

Are there any questions?

Mr. DINGELL. Mr. Chairman, if I may be recognized briefly, I was under the impression when I entered the hearing room this morning that there was no opposition to the legislation before us.

Mr. Baker seems to indicate to this committee that the changed review procedure would affect his clients, the members of the association to which he belongs, adversely. He indicates that the review would be at points far distant from the residences of the potential litigants because it would be at the seat of the circuit court of appeals.

Do you have any idea what the increased costs would be?

Mr. BAKER. Frequently, you would have to retain counsel located at the situs of the court of appeals; whereas, frequently the counsel representing a motor carrier would reside in the district and could prosecute an appeal in the district court.

Mr. DINGELL. You make the statement that this is also going to provide no authority for the courts to issue temporary restraining orders.

Mr. BAKER. I did not intend to imply that the bill would not permit the issuance of a restraining order but the procedure would be more cumbersome in that the court would have to act, instead of a single judge as now provided.

Now you can go to a single district judge and in an emergency get a restraining order very promptly. Under this bill, there would have to be a hearing before the court after notice to the Attorney General and to the Interstate Commerce Commission.

Mr. DINGELL. Do you have any idea what the time difference might be in the different procedures?

Mr. BAKER. I would think it would take at least several days and sometimes you need an order immediately.

As I have indicated, the Commission sometimes makes its orders effective immediately without any time lag which would permit you to go to court for a restraining order.

Mr. DINGELL. I wonder, Mr. Chairman, if we could have the committee staff scrutinize these matters so we can ascertain what the facts are both with regard to the additional cost, if there be such, to party litigants and also, if we could, with regard to the particular change with regard to restraining orders.

I would also like to go into some other matters, Mr. Baker.

The bill itself is far more broad than just the points you have raised here. It deals with the whole change in the review process in changes of this kind. Do you have any other objections to other portions of the bill?

Mr. BAKER. Those are the only two points on which the association took a position and with which they were most greatly concerned.

There are some procedural changes which I am sure if the association voted on they would be in favor of, but they felt that this basic change of jurisdiction was so important that they should oppose the bill.

Mr. DINGELL. Thank you, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Mr. Harvey?

Mr. HARVEY. I wonder if the witness would care to further comment with regard to some of the questions my colleague from Michigan raised.