| BILL | DATE | PAGE(S) |
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| P.L. 92-140 | May 10, 1973 | S8781-8782 |

ACTION: Remarks by Mr. McClellan

PUBLIC LAW 92-140

Mr. McCLELLAN. Mr. President, the 92d Congress enacted Public Law 92-140, of which I was the principal sponsor, to

amend the Copyright Act to extend copyright protection to recordings and tapes. I introduced this legislation because of the widespread unauthorized duplication of tapes. The Congress has been informed that the volume of pirated tapes has reached $2 hundred million a year in sales.

During the consideration of this legislation in the Congress certain opponents of my bill suggested that the legislation was unconstitutional. I am pleased that there has been a final judgment that the statute is constitutional. Assisant Attorney General Henry E. Petersen and the Criminal Division of the Department of Justice are now undertaking a vigorous program to implement the provisions of this legislation. A Federal grand jury in New Mexico recently returned a 48 count indictment—the first under the statute. Additional indictments are anticipated.

I have received a letter of April 20th from Joseph T. Sneed, Deputy Attorney General, advising me of the Department's program to enforce Public Law 92–140. In view of the general interest in this subject I ask unanimous consent that the letter from the Deputy Attorney General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
*Washington, D.C., April 20, 1973.*

Hon. JOHN L. MCCLELLAN,
*Chairman, Subcommittee on Patents, Trademarks and Copyrights, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The Attorney General has asked me to reply to your letter of March 23, 1973, expressing your concern over the escalation of the volume of illegal duplication of sound recordings in violation of the amendment to the Copyright Act which became effective last year.

Soon after the effective date of Public Law 92–140, the Criminal Division of the Department under the leadership of Assistant Attorney General Henry E. Petersen instituted a vigorous program to implement the provisions of the new Act. In furtherance of this program, contact was established with industry sources to open lines of communication and to procure the benefits of the experience of the industry in its long standing battle to combat the debilitating effects of record piracy upon the legitimate sound recording industry. The Recording Industry Association of America has been particularly helpful and cooperative in this undertaking.

Currently, the Criminal Division is undertaking to distribute to all United States Attorneys and to the Federal Bureau of Investigation a comprehensive explanation of the new law and the methods by which the Government hopes to meet the swelling tide of illicit sound recordings. When this manual of operating procedure and law is distributed, it will be accompanied by a letter to all United States Attorneys urging them to give high priority to the prosecution of these offenses. Similarly, the Federal Bureau of Investigation, despite the heavy burdens cast upon it in the investigation of crimes involving more violent activity, is giving a substantial measure of its time and efforts to this important undertaking. In view of your expressions of concern, however, I will advise the Federal Bureau of Investigation of your interest and urge even greater investigative effort. The dissemination of the document referred to above will do much to facilitate the investigation of these offenses and to indicate the importance which this Department attaches to their prosecution.

In the proposed revision to the Criminal Code, recently introduced in the Senate as S. 1400, it is proposed to upgrade the offense of infringing the copyright in a sound recording from its present status as a misdemeanor to that of a Class E felony; persons committing such offenses would then be subject to a penalty of up to three years. This provision in the bill also reflects the seriousness with which this Department views the commission of offenses involving the infringement of sound recording copyrights.

I am pleased to be able to report that such a vigorous prosecutive program is being followed by the Criminal Division in this field. Thank you for your interest and concern in this area of the law.

Sincerely,

JOHEPH T. SNEED,
*Deputy Attorney General.*