

Legislation

Subcommittee No. 5

Benjamin Zelenko, Counsel, House Judiciary Committee

Benjamin Zelenko explains the jurisdiction and composition of Subcommittee No. 5.

Interview recorded May 29, 2014.

Subcommittee No. 5 was the subcommittee that the chairman of the full committee chaired. So it dealt with things that he was interested in. Antitrust was his major interest. But Subcommittee No. 5 had other jurisdiction as well. It was the committee through which judgeships were created, changes in the judicial code were made, major criminal code changes went to Subcommittee No. 5. Of course all of civil rights went to Subcommittee No. 5. The Members he had—Subcommittee 5 had seven Democrats and four Republicans. And the Democrats were handpicked by Chairman Celler. And he had the assurance that all six Democrats on his side would vote with him. So he had a clear majority of the subcommittee. He didn't need the Republicans.

McCulloch, who was the ranking Republican on the subcommittee, on the other hand in 1963, '64, wasn't quite as powerful a figure as he was in '65, because if you look at that subcommittee in '65 when it dealt with voting rights, McCulloch had a solid group of Republicans that voted with him. On this subcommittee he had three Republicans with him who although they supported civil rights were of—one was from Michigan, one was from New York, and one was from Florida. I think the Floridian ultimately voted against the civil rights bill. So the other two who voted with McCulloch, there were shades of support. They were supporters but they had qualms and reservations about various provisions. The Republican votes on the full committee were essential. Celler had complete control of the subcommittee, so he could have changed the bill from top to bottom in subcommittee and reported it out. He didn't need the Republican support.