

more widespread and flagrant disobedience of court orders in the regulatory field. Agencies will be reluctant to become involved in lengthy and costly jury litigation. With the threat of criminal contempt minimized, a respondent plainly will be more likely to engage in tactics which are aimed at evading the court's order."

#### B. Department of Labor

"A requirement of a jury trial in contempt actions could seriously hamper and delay enforcement of the injunction decree in what is an ordinary business and labor standards situation requiring uniform national compliance. It would place the contempt of court action on the same footing as an original criminal action, with all the delays that can be involved. It is not as though there had not already been a trial of the matter on the merits.

"In addition, the new proposed procedures would increase the expense and burden of contempt proceedings in the many situations that could not have been looked into thoroughly in connection with the passage of this amendment. Instead of the relatively small expenditure of time and money required for a hearing by courts already versed in this technical statute dealing with labor standards and also familiar with the background of the case, the matter would be referred for the first time to a group both unfamiliar with the Act's terms and its concepts of coverage and exemptions and without knowledge of the law suit which led the court to issue the injunction in the first place. The substitution of a jury for the judge in such proceedings, granting all the desirable elements of a jury trial, would not serve the interests of a fair trial but could seriously impede the proceedings so that in practical effect it would foreclose resort to criminal contempt in those situations where it has always been considered an appropriate and necessary protection of the court's processes."

#### C. Securities and Exchange Commission

"In the Commission's opinion, a requirement for a jury trial would unduly encumber the effectiveness of its enforcement program.

"In the experience of the Commission it is not believed that the absence of a jury trial has visited either injustice or hardship on persons charged with and convicted of criminal contempt. Under existing procedures the judge who considered the misconduct which led to the injunction initially, and who was responsible for the decree itself, is the arbiter of questions as to the scope of the injunction and whether the decree has been disobeyed. Under the proposed amendment the judge would be replaced by the jury which would assume the function of construing the judge's decree. The reassignment of this function would, in the Commission's opinion, be warranted only on the basis of a demonstrated need therefor and the existence of abuse by the judiciary in this respect."

#### D. Atomic Energy Commission

"The possibility of invoking either or both of the foregoing sections of the Atomic Energy Act [injunction and subpena power] in connection with

