

the various programs of the Atomic Energy Commission, including licensing of private persons and facilities and safeguarding of restricted information, is likely to develop as greater public participation in the Commission programs takes place. The desirability of maintaining adequate remedies and sanctions, should such sections be invoked, is obvious. In those cases where the decrees of the courts have been formulated following consideration of fairly complex factual issues, the inclusion thereafter of a jury to determine whether a decree has been violated would perhaps require reintroduction of major portions of the evidence in the original proceedings and careful instruction of the jury respecting the intent of the decree. This would not appear to enhance the efficiency of the criminal contempt remedy.

"In addition to the two sections under the Atomic Energy Act which look toward court orders in enforcement proceedings and vindication by criminal contempt when necessary, the Atomic Energy Commission has had occasion to invoke, through the Attorney General, the provisions of the Labor Management Relations Act, 1947, which allow injunctions against threatened or actual strikes imperiling the national health or safety. 29 U.S.C. 176-180. While these injunctions have not been violated, we would be concerned if limitations were laid upon the court in dealing promptly and efficaciously with any violations which might arise. In this connection the \$1,000 limitation on a fine imposed upon an individual might have very little deterrent effect. * * *"

E. Federal Trade Commission

"Orders to cease and desist issued under the Clayton Act are often of necessity in the language of the statute itself and any determination of violation requires the application of laws of considerable complexity to equally complicated facts. Reference is made to the conflicting concepts of 'injury to competition,' to the concept of 'proportionately equal terms,' and to the provisions of the brokerage clause in Section (2) of the Clayton Act.

"Before a jury of laymen, who ordinarily would have little or no understanding of the intent and meaning of such laws, could return an appropriate verdict on a charge of violation, it would be necessary for the court to sufficiently educate them on the intent and meaning of such laws by way of a charge. It is submitted that this is probably impractical in view of the fact that antitrust lawyers of long experience and great ability as well as courts do in many respects often differ in respect of their interpretation of the intent and meaning of such laws.

"For these considerations and from the standpoint of more efficiently dealing in future violations by the same offenders, it is submitted that trial by jury for criminal contempt in such cases would in all probability be less effective and less practicable than by the court as has been heretofore the custom in United States Courts of Appeal."

F. Antitrust Division

"The jury trial requirement for criminal contempt will also harm effective enforcement of the antitrust laws as administered by the

