was held at Columbia University in New York City on November 9, 1962. A joint meeting of the Commission and Advisory Committee was also held on that date. These are believed to be the last meetings held by either group.