
**REPORT
OF THE PROCEEDINGS
OF A
SPECIAL SESSION
OF THE
JUDICIAL CONFERENCE OF THE
UNITED STATES**

★ ★

**MARCH 19-20, 1951
WASHINGTON, D. C.**

TITLE 28, UNITED STATES CODE, SECTION 331

§ 331. Judicial Conference of the United States.

The Chief Justice of the United States shall summon annually the chief judges of the judicial circuits to a conference at such time and place in the United States as he may designate. He shall preside at such conference which shall be known as the Judicial Conference of the United States.

If the chief judge of any circuit is unable to attend, the Chief Justice may summon any other circuit or district judge from such circuit. Every judge summoned shall attend and, unless excused by the Chief Justice, shall remain throughout the conference and advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

The Conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary, and shall submit suggestions to the various courts, in the interest of uniformity and expedition of business.

The Attorney General shall, upon request of the Chief Justice, report to such conference on matters relating to the business of the several courts of the United States, with particular reference to cases to which the United States is a party.

The Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation.

TABLE OF CONTENTS

	Page
Bankruptcy administration :	
Vacancies occurring by expiration of term, June 30, 1951.....	3
Changes in salaries or arrangements.....	4
Referees—Compensation—General.....	5
Call of the Conference.....	1
Courts :	
Administration—General.....	6
Additional Judgeships recommended :	
Circuit—Ninth Judicial Circuit.....	6
District—District of Arizona.....	6
Appropriations—Miscellaneous expenses—Supplemental appropriation for fiscal year 1951.....	14
District of Columbia—Establishment of a separate domestic relations court.....	7
District Courts—Venue and jurisdiction of—Report of Committee on District Court of Guam—Attendance of district judge at the judicial conference of his circuit.....	8
Courts of appeals—Library funds.....	7
Review of orders of Federal Communications Commission.....	12
Court reporting system :	
Changes in arrangements.....	9
Reporters—Compensation—General.....	9
District of Columbia: Federal Youth Correction Act to be made applica- ble to.....	13
Judges :	
Retired—Status of.....	8
Subsistence allowance.....	9
Federal Communications Commission—Review of orders.....	12
Felony—Statutory definition of—Report of committee on.....	13
Office supplies and equipment: No commitment for purchase of, to be made without prior approval of the Administrative Office.....	14
Supporting personnel of the courts :	
United States Commissioners :	
Territory of Alaska—Maximum compensation.....	9
District of Columbia—Compensation.....	10
Salaries of—General.....	10
Retirement of.....	11
Law clerks and secretaries—Civil-service status.....	11

**REPORT OF THE PROCEEDINGS OF A SPECIAL SESSION OF
THE JUDICIAL CONFERENCE OF THE UNITED STATES**

SPECIAL SESSION—MARCH 19-20, 1951

Pursuant to previous agreement and understanding of the Conference, and upon call of the Chief Justice, a special session of the Judicial Conference of the United States was convened on March 19, 1951. The following were present:

The Chief Justice, presiding.

Circuit:

District of Columbia.....	Chief Judge Harold M. Stephens.
First.....	Chief Judge Calvert Magruder.
Second.....	Chief Judge Learned Hand.
Third.....	Chief Judge John Biggs, Jr.
Fourth.....	Chief Judge John J. Parker.
Fifth.....	Chief Judge Joseph C. Hutcheson.
Sixth.....	Chief Judge Xenophon Hicks.
Seventh.....	Chief Judge J. Earl Major.
Eighth.....	Chief Judge Archibald K. Gardner.
Ninth.....	Chief Judge William Denman.
Tenth.....	Chief Judge Orrie L. Phillips.

Circuit Judge Albert B. Maris, Third Judicial Circuit, and District Judges, Chief Judge Laws and Judge Edward M. Curran of the United States District Court for the District of Columbia, were in attendance for various meetings of the session, and participated in some of the Conference's discussions.

Henry P. Chandler, Director; Elmore Whitehurst, Assistant Director; Will Shafroth, Chief, Division of Procedural Studies and Statistics; Edwin L. Covey, Chief, Bankruptcy Division; R. A. Chappell, Chief, Probation Division; and Leland Tolman, Chief, Division of Business Administration; and members of their respective staffs, all of the Administrative Office of the United States Courts, were in attendance throughout the session.¹

Paul L. Kelley, Executive Secretary to the Chief Justice, served as Secretary of the Session.

¹ For convenience, the Director of the Administrative Office of the United States Courts, and the Administrative Office of the United States Courts are hereinafter referred to as the Director, and the Administrative Office, respectively.

BANKRUPTCY ADMINISTRATION

The report of the Bankruptcy Division of the Administrative Office dated February 12, 1951, and approved by the Director, as well as the report and recommendations of the Conference Committee on Bankruptcy Administration, relating to positions of referees to become vacant by expiration of term on June 30, 1951, and changes in salaries and arrangements of some other referee positions, were submitted to the Conference for consideration.

General.—The studies and resurveys covered in the report were made pursuant to the direction of the Conference at its last regular meeting held in September 1950. The original surveys conducted by the Administrative Office covered the 10-year and the 5-year periods ending June 30, 1946. These were extended through December 31, 1950, for the districts in which vacancies will occur on June 30, 1951, and other districts where the circumstances seemed to require it.

The surveys took into account both for the district and for each referee's office concerned, the number, size, and character of pending cases; the number, size, and character of new cases referred to the referees since July 1, 1947, with a breakdown showing the number of cases filed in each of the following types of cases: Voluntary Ordinary Bankruptcy cases; Involuntary Ordinary Bankruptcy cases; Chapter IX (Municipal Adjustment), Chapter X (Corporate Reorganization), Chapter XI (Arrangement), Chapter XII (Real Estate Arrangement) and Chapter XIII (Wage-Earner Plan) cases; the payments by each district and by each referee into the Referees' Salary and Expense Funds so far as available; the time necessarily spent by part-time referees on bankruptcy work, including the time necessarily spent in traveling and the number of large or unusual asset and arrangement cases. Particular study was given to the volume and character of litigated matters coming before the referees for determination. The great majority of the districts and the referees' offices included in the resurvey were visited by Mr. Edwin L. Covey, Chief of the Bankruptcy Division, or by other authorized representatives of the Administrative Office. They conferred with the district judges, the referees and others interested in bankruptcy matters in the particular areas involved.

The report of February 12, 1951, was submitted by the Director to the district judges and the judicial councils of the circuits con-

cerned, with a request that the district judges advise the judicial councils of their respective circuits of their views concerning the recommendations for their districts, and that the chief judges of the circuits in turn inform the Administrative Office of the views of the judicial councils of their circuits. The Director's report together with the views expressed by the district judges and the judicial councils were considered by the Committee on Bankruptcy Administration. The Conference had before it the Committee's report as well as the recommendations of district judges and the judicial councils which had been received at the time of the meeting of the Conference. The recommendations of the Director, the district judges, the judicial councils and the committee were considered in respect to each position along with any special factors affecting each case.

Vacancies occurring by expiration of term of June 30, 1951.—The Conference thereupon took the following action relating to the positions to become vacant by expiration of term on June 30, 1951. The word "Continued" unless otherwise stated in the table below, signifies an authorization for the filling of the vacancy for a term of 6 years beginning July 1, 1951, at the present salary. Where figures appear in the column headed "Conference Action" they signify a change in salary to the amount indicated.

District	Regular place of office	Type of position	Present salary	Conference action
Maine.....	Bangor.....	Part time...	\$2, 500	Continued.
Rhode Island.....	Providence.....	do.....	5, 000	Do.
Puerto Rico.....	San Juan.....	do.....	3, 000	Do. ¹
New York (Northern)...	Utica.....	Full time...	9, 000	\$10,000.
New York (Northern)...	Albany.....	do.....	7, 500	Continued.
New York (Eastern)...	Brooklyn.....	do.....	10, 000	Do.
New York (Southern)...	New York City.....	do.....	10, 000	Do.
New York (Southern)...	New York City.....	do.....	10, 000	Do.
Vermont.....	Burlington.....	Part time...	1, 800	Do.
Pennsylvania (Eastern)...	Philadelphia.....	Full time...	10, 000	Do.
Pennsylvania (Eastern)...	Reading.....	Part time...	4, 000	Do.
South Carolina (Eastern)...	Columbia.....	do.....	2, 000	Do.
South Carolina (Western)...	Spartanburg.....	do.....	800	Do.
Virginia (Western).....	Lynchburg.....	do.....	3, 000	\$4,000.
West Virginia (Southern)...	Charleston.....	do.....	5, 000	Continued.
Alabama (Northern)...	Birmingham.....	Full time...	10, 000	Do.
Florida (Southern).....	Jacksonville.....	Part time...	3, 000	Do.
Florida (Southern).....	Tampa.....	do.....	3, 000	Do.

¹ In view of the vacancy created by the resignation of the Referee in Bankruptcy, effective June 1, 1951, the conference authorized the appointment of a successor referee effective June 1, 1951, for a term of 6 years at the present salary of \$3,000 per annum, the regular place of office of the new appointee to be at San Juan, and the territory to embrace the entire district of Puerto Rico.

District	Regular place of office	Type of position	Present salary	Conference action
Georgia (Northern) ----	Atlanta ----	Part time--	\$5,000	Continued.
Texas (Northern) ----	Dallas ----	do ----	5,000	Do.
Texas (Western) ----	San Antonio ----	do ----	2,500	Do.
Texas (Western) ----	Waco ----	do ----	1,000	Do.
Texas (Western) ----	El Paso ----	do ----	1,800	Do.
Michigan (Eastern) ----	Detroit ----	Full time--	10,000	Do.
Michigan (Eastern) ----	Detroit ----	do ----	10,000	Do.
Michigan (Western) ----	Marquette ----	Part time--	1,000	Do.
Ohio (Southern) ----	Columbus ----	Full time--	9,000	Do.
Tennessee (Eastern) ----	Chattanooga ----	Part time--	5,000	Do.
Tennessee (Middle) ----	Cookeville ----	do ----	500	Do.
Illinois (Northern) ----	Chicago ----	Full time--	10,000	Do.
Illinois (Southern) ----	Peoria ----	Part time--	5,000	Do.
Illinois (Southern) ----	Edwardsville ----	do ----	2,000	Discontinued. ²
Indiana (Northern) ----	Gary ----	do ----	4,500	Continued.
Wisconsin (Western) ----	LaCrosse ----	do ----	2,000	Do.
Wisconsin (Western) ----	Superior ----	do ----	1,200	Do.
Arkansas (Western) ----	Fort Smith ----	do ----	2,000	Do.
Iowa (Northern) ----	Fort Dodge ----	do ----	2,500	Do.
North Dakota ----	Fargo ----	do ----	2,000	Do.
South Dakota ----	Sioux Falls ----	do ----	2,000	Do.
California (Southern) ----	Los Angeles ----	Full time--	10,000	Do.
Idaho ----	Boise ----	Part-time--	2,500	\$3,500.
Montana ----	Great Falls ----	do ----	1,800	Continued.
Oregon ----	LaGrande ----	do ----	1,500	Do.
Washington (Western) ----	Seattle ----	Full time--	9,000	Do.
Kansas ----	Topeka ----	do ----	9,000	Do.

² The Conference authorized the consolidation of the Edwardsville territory comprising the Counties of Jersey, Madison, and Bond with the territory of the Springfield referee. Edwardsville was continued as a place of holding court for the referee at Springfield.

CHANGES IN SALARIES OR ARRANGEMENTS

The following changes in Salaries or Arrangements for referees other than those whose terms expire on June 30, 1951, were authorized by the Conference, effective July 1, 1951:

District	Regular place of office	Type of position	Annual salary	
			Present	Increase to--
South Carolina (Eastern) --	Charleston ----	Part time--	\$900	\$1,500
Virginia (Eastern) ----	Norfolk ----	do ----	4,000	5,000
Louisiana (Western) ----	Shreveport ----	do ----	4,500	5,000
Illinois (Southern) ----	Springfield ----	do ----	3,000	5,000
Indiana (Northern) ----	Fort Wayne ----	do ----	2,000	2,500
California (Southern) ----	San Bernardino ----	do ----	1,500	2,000
Oregon ----	Corvallis ----	do ----	5,000	9,000
Washington (Eastern) ----	Spokane ----	do ----	4,000	5,000

¹ The position at Corvallis was changed from a part-time to a full-time position. The Conference also authorized the transfer of the Counties of Jefferson, Deschutes, Crook, and Wheeler from the territory of the Portland referee to that served by the referee at Corvallis.

Southern District of Florida.—The Conference authorized the transfer of Lake County from the territory served by the referee at Tampa to the territory served by the referee at Jacksonville.

District of Maryland—Salisbury.—The Conference ratified and affirmed its action by mail authorizing the filling of the vacancy in the office of the Referee in Bankruptcy at Salisbury, Md., which vacancy occurred since the last regular meeting of the Conference in September 1950.

Referees—Compensation—General.—The Committee on Bankruptcy Administration brought to the attention of the Conference a bill (H. R. 1651—82d Cong.) which if enacted would raise the maximum limit on the salaries of full-time referees from \$10,000 to \$13,000 per annum, and of part-time referees from \$5,000 to \$6,500 per annum. The bill would leave the determination of the actual salaries to be paid in the Judicial Conference as at present. Chief Judge Phillips, Chairman of the Committee on Bankruptcy Administration informed the Conference of a report of a special committee of the National Association of Referees in Bankruptcy recommending that all full-time referees receive a fixed salary of \$12,500 per annum, and that part-time referees receive salaries to be fixed by the Conference at rates not exceeding \$6,500 per annum.

After full discussion, the Conference ordered that the Director, pursuant to the policy standards of the Conference, circulate a copy of the bill (H. R. 1651) and the report of the Special Committee of the National Association of Referees in Bankruptcy upon the question of compensation of referees and provisions for their offices, among the circuit and district judges, and that the judges and the judicial conferences and judicial councils of the circuits be requested to express their views upon the bill and the report, as well as upon the general question of compensation for Referees in Bankruptcy; and that all views expressed be communicated to the Committee on Bankruptcy Administration of the Conference for its consideration, and that the Committee make further report to the Conference at its next regular meeting.

The Conference further directed that, in addition to the foregoing data, the Director also submit his estimate of the increase in the annual cost for salaries of Referees in Bankruptcy which, dependent upon the nature of the action to be taken in the future

by the Conference, might be entailed by the proposed legislation, and the relation to the salary fund for referees.

ADMINISTRATION OF THE UNITED STATES COURTS

General.—The Conference reviewed the state of the dockets and the work of each of the district courts and courts of appeals comprising the Federal judiciary. Conditions relating to the courts within each particular circuit were discussed by the Chief Judge of such circuit, and the Conference was informed of matters peculiar to each court. Statistical data relating to the current and prospective business of the courts were presented by the Director. Mr. Shafroth presented additional information with respect to cases being held under advisement. Information concerning each of these cases was presented by the Chief Judge of the particular circuit involved. The Conference expressed the hope that all cases which have been held for a period of 60 days or more may be disposed of before its next regular meeting. The attention of the Conference was also directed to factors which, because of their character, were impossible to weigh in these data, but which had a material and substantial effect upon the dispatch of the courts' business. The prospects as to the availability of judges for assignments outside their own districts during the coming year were considered.

ADDITIONAL JUDGESHIPS RECOMMENDED

District of Arizona.—The resolutions and recommendations of the Judicial Council of the Ninth Judicial Circuit with respect to the need for an additional judgeship, on a temporary basis, in the District of Arizona, were presented by Chief Judge Denman. After full consideration, it was the sense of the Conference that an additional judgeship for the District of Arizona should be created; this judgeship to be on a temporary basis, and that there should be incorporated in the legislation providing therefor, a proviso that upon the occurrence of a vacancy in the office of the district judge last appointed prior to the enactment of the proposed legislation, such vacancy should not be filled.

Circuit judgeships—Ninth Judicial Circuit.—Chief Judge Denman presented the resolutions and recommendations of the Judicial Council of the Ninth Judicial Circuit with respect to the needs

for the creation of two additional circuit judgeships for the Ninth Judicial Circuit. After discussion and consideration, the Conference concurred in the views of the Ninth Judicial Circuit, and recommended that necessary legislation to provide for these two additional circuit judgeships be promptly enacted.

COURTS

Courts of appeals—Library funds.—Chief Judge John Biggs, Jr., a member of the Conference Committee on Library Funds—Courts of Appeals—at the request of Chief Judge Harold L. Stephens, Chairman of the Committee, presented the report of the Committee.

After general discussion, the Conference approved the report, and adopted the following resolution:

Resolved, That it is the sense of the Conference that the amounts received by clerks, librarians, or other persons as Trustees for Library, or other Special Funds under rules or orders of the Courts of Appeals from attorneys on admission to a Court of Appeals are not monies received for the use of the United States, and are not coverable into the Treasury of the United States.

District Court—Guam.—Chief Judge Denman presented the recommendations and resolutions of the Judicial Council of the Ninth Judicial Circuit proposing that the last sentence of Public Law 900 of the Eighty-first Congress amending Section 333 of Title 28, United States Code be amended to read as follows:

The judges of the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, *the District Court of Guam*, and the District Court of the Virgin Islands shall also be summoned annually to the conferences of their respective circuits. [New language in italics.]

The Conference was in accord with the views expressed, and recommended that the proposed amendment be promptly enacted by the Congress.

Courts—District of Columbia—Establishment of a separate domestic relations court.—Chief Judge Stephens, and Chief Judge Bolitha J. Laws, United States District Court for the District of Columbia, made representations with respect to the following resolution adopted by the Judicial Conference of the District of Columbia circuit:

Resolved, That the Conference request Chief Judge Stephens to report to the Judicial Conference of the United States that the Judicial Conference of the District of Columbia Circuit favors the establishment of a separate domestic relations court in the District of Columbia.

The Conference agreed with the conclusions of the Judicial Conference of the District of Columbia circuit with respect to the necessity for the creation of a separate court for the handling of domestic relations matters, and recommended that legislation providing therefor be promptly enacted.

Courts—District courts—Venue and jurisdiction.—Chief Judge Parker, Chairman of the Committee appointed to study and consider the over-all problems of venue and jurisdiction of the District Courts of the United States, presented the report and recommendations of the Committee. The Conference directed that the report be received and, in conformity with its policy, circulated throughout the judiciary for the purpose of obtaining the views of the various judges upon the proposals recommended. The Conference further directed that the Committee after considering the views so expressed submit a further report at the next annual meeting of the Conference.

JUDGES

Judges—Retired—Status of.—Circuit Judge Albert B. Maris, Chairman of the Conference Committee on the Revision of the Criminal and Judicial Codes presented the report of the Committee. The Committee recommended that, for the purpose of eliminating existing ambiguities in the statutes, the following sections of Title 28, United States Code, should be amended to read as follows:

§ 45 (a) The circuit judge in active service who is senior in commission shall be the chief judge of the circuit.

§ 136 (a) In each district having more than one judge the district judge in active service who is senior in commission shall be the chief judge of the district court.

§ 371—*last paragraph.* Any circuit or district judge whose disability causes the appointment of an additional judge, shall, for purposes of precedence, service as chief judge or temporary performance of the duties of that office, be treated as junior in commission to the other judges of the circuit or district.

The Conference concurred in the recommendations of the Committee and urged that the amendments proposed be promptly enacted by the Congress. Circuit Judge Maris was authorized to advise the Congress of this action.

Judges—Subsistence allowances.—The Director reported, as a matter of information, that the House of Representatives had passed a bill which would increase the amount allowable for subsistence expense of justices and judges traveling while attending court or transacting official business at places other than their official stations to \$15 per day. The Conference expressed the hope that such a measure would be enacted at this session of the Congress.

THE COURT REPORTING SYSTEM

Court Reporters—Compensation—General.—The Chief Justice presented to the Conference letters which he had received from Mr. Gerrit I. Buist, Chairman, and Mr. Richard J. Martin, Secretary, Conference of United States Court Reporters, setting forth their personal, as well as the Reporters' Conference's views that an urgent necessity exists for providing for an increase in the basic salaries of the Court Reporters.

Chief Judge Parker informed that the general subject matter was under consideration by the Committee of the Conference on the Court Reporting System and that all pertinent and relevant matters were being reviewed and studied. Judge Parker stated that he, as well as the members of the Committee, were fully informed with respect to the personal views of Messrs. Buist, Martin, Rodebaugh, and other members of the Conference of Court Reporters, as well as the views of the Conference and that such views were being given consideration. It was indicated that the Committee hoped to be in position to submit its report and recommendations for the consideration of the Conference at the next regular meeting of the Conference.

Changes in arrangements—Southern District of Georgia.—The Conference ratified and affirmed its action by mail authorizing a new alternative position of reporter to act in that capacity alone at a salary of \$3,600 per annum, if the judge of the district should find that preferable to the position presently authorized for a reporter who acts also as secretary to the judge at a salary of \$5,000 per annum.

SUPPORTING PERSONNEL OF THE COURTS

United States Commissioners—Territory of Alaska—Maximum compensation.—Chief Judge John Biggs, Jr., Chairman of the Committee on Supporting Personnel of the Courts, presented the report of the Committee with respect to compensation of the United States Commissioners in the Territory of Alaska. Upon consideration of the Committee's report and the statement of Chief Judge Denman, the Conference concluded that the present statutory limitation on the amount that may be paid as compensation to these Commissioners, who are paid from fees when earned, should be increased from \$5,000 to \$7,500 per annum.

United States Commissioner—District of Columbia—Compensation.—Chief Judge Stephens, and District Judge Edward Curran presented a resolution of the Judicial Conference of the District of Columbia, reading as follows:

Resolved, That the Chief Judge of the Circuit be requested to report to the Judicial Conference of the United States that it is the sense of the Judicial Conference of the District of Columbia Circuit that the United States Commissioner for the District of Columbia should be placed on a permanent fixed salary and that he should be furnished with adequate secretarial service.

The Conference directed that the question be referred to the Committee on Supporting Personnel of the Courts for consideration and report to the Conference at the next regular meeting.

Supporting personnel of the courts—Salaries—General.—The Director called the attention of the Conference to the fact that several bills have been introduced in the present Congress, the objective of each being to increase the basic rates of compensation for employees in the Executive Branch of the Government. It was the Director's thought that, in the event legislation of this nature should be enacted, similar benefits should be extended to certain personnel of the Courts. The Conference, upon consideration and discussion, adopted the following resolution:

Resolved, That if legislation is enacted prior to the next meeting of the Judicial Conference providing for further increases in salary of personnel in the Executive Branch of the Government subject to the Classification Act of 1949, the

Conference authorizes the Director, with the approval of the Chief Justice, to seek provision in such legislation, if deemed necessary and advisable, to provide for corresponding increases to personnel of the courts whose compensation is fixed by the Director of the Administrative Office under the supervision and direction of the Judicial Conference, and to United States Commissioners with the exception of National Park Commissioners.

The Director is further directed, in the event legislation of the nature indicated is enacted in reference to personnel under the Classification Act of 1949, and personnel in the Judicial Branch are not expressly referred to but it is concluded to be within the power of the Director to provide for corresponding increases in the compensation of personnel of the courts whose compensation is fixed by him under the supervision and direction of the Judicial Conference, to authorize such increases to such personnel, effective upon the same date as that which is provided in the statute covering other employees.

Supporting personnel of the courts—Retirement.—The Director brought to the attention of the Conference a bill to make a comprehensive revision of the Civil Service Retirement Act (S. 995). The bill provides that it shall not apply to any judge of the United States as defined by Section 451, Title 28, of the United States Code and in that respect conforms with the sense of the Judicial Conference expressed in a resolution adopted at its special meeting on March 9, 1950. Section 4 of the bill would appear to extend to the personnel of the courts who come under the Civil Service Retirement System the provision for mandatory retirement of any employee upon reaching the age of 70 years after 15 years of service or upon the completion of 15 years of service if he is beyond the age of 70, which now applies to certain other personnel of the Government. Section 4 (d) empowers the President by executive order to exempt from automatic separation under Section 4, any person "when in his judgment the public interest so requires." It was the sense of the Conference that if the provision for mandatory retirement should be extended to the personnel of the courts, the power to exempt a court employee from such a provision on the ground of the public interest should be vested in the Chief Justice.

Law clerks and secretaries—Civil-service status.—The Director informed the Conference that the Senate had passed a bill which will permit the secretary, secretary-law clerk, or law clerk of any Federal justice or judge who has served for 4 years and who has been separated from the service involuntarily and without prejudice, to acquire for transfer purposes a classified civil-service status upon passing a noncompetitive civil-service examination. The Director further advised that the provisions of the bill as it passed the Senate conformed with the recommendations of the Conference. The Conference reaffirmed its previous approval of the proposal, and expressed the hope that such a measure would be enacted by the Congress at this session.

MISCELLANEOUS

Appellate review of orders of certain administrative agencies—(Federal Communications Commission).—The Judicial Conference of the United States having considered the provisions of Section 15 of S. 658 and H. R. 1730 of the Eighty-second Congress which deals with the judicial review of orders of the Federal Communications Commission, and the effect of such Section 15 upon Public Law 901 of the Eighty-first Congress, approved December 29, 1950; and it appearing that enactment of Section 15 in either of such bills would repeal the provisions of Public Law 901 insofar as review of Section 402 (a) orders of the Commission are concerned and again vest in a three-judge statutory court jurisdiction to review such orders; and it being the view of the Conference that Public Law 901 provides a greatly improved procedure for the review of such orders, the Conference urges that Section 15 be amended so that it will not modify or amend Public Law 901 with respect to the review of 402 (a) orders.

And it further appearing to the Conference that the effect of such Section 15 would be further to amend Section 402 of the Communications Act of 1934 so as to provide for an appeal as of right to the Supreme Court from judgments of the Court of Appeals of the District of Columbia on review of Section 402 (b) orders of the Communications Commission which involve the revocation of existing licenses, or the failure to renew existing licenses, and that such amendment would carve out a small segment of Section 402 (b) orders, all of which under existing law

are reviewable in the Supreme Court by petition for certiorari; and it being the view of the Conference that review procedure legislation should be kept within the pattern established by the Act of February 13, 1925, 28 U. S. C. § 1254, and since generally adhered to, namely, that where appeal as of right lies to a United States court of appeals, review in the Supreme Court shall be by petition for certiorari; the Conference therefore urges that Section 15 be further amended so as to leave all of Section 402 (b) orders reviewable in the Supreme Court only by petition for certiorari.

And it further appearing to the Conference that the Committee on Review of Certain Orders of Administrative Agencies has proposed certain amendments which would carry out the views of the Conference hereinbefore expressed, now therefore the Director of the Administrative Office is instructed to present such amendments to the appropriate committees of the Congress, fully state the reasons therefor, and urge their adoption.

Felony—Statutory definition of.—Chief Judge Parker, Chairman of the Conference Committee on Punishment for Crime, reported that the Committee had concluded its consideration of the proposals submitted by the Ninth Circuit Judicial Conference concerning certain amendments to paragraph (1) of Section 1, Title 18, United States Code, but had not had opportunity to prepare its report for submission. Judge Parker stated that in view of the fact that the matter was one that would necessarily, under the policy standards of the Conference, have to be circulated throughout the judiciary in order to ascertain the views of the various judges concerning the recommendations of the Committee, time would be saved if the Committee were authorized to circulate its report immediately upon its being readied for submission, and the Committee to submit a further report, giving consideration to the views expressed by the judiciary, at the next meeting of the Conference.

The Conference authorized the circulation of the Committee's report in accord with Judge Parker's request, and directed that the Committee submit its final report at the next regular meeting of the Conference.

Federal Youth Corrections Act—Public Law 865, Eighty-first Congress—Provisions of to be made applicable to the District of Columbia.—Chief Judge Stephens, and Chief Judge Laws of the

United States District Court for the District of Columbia, made representations with respect to the desirability of making applicable to the District of Columbia the provisions of the Federal Youth Corrections Act. The resolution of the Judicial Conference of the District of Columbia Circuit was submitted for the consideration of the Conference. The resolution reads as follows:

Resolved, That the Judicial Conference of the District of Columbia Circuit approves the proposal to make the Federal Youth Corrections Act applicable to the District of Columbia, provided that it does not affect the jurisdiction of the Juvenile Court of the District of Columbia.

The Conference approved of the proposal and directed that efforts promptly be made to secure the legislative authority necessary to obtain the coverage desired.

MISCELLANEOUS ADMINISTRATIVE MATTERS

Miscellaneous expenses—Appropriations fiscal year 1951.—The Director called the attention of the Conference to the situation existing with respect to monies available for expenditure for “miscellaneous expenses” under the appropriation for the fiscal year 1951. He pointed out that because of the newly created judge-ships, the ever increasing costs of materials and equipment, and the fact that the Congress had appropriated an amount substantially less than that which was requested in the Budget Estimates, the efficiency of the courts would be seriously impaired unless additional monies should be made promptly available for the purchase of necessary office supplies and equipment.

After a general discussion, the Conference adopted the following resolution:

Resolved, That it is the sense of the Conference that at the next opportunity for the submission of a supplemental estimate for the fiscal year 1951, the Director, subject to the approval of the Chief Justice, should submit an estimate for a supplemental appropriation for miscellaneous expenses of the courts for the current fiscal year, in an amount sufficient to defray the cost of needed services, supplies and equipment including typewriters, office machines and law books which on account of the inadequate funds in the present appropriation he is unable to furnish.

Office supplies and equipment—Purchases of—Without prior authorization of the Director.—The Conference was advised of certain instances in which purchases of impersonal facilities of the courts had been authorized by judges without prior authorization and approval therefor being secured from the Director. Under Title 28, § 604 (a) it is provided that “The Director * * * under the supervision and direction of the Judicial Conference of the United States, shall: * * * (9) Purchase, exchange, transfer, distribute, and assign the custody of law books, equipment, and supplies needed for the maintenance and operation of the courts * * *.” Thereupon, the Conference adopted the following resolution:

Resolved, That it is the sense of the Conference that no commitments for the purchase or installation of impersonal facilities of the courts the cost of which is payable out of the appropriations for Miscellaneous Expenses of the courts or the expenses of referees should be made without communication in advance with the Administrative Office of the United States Courts and its approval.

There being no further business to come before the Conference, the Conference declared a recess subject to the call of the Chief Justice.

For the Judicial Conference of the United States:

FRED M. VINSON,
Chief Justice.

Dated: Washington, D. C., April 5, 1951.