



Robert Kastenmeier

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Robert Kastenmeier Dies; Achieved Signal Intellectual Property Legislation

JUDITH NIERMAN

Representative Robert Kastenmeier died March 20, 2015, at the age of 91 at his home in Arlington, Virginia. Marybeth Peters, former Register of Copyrights, said that if Barbara Ringer was known as the mother of the 1976 Copyright Act, Kastenmeier was its father.

Kastenmeier guided the 1976 Copyright Act through lengthy Congressional committee proceedings to enactment on October 19, 1976. He also presided over the legislative process that brought about U.S. adherence to the Berne Convention in 1989. During his tenure, he authored 48 pieces of intellectual property legislation, a number that included 21 laws amending the Copyright Act, according to the [New York Times](#).

Kastenmeier served for 32 years in the House of Representatives. First elected in 1958 from Wisconsin, he was reelected 15 times but was defeated in the 1990 election. At that time, Ralph Oman, then Register of Copyrights, said, "He has written a record of extraordinary achievement. He authored or shaped all the major and minor amendments to the copyright law over the past 30 years. We will feel his deft touch and balanced wisdom for decades to come."

His signal legislative achievement, said Michael Remington, who for 12 years served as counsel of the House Judiciary Committee's

"Copyright law touches a society's moral, artistic, and cultural sensibilities. The balance that is struck reflects the aspirations of any society, including our own."

—Robert Kastenmeier, Manges Lecture, 1989

Subcommittee on Courts, Civil Liberties, and the Administration of Justice chaired by Kastenmeier, was the Copyright Revision Act of 1976, which was “a bipartisan legislative achievement of the first magnitude.” This accomplishment took decades of work, beginning in the early 1950s and culminating in 1976. In his **1989 Horace S. Manges Lecture**, Kastenmeier himself characterized the Act as a “major achievement and a victory for authors.” It brought together the expansion of types of works protected, created a statutory licensing system for cable television, lengthened the term of protection, codified

the doctrine of fair use, and made other important changes to U.S. copyright law. Writing to Kastenmeier in 2014, Register of Copyrights Maria A. Pallante praised the enduring policy principles that Kastenmeier and his subcommittee articulated in connection with the 1976 Copyright Act, calling them a testament to his leadership.

Kastenmeier also authored the Computer Software Copyright Act of 1980, the Semiconductor Chip Protection Act of 1984, the adhering legislation for the Berne Convention for the Protection of Literary and

Special Gift to Register of Copyrights

In May 2014, Robert Kastenmeier delivered to Register of Copyrights Maria A. Pallante his personal copy of the 1965 Copyright Law Revision hearings. In thanking him, Pallante said, “It is a very special gift, and I assure you that my staff and I appreciate it deeply. It will always have a special place in our collection.”

Legacy

A memorial ceremony for Robert Kastenmeier took place in the House of Representatives’ Rayburn Building on April 29, 2015. Family, friends, former staff, and current and past members of Congress attended the event. Speakers included the Hon. Tammy Baldwin, the Hon. John Conyers, the Hon. Matt McHugh, the Hon. Dave Obey, and the Hon. Mark Pocan. Peter Yarrow played guitar and sang while Dave Obey accompanied on the harmonica. Bill Roberts, Associate Register of Copyrights and Director of Public Information and Education, represented the Copyright Office.



Representative Robert Kastenmeier, chairman of the House Subcommittee on Courts, Intellectual Property, and the Administration of Justice, outlines U.S. concerns about a semiconductor chip treaty to the World Intellectual Property Organization at a meeting at the U.S. State Department in Washington, D.C.



PHOTO BY DONNA CARTER

Left to right, Counsel Michael Remington, Representative Robert Kastenmeier, Representative Carlos Moorhead, and staff assistant Joseph Wolfe hear testimony in November 1986 in support of legislation that would have clarified that low-power television is not subject to distant signal copyright royalty fees when retransmitted by cable television.

Artistic Works, the Satellite Home Viewer Act of 1988, and the Record Rental Amendments of 1984.

Kastenmeier chaired the House subcommittee with jurisdiction over copyright matters from 1969 until 1990. In addition to his work on copyright reform, Kastenmeier was a strong supporter of the Civil Rights Acts of 1964 and 1968, the Voting Rights Act of 1965, and improvements in the judiciary. He was a persistent voice for peace at the time of the Vietnam War and afterward and supervised the drafting of rules surrounding President Nixon's impeachment hearings.

Kastenmeier received many honors, including the 1985 Warren E. Burger Award given by the Institute for Court

Management and the 1988 Justice Award for improving the administration of Justice presented by the American Judicature Society. The University of Wisconsin Law School Kastenmeier **Fund** recognizes his legislative contributions by supporting a lecture named in his honor. In 1989 Kastenmeier presented the second **Manges Lecture**, which was entitled "Copyright in an Era of Technological Change: A Political Perspective."

Kastenmeier was born in Beaver Dam, Wisconsin, on January 24, 1924. He served in the Army from 1943 to 1946, achieving the rank of second lieutenant. At war's end, he was en route to the Pacific theater. Kastenmeier remained in the Philippines until 1948, working with war



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Robert Kastenmeier

"There is good reason to count Robert W. Kastenmeier among the greatest legislators the field of copyright has ever produced."

—Ralph Oman, L.Ray Patterson, and David Lange
"Forward: A Tribute to Robert W. Kastenmeier,"
Law and Contemporary Problems, Spring 1992

“We, as a society, are entering a new age. The fundamental shift from an industrial to an informational and electronically-controlled society has become a reality.”

—Robert Kastenmeier, Manges Lecture, 1989

claims. While in the army, he attended Carleton College in Minnesota and later earned a law degree from the University of Wisconsin in 1952. His first elective office was that of justice of the peace in Jefferson and Dodge counties in Wisconsin, a position he held from 1955 until he was elected to the House of Representatives. Before he was elected in 1958, he was engaged in the private practice of law in Watertown, Wisconsin. For 32 years, from 1959 to 1991, he represented Wisconsin’s Second District, which includes the capital, Madison. He is survived by his wife, three sons, and two grandchildren.

Remington said that “what distinguishes Kastenmeier from others was his commitment to several core legal principles—balance, thoughtfulness, and fairness, which in combination contributed to the effectuation of a solid substantive work product. Nothing characterizes the Kastenmeier style more than the phrase ‘deliberate and even handed.’ Kastenmeier leaves no greater legacy than his example.” ©



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Film director Sidney Pollack (far left); Robert Kastenmeier; film director Elliot Silverstein; Frank Pierson, who wrote *Dog Day Afternoon* and *A Star Is Born*; and academician William Smith meet in regard to a subcommittee hearing on moral rights in 1987.



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On February 24, 1966, Subcommittee Number 3 of the House Judiciary Committee held an executive session focusing on revision of the copyright law in the Wilson Room of the Library of Congress. Seated (left to right) are Abraham Kaminstein, Register of Copyrights; Rep. Henry Smith (R-N.Y.); Rep. Richard Poff (R-Va.); Rep. Robert Kastenmeier (D-Wis.), acting committee chair; Rep. Herbert Tenzer (D-N.Y.); and L. Quincy Mumford, Librarian of Congress. Standing (left to right) are George Cary, deputy Register of Copyrights; Abe Goldman, general counsel, Copyright Office; Allan Cors, committee counsel; John Lorenz, deputy Librarian of Congress; Herbert Fuchs, committee counsel; and Barbara Ringer, assistant Register of Copyrights.