REPORT
OF THE JUDICIAL CONFERENCE
OF THE UNITED STATES

HELD AT

WASHINGTON, D. C.

SEPTEMBER 22–24

1952

✦

ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS 1952

APPENDIX:

REPORT OF JUDICIAL CONFERENCE

SPECIAL SESSION

MARCH 20–21, 1952

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1953

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

REPORT OF THE JUDICIAL CONFERENCE, SEPTEMBER SESSION, 1952

ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS—1952

REPORT OF THE PROCEEDINGS OF THE ANNUAL MEETING OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

The Judicial Conference of the United States convened, pursuant to Title 28, United States Code, Section 331 on September 22, 1952, and continued in session 3 days. The Chief Justice presided and the following judges were present in response to his call:

Circuit:	
District of Columbia	Chief Judge Harold M. Stephens.
First	Chief Judge Calvert Magruder.
Second	Chief Judge Thomas W. Swan.
Third	Chief Judge John Biggs, Jr.
Fourth	Chief Judge John J. Parker.
Fifth	Chief Judge Joseph C. Hutcheson.
Sixth	Chief Judge Charles C. Simons.
Seventh	Chief Judge J. Earl Major.
Eighth	Chief Judge Archibald K. Gardner.
Ninth	Chief Judge Willian Denman.
Tenth	Chief Judge Orie L. Phillips.

The Attorney General, Hon. James P. McGranery, with members of his staff, was present at the opening session of the Conference.

Hon. Emanuel Celler, chairman of the Committee on the Judiciary of the House of Representatives, attended the opening session of the Conference.

Circuit Judges Charles E. Clark, J. Ryan Duffy, Albert B. Maris, and E. Barrett Prettyman, and District Judges Bolitha J. Laws and Harry E. Watkins attended some or all of the sessions.

Henry P. Chandler, director; Elmore Whitehurst, assistant director; Will Shafroth, chief, Division of Procedural Studies and Statistics; Edwin L. Covey, chief, Bankruptcy Division; Richard A. Chappell, chief, Probation Division; and Leland L. Tolman, chief, Division of Business Administration; and members of their respective staffs, all of the Administrative Office of the United States Courts, attended the sessions of the Conference.

Paul L. Kelley, executive secretary to the Chief Justice, served as secretary of the session.

Commissioner of the Public Buildings Service, W. E. Reynolds, accompanied by the Director of the Design and Construction Di-

vision of the Public Buildings Service, Gilbert Stanley Underwood, attended the morning session on September 24.

Mr. Joseph W. Stewart, clerk of the United States Court of Appeals for the District of Columbia Circuit, also attended the morning session on September 24.

Report of the Attorney General

The Attorney General of the United States, Hon. James P. McGranery, presented his report to the Conference. The full report appears in the appendix.

Statement of Congressman Celler

Representative Celler discussed informally with members of the Conference various matters of legislation pertaining to the courts.

Report of the Director of the Administrative Office of the United States Courts

Pursuant to the statute (28 U. S. C. 604 (a) (3)) the Director had previously submitted his thirteenth annual report on the activities of his office for the fiscal year ended June 30, 1952, including a report of the Chief of the Division of Procedural Studies and Statistics on the state of the business of the courts. The Conference approved the immediate release of the report for publication and authorized the Director to revise and supplement it in the final printed edition to be issued later.

Business of the Courts

State of the dockets of the Federal courts—Courts of appeals.—Cases commenced in the United States courts of appeals in the fiscal year 1952 were 3,079, a slight increase as compared with 2,982 filed in the fiscal year 1951. Terminations were practically equal to cases begun. At the end of the year there were 1,662 pending cases in which judgment had not yet been rendered. The Fifth Circuit with 452 cases filed had the largest number of new appeals but the Ninth Circuit with 444, and the District of Columbia Circuit with 434, were close behind. The median time from filing of the complete record to final disposition of cases terminated after hearing or submission was 7.3 months for all circuits compared with 6.7 months in 1951. In general the courts of appeals are in good condition but the increase in business in the Fifth and

Ninth Circuits has resulted in lengthening the median time for disposition in those circuits which is now 9.6 months for the Fifth Circuit and 10.2 months for the Ninth Circuit. The Conference has again recommended the creation of additional judgeships in these circuits.

Petitions to the Supreme Court for review on certiorari to the United States courts of appeals were 592 as compared with 600 last year. The number of petitions granted, 90, was 14 more than last year and the percentage granted was 15 percent in comparison with 13 percent in the fiscal year 1951.

District courts.—A 13 percent increase in the civil business of the district courts in the fiscal year 1952 as compared with 1951 has put a decided strain on the trial court machinery. Although over a thousand more civil cases were terminated than in 1951, yet the terminations in 1952 were 5,000 cases less than the number filed, with the result that the number of civil actions pending at the end of the year exceeded 60,000, which was twice as many as were pending at the end of 1941, the last year before World War II. The congestion is greatest in metropolitan districts but the need for additional judgepower is also evident in a number of other places where increases in population and industrial developments have resulted in a substantial increase in judicial business.

The rise in the number of civil cases this year was about equally divided between United States civil and private civil cases, and since the private civil cases on the average take much more judicial time, they have been included separately in the following table giving the figures for the past 12 years:

Fiscal year	Total civil cases			Private civil cases		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1941	38, 477	38, 561	29, 394	21, 931	23, 364	18, 807
1942	38, 140	38, 352	29, 182	21, 067	22, 488	17, 386
1943	36, 789	36, 044	29, 927	17, 717	20, 124	14, 979
1944	38, 499	37, 086	31, 340	17, 604	17, 446	15, 137
1945	60, 965	52, 300	40, 005	17, 855	16. 753	16, 239
1946	67, 835	61, 000	46, 840	22, 141	18, 438	19, 942
1947	58, 956	54, 515	51, 281	29, 122	23, 091	25, 973
1948	46, 725	48, 791	49, 215	30, 344	26, 418	29, 899
1949	53, 421	48, 396	54, 240	31, 386	28, 159	33, 126
1950	54, 622	53, 259	55, 603	32, 193	30, 494	34, 825
1951	51, 600	52, 119	55, 084	32, 176	31, 419	35, 582
1952	58, 428	53, 150	60, 362	35, 548	32, 610	38, 520

Since 1941, the number of civil cases commenced annually has increased by 52 percent, while the number of district judgeships has risen from 197 to 224, a rise of 14 percent. The number of private cases begun annually has increased by 62 percent. The numbers of all civil cases filed in the years 1945 to 1947 are much larger than in previous years because of the large volume of price and rationing cases brought by the government during that period.

The median time from filing to disposition of civil cases terminated after trial in the district courts having only federal jurisdiction went down slightly from 12.2 months in 1951 to 12.1 months in 1952, while the median time from issue to trial decreased from 7.3 months to an even 7 months. However, the increase in some metropolitan areas, including that of the Southern District of New York where half the civil cases terminated after trial in 1952 required over 41 months from filing to disposition, indicates that the delays in the trial courts of certain of our large cities amount in some cases to a denial of justice. The Conference recommendations for additional judgeships are essential to remedy these conditions.

The number of criminal cases filed in 1952 was 37,950, a decrease of about 700 from the previous year. The number of cases terminated was a little over 1,000 less than the number filed and the pending caseload rose to 8,754, of which over 1,700 involved fugitive defendants and could therefore not be tried. The decrease in the number of cases begun resulted from an even larger decrease in immigration cases which constituted more than one-third of all criminal cases filed. Without these cases, arising almost entirely in the five districts on the Mexican border, there was some increase in criminal cases over the previous year. In general the criminal dockets are in excellent condition as a result of the rules giving these cases priority.

Bankruptcy cases which increased steadily in number from 1946 to 1951, showed a small decline in 1952. The number of cases filed was 34,873. Nearly 40,000 cases were terminated with the result that the number of pending cases was reduced by almost 5,000.

Cases and motions under advisement.—Further progress has been made during the past year in reducing the number of cases and motions under advisement more than 60 days. As of June 30, 1952, the number of such cases reported by the district judges was 88 compared with 121 reported the year previous. The num-

ber of motions was 30 as compared with 41 at the end of the fiscal year 1951. The number of cases and motions held more than 6 months, which are included in the figure already given, was 21 at the end of the fiscal year 1952 as compared with 27 at the end of the previous year. Eleven of the cases and motions reported as held over 6 months as of June 30, 1952, had been disposed of before the meeting of the Conference. The Judicial Conference expressed the hope that the judicial councils of the respective circuits will continue, in accordance with the direction of the Conference last year, to give special attention to the reports of the Administrative Office concerning cases and motions held over 6 months, with a view to expediting their disposition.

Additional Judgeships Needed

Recommendations for additional judgeships.—The Conference reviewed the condition of the dockets of the district courts and the courts of appeals. Conditions within each circuit were discussed by the chief judge of that circuit and statistical data with reference to the business of the courts were submitted by the Director.

It was the sense of the Conference that the following action with respect to judgeships should be taken:

Previous Recommendations Reaffirmed

Courts of Appeals:

Fifth Judicial Circuit.—The creation of one additional judgeship.

Ninth Judicial Circuit.—The creation of two additional judgeships.

District Courts:

Second Judicial Circuit—Southern District of New York.—The creation of five additional judgeships, with a proviso that the first two vacancies occurring in this district shall not be filled.

Third Judicial Circuit—District of Delaware.—The creation of one additional judgeship.

Eastern District of Pennsylvania.[1]—The creation of one additional judgeship.

[1] A second additional judgeship for this district was recommended. It appears below under the heading "Additional Judgeships Recommended."

Eastern, Middle, and Western Districts of Pennsylvania.—The act of July 24, 1946 (60 Stat. 654), creating a temporary judgeship for these districts to be amended so as to provide that the present incumbent shall succeed to the first vacancy occurring in the position of district judge for the Middle District of Pennsylvania.

Fifth Judicial Circuit—Southern District of Florida.—The creation of one additional judgeship.

Eastern District of Texas.—The creation of one additional judgeship.

Southern District of Texas.—The present temporary judgeship in this district to be made permanent.

Sixth Judicial Circuit—Northern District of Ohio.—The creation of one additional judgeship.

Middle District of Tennessee.—The creation of one additional judgeship, with a proviso that the first vacancy occurring in this district shall not be filled.

Seventh Judicial Circuit—Eastern District of Wisconsin.—The creation of one additional judgeship.

Eighth Judicial Circuit—Eastern and Western Districts of Missouri.—The existing temporary judgeship for these districts to be made permanent.

Ninth Judicial Circuit—District of Alaska—Third Division.—The creation of one additional judgeship.

Tenth Judicial Circuit—District of Colorado.—The creation of one additional judgeship.

ADDITIONAL JUDGESHIPS RECOMMENDED

Third Judicial Circuit—District of New Jersey.—The creation of one additional judgeship.

Eastern District of Pennsylvania.—The creation of another judgeship for this district in addition to the one previously recommended.

Western District of Pennsylvania.—The creation of one additional judgeship.

Fourth Judicial Circuit—Eastern and Western Districts of Virginia.—The creation of one additional judgeship for both districts, with a proviso that the judge to be appointed shall reside in Norfolk and that the first vacancy occurring in the Western District of Virginia shall not be filled.

Northern and Southern Districts of West Virginia.—The existing temporary judgeship for both districts to be made permanent.

Seventh Judicial Circuit—Northern District of Indiana.—The creation of one additional judgeship.[2]

Southern District of Indiana.—The creation of one additional judgeship.[2]

Tenth Judicial Circuit—District of New Mexico.—The creation of one additional judgeship with a proviso that the first vacancy occurring in this district shall not be filled.

Supporting Personnel of the Courts

Chief Judge John Biggs, Jr., chairman of the Committee on Supporting Personnel of the Courts, informed the Conference that in accordance with the previous instructions of the Conference (Jud. Conf. Rept., March 1952, p. 21) the Administrative Office was engaged in a study of the work of the clerks' offices of the United States courts and the classifications of positions in those offices, but that its study had not been completed and that it was not in a position to make its report. Judge Biggs also stated that in accordance with a direction of the Conference (p. 19 id.), his committee was considering the sufficiency of the numbers of personnel and the adequacy and fairness of existing classifications of officers and employees in the Federal probation offices but that it was not ready to make a report at this time. Consequently the report of the Committee on Supporting Personnel in reference to the matters of personnel of both the clerks of courts and the probation offices was deferred. The Conference was gratified to note that a measure which it had recommended a number of times beginning in 1948 (pp. 21–22 of the September 1948 report of the Conference), to give secretaries and law clerks of justices and judges separated from their employment without prejudice after 4 years or more of service, a civil-service status upon passing a noncompetitive examination similar to that given to employees of the Congress, had been enacted as Public Law 407 of the Eighty-second Congress approved June 24, 1952.

The Conference renewed its previous recommendation that legislative authority be provided for the Director of the Administra-

[2] This action supersedes the previous recommendation of the Conference first made in September 1949 (Report, p. 6), and reaffirmed in September 1950 (Report, p. 5), and in September 1951 (Report, p. 6), for a single additional judge to serve in both the Northern and Southern Districts of Indiana.

tive Office to pay the necessary office and clerical expenses of United States commissioners who devote their full time to the duties of their office and do not engage in the private practice of law (pp. 22–23 of the March 1952 Report of the Judicial Conference).

Bankruptcy Administration

Chief Judge Orie L. Phillips, chairman of the Committee on Bankruptcy Administration, reported that the committee had met and considered the recommendations contained in the report of the Bankruptcy Division of the Administrative Office concerning certain changes in the salaries of referees, and other arrangements. The report was made in the light of the amendment of section 40a of the Bankruptcy Act (11 U. S. C., 68a) by Public Law 457 of the Eighty-second Congress approved July 7, 1952, which increased the maximum annual salaries that may be fixed by the Conference to $12,500 for full-time referees and to $6,000 for part-time referees. The report was based upon a resurvey covering each referee position in the system.

The resurvey extended previous surveys through June 30, 1952, and took into account both for the district and for each referee's office, the number, size and character of pending cases; the number, size and character of new cases referred to the referees since July 1, 1947, and the payments by each district and by each referee into the referees' salary and expense funds so far as available.

The report of the Administrative Office was circulated among the members of the Judicial Conference, the judicial councils, and the district judges in accordance with the statute. Chief Judge Phillips reported that the Committee on Bankruptcy Administration had considered the report of the Administrative Office, and all recommendations received from the judicial councils, and the district judges in regard to it. The committee agreed upon recommendations which were contained in a written report submitted to the Conference. Except in a few instances the report of the committee approved the report of the Administrative Office. The Conference, after discussion, approved the report of the committee, and in accordance with the report fixed the salaries of the referees at the amounts shown in the following table. It directed that the increases in salary shown in the table (except where otherwise noted) should take effect October 1, 1952, subject to the obtaining of the necessary funds in the appropriation.

SALARIES OF REFEREES IN BANKRUPTCY

District	Regular place of office	Type of position	Annual salary	
			Present	As fixed
Maine	Portland	Part time	$5,000	$6,000
	Bangor	do	2,500	3,000
Massachusetts	Boston	Full time	10,000	12,500
	do	do	10,000	12,500
	do	Part time	5,000	6,000
New Hampshire	Manchester	do	2,500	3,000
Rhode Island	Providence	do	5,000	6,000
Puerto Rico	San Juan	do	3,000	3,500
Connecticut	Hartford	Full time	10,000	12,500
	Bridgeport	Part time	5,000	6,000
New York (N)	Utica	Full time	10,000	[1] 11,250
	Albany	do	7,500	9,000
New York (E)	Brooklyn	do	10,000	12,500
	do	do	10,000	12,500
	Jamaica	do	10,000	12,500
New York (S)	New York City	do	10,000	12,500
	do	do	10,000	12,500
	do	do	10,000	12,500
	do	do	10,000	12,500
	Yonkers	Part time	3,500	4,000
	Poughkeepsie	do	1,500	2,500
New York (W)	Buffalo	Full time	10,000	11,250
	Rochester	do	7,500	9,000
Vermont	Rutland	Part time	1,800	1,800
	Burlington	do	1,800	1,800
Delaware	Wilmington	do	4,000	4,000
New Jersey	Newark	Full time	10,000	12,500
	Trenton	do	10,000	12,500
	Camden	Part time	4,000	5,500
Pennsylvania (E)	Philadelphia	Full time	10,000	12,500
	do	do	10,000	12,500
	Reading	Part time	4,000	5,000
Pennsylvania (M)	Wilkes-Barre	do	5,000	5,000
	Harrisburg	do	3,000	3,500
Pennsylvania (W)	Pittsburgh	Full time	10,000	10,000
	Erie	Part time	2,500	3,500
	Ebensburg	do	3,500	3,500
Maryland	Baltimore	do	5,000	5,000
	Salisbury	do	2,000	2,000
North Carolina (E)	Raleigh	do	3,000	3,000
North Carolina (M)	Greensboro	do	3,000	3,500
North Carolina (W)	Charlotte	do	2,500	3,000
South Carolina (E)	Charleston	do	1,500	1,500
	Columbia	do	2,000	2,000
South Carolina (W)	Spartanburg	do	800	1,500
Virginia (E)	Richmond	do	5,000	6,000
	Norfolk	do	5,000	5,000
Virginia (W)	Roanoke	do	4,500	5,000
	Lynchburg	do	4,000	4,500
	Staunton	do	1,500	1,800
West Virginia (N)	Grafton	do	3,000	3,500
	Wheeling	do	2,500	3,000
West Virginia (S)	Charleston	do	5,000	6,000
Alabama (N)	Birmingham	Full time	10,000	12,500
	do	do	10,000	12,500
	do	do	10,000	12,500
	Anniston	Part time	5,000	6,000
	Decatur	do	2,000	2,500
Alabama (M)	Montgomery	do	5,000	6,000
Alabama (S)	Mobile	do	3,500	4,000
Florida (N)	Tallahassee	do	1,800	1,800
Florida (S)	Miami	do	5,000	6,000
	Jacksonville	do	3,000	3,000
	Tampa	do	3,000	3,500
Georgia (N)	Atlanta	do	5,000	6,000
	Rome	do	3,500	4,500
	Gainesville	do	600	600
Georgia (M)	Macon	Full time	6,500	8,000
Georgia (S)	Savannah	Part time	2,500	2,500
	Waycross	do	1,000	1,000
Louisiana (E)	New Orleans	do	5,000	6,000
Louisiana (W)	Shreveport	do	5,000	6,000
Mississippi (N)	Oxford	do	1,000	1,200
Mississippi (S)	Jackson	do	3,000	3,500
Texas (E)	Tyler	do	5,000	6,000
Texas (N)	Fort Worth	Full time	7,500	8,000
	Dallas	Part time	5,000	6,000
	Lubbock	do	2,000	3,000

[1] Effective July 1, 1953.

SALARIES OF REFEREES IN BANKRUPTCY—Continued

District	Regular place of office	Type of position	Annual salary	
			Present	As fixed
Texas (S)	Houston	Part time	$5,000	$6,000
	Corpus Christi	do	2,000	3,000
Texas (W)	San Antonio	do	3,500	4,000
	El Paso	do	1,800	2,000
	Waco	do	1,000	1,000
Kentucky (E)	Lexington	do	4,500	5,500
Kentucky (W)	Louisville	Full time	7,500	9,000
	Paducah	Part time	1,800	2,000
Michigan (E)	Detroit	Full time	10,000	12,500
	do	do	10,000	12,500
Michigan (W)	Grand Rapids	do	9,000	11,250
	Marquette	Part time	1,000	1,200
Ohio (N)	Cleveland	Full time	10,000	12,500
	do	do	10,000	12,500
	Toledo	do	10,000	12,500
	Youngstown	Part time	5,000	6,000
Ohio (S)	Columbus	Full time	9,000	11,250
	Cincinnati	Part time	5,000	6,000
	Dayton	do	5,000	6,000
Tennessee (E)	Knoxville	Full time	7,500	9,000
	Chattanooga	Part time	5,000	6,000
Tennessee (M)	Nashville	Full time	7,500	9,000
	Cookeville	Part time	500	500
Tennessee (W)	Memphis	Full time	9,000	11,250
Illinois (N)	Chicago	do	10,000	12,500
	do	do	10,000	12,500
	do	do	10,000	12,500
	do	do	10,000	12,500
	Joliet	Part time	3,000	3,500
	Dixon	do	3,000	4,000
Illinois (E)	Danville	do	5,000	6,000
Illinois (S)	Peoria	do	5,000	6,000
	Springfield	do	5,000	6,000
Indiana (N)	Gary	do	4,500	5,000
	Fort Wayne	do	2,500	3,000
Indiana (S)	Indianapolis	Full time	9,000	9,000
Wisconsin (E)	Milwaukee	Part time	5,000	6,000
	Manitowoc	do	3,500	4,000
Wisconsin (W)	Madison	do	3,500	4,000
	LaCrosse	do	2,000	2,500
	Superior	do	1,200	1,500
Arkansas (E)	Little Rock	do	3,000	4,000
Arkansas (W)	Fort Smith	do	2,000	2,500
Iowa (N)	Fort Dodge	do	2,500	3,000
Iowa (S)	Des Moines	do	4,000	4,500
Minnesota	Minneapolis	Full time	9,000	11,250
	St. Paul	do	7,000	9,000
	Winona	Part time	1,500	1,800
Missouri (E)	St. Louis	Full time	9,000	11,250
Missouri (W)	Kansas City	do	9,000	11,250
Nebraska	Omaha	Part time	5,000	6,000
North Dakota	Fargo	do	2,000	2,500
South Dakota	Sioux Falls	do	2,000	2,500
Arizona	Phoenix	do	5,000	5,500
California (N)	San Francisco	Full time	10,000	12,500
	Oakland	do	10,000	12,500
	Sacramento	Part time	5,000	6,000
California (S)	Los Angeles	Full time	10,000	12,500
	do	do	10,000	12,500
	do	do	10,000	12,500
	do	do	10,000	12,500
	San Diego	Part time	5,000	6,000
	Fresno	do	5,000	6,000
	San Bernardino	do	2,000	2,500
Idaho	Boise	do	3,500	3,500
Montana	Great Falls	do	1,800	2,000
	Butte	do	1,800	2,000
Nevada	Reno	do	3,500	4,000
Oregon	Portland	Full time	10,000	12,500
	Corvallis	do	9,000	10,000
	LaGrande	Part time	1,500	1,800
Washington (E)	Spokane	do	5,000	6,000
Washington (W)	Seattle	Full time	9,000	11,250
	Tacoma	Part time	5,000	6,000
Alaska	Anchorage	do	2,400	3,000
Hawaii	Honolulu	do	3,500	4,000
Colorado	Denver	Full time	9,000	11,250
Kansas	Topeka	do	9,000	11,250
New Mexico	Albuquerque	Part time	2,500	3,000

SALARIES of REFEREES IN BANKRUPTCY—Continued

District	Regular place of office	Type of position	Annual salary	
			Present	As fixed
Oklahoma (N)	Tulsa	Part time	$4,000	$4,500
Oklahoma (E)	Okmulgee	do	1,200	1,500
Oklahoma (W)	Oklahoma City	do	4,000	4,500
Utah	Salt Lake City	do	3,500	4,500
Wyoming	Cheyenne	do	3,000	3,000
District of Columbia	Washington	do	5,000	5,500

CHANGES IN ARRANGEMENTS

The following changes in arrangements for referees were recommended by the committee and approved by the Conference:

EIGHTH CIRCUIT

District of Minnesota.—That St. Cloud be added as a place of holding court for the referee at St. Paul.

NINTH CIRCUIT

District of Montana.—That Lincoln and Flathead Counties be transferred from the territory served by the referee at Butte to the territory served by the referee at Great Falls.

District of Nevada.—That Ely and Elko be added as places of holding court for the referee at Reno.

LEGISLATIVE MATTERS

Amendment to section 66b of the Bankruptcy Act.—The chairman of the committee brought to the attention of the Conference a recommendation adopted by the Judicial Conference of the Seventh Circuit that section 66b of the Bankruptcy Act (unclaimed moneys) be amended by adding a second proviso at the end of the section. As amended the section would read as follows [italics indicate the amendment]:

b. Dividends remaining unclaimed for one year shall, under the direction of the court, be distributed to the creditors whose claims have been allowed but not paid in full, and after such claims have been paid in full the balance shall be paid to the bankrupt: Provided, That, in case unclaimed dividends belong to minors, such minors may have one year after arriving at majority to claim such dividends: *Provided further, That if the Court shall find that by reason of the smallness of the amounts involved or by reason of the large number of creditors involved, or for other good and sufficient reason, that it is impracticable to distribute the sum so paid into Court to the creditors, then the Court*

may, in its discretion, order the same paid to the Treasurer of the United States, there to remain subject to withdrawal by the rightful owners, only in conformity with the provisions of Section 2042 of Title 28, U. S. C. A.

It was the consensus of the committee, that in view of the existing provision of the section in relation to minors, a somewhat different amendment would be advisable. The committee suggested that Circuit Judge F. Ryan Duffy, District Judge Charles G. Briggle and Mr. Edwin L. Covey, serve as a committee to make a study of the matter and draft an amendment. The Conference concurred in this suggestion.

Amendment to section 35 of the Bankruptcy Act.—The chairman reported that the referee for the District of Columbia had requested that section 35 of the Bankruptcy Act which now provides that a referee shall reside and have his office within the judicial district for which he is appointed, be amended so that the referee serving the District of Columbia may reside outside the District. A similar provison is now in effect with regard to district judges and other officers serving the District of Columbia. The committee favored the proposed amendment and the Conference recommended it.

REPORT OF THE SECURITIES AND EXCHANGE COMMISSION

Under date of April 10, 1952, the Securities and Exchange Commission sent to the chief judges of the circuits and to the chief judge of each district court a report relating to the use of lists of security holders in corporate reorganization cases. The report suggested that consideration be given to the adoption of court rules on the subject.

Judge Phillips stated to the Conference that the Bankruptcy Committee had considered the Commission's report and recommended that the Conference suggest to the chief judges of each circuit that a committee of district judges be appointed to study the problem and report to the judicial conference of the circuit concerned. The matter was left in the hands of the chief judge of each circuit.

VACANCIES TO OCCUR IN OFFICES OF REFEREES IN JUNE 1953

The chairman of the committee informed the Conference that vacancies will occur in approximately 42 referee positions on June 30, 1953, by expiration of the original 6-year terms, and suggested

that appropriate action be taken by the Conference with regard to the filling of such vacancies at a special meeting of the Conference to be held in the spring of 1953.

The Court Reporting System

The Director presented a report pursuant to the direction of the Conference at its meeting in March 1952 (p. 27 of the March 1952 report) concerning requests for increases in salaries of court reporters which had been submitted to him. The report consisted of a review of the earnings of the court reporters in general in the fiscal year 1952 compared with prior years, and a specific report and recommendation concerning each request for an increase in salary which had been received.

The report showed that during the period since July 1, 1945, that the court reporting system has been in operation, there has been generally from year to year an increase in the net earnings of the reporters, and that the upward trend although not large in any one year has been rather steady. A comparison of the earnings in 1952 with those for the fiscal year ended June 30, 1947, shows a substantial advance.

The Director reported on a request for a general increase in the salaries of the reporters, and on eight requests for increases in the salaries of specific reporters. The Director recommended against any general increase in the salaries of court reporters at this time. The report pointed out that the Conference concluded at its annual meeting in September 1951 that the increases in salaries which it granted then in conjunction with the net earnings of the reporters from official transcript, would give them reasonable compensation. The increase in the cost of living from July of 1951 to July of 1952, the latest date available, according to the price index of the Bureau of Labor Statistics of the Department of Labor, was somewhat less than 3 percent. In accordance with the direction of the Conference in September 1951, if there should be any further legislation for increase in the compensation of Government employees, effort would be made to include in it the reporters (p. 16 of the September 1951 report of the Judicial Conference). The Director stated in his report that the facts set forth above in reference to the earnings of the court reporters in 1952, showed that generally they are reasonably compensated even when allowance is made for the exacting demands of their work, and that this particularly appears to be true when the relation of their earnings

to those of other officers of the courts with important and difficult responsibilities, although differing in nature, is considered.

The report then dealt in detail with each of the eight requests for increases in the salaries of specific reporters. The conclusion of the report was that in none of the eight cases were there differences in the conditions from those that had been considered by the Conference in September 1951, which were of sufficient significance and probability of permanence to warrant a change at this time.

The Conference approved the report and recommendations of the Director.

Appropriations

Budget estimates and supplemental appropriations.—The Director submitted to the Conference estimates for supplemental appropriations for the fiscal year 1953 and for annual appropriations for the fiscal year 1954 which under the statute (28 U. S. C. 605) require the approval of the Conference. The estimates for supplemental appropriations for 1953 were for added amounts which it was estimated would be needed for fees of commissioners, fees of jurors, travel expenses, and salaries of court reporters. The Conference approved each of these estimates and the addition of an estimate for the cost during the fiscal year 1953 of increases in the salaries of referees authorized by the Conference at this meeting.

In connection with the annual appropriations for 1954 the Conference considered a request of Chief Judge Laws of the District Court for the District of Columbia for additional funds for increases in personnel and reclassifications of positions and increases in salaries, also additional office machines, in various offices of the court. The Conference heard Judge Laws on the matter. It appeared that heretofore out of current appropriations, added sums aggregating $13,510 annually have been provided for some additional personnel and reclassifications of positions for the court concerned, and that a further sum of $41,500 for those purposes in accordance with the previous action of the Conference, and $11,600 for modern office equipment are provided for in the estimates submitted by the Director for the annual appropriations for 1954. The Conference approved an addition to the 1954 estimates of $10,000 for salary of an administrative assistant to the chief judge. Other requests of Chief Judge Laws were referred to the Committee on Supporting Personnel.

The Conference considered and discussed the estimates for the annual appropriations for 1954. It approved the estimates as submitted plus an addition for the cost of increases in the salaries of referees and a provision as stated for the salary of an administrative assistant to the chief judge of the District Court for the District of Columbia, both as authorized by the Conference at this meeting.

Venue and Jurisdiction of the District Courts

Chief Judge Parker, chairman of the committee appointed to study the venue and jurisdiction of the district courts, reported that H. R. 3098 of the Eighty-second Congress passed the House of Representatives on May 19, 1952, but was not acted upon by the Senate. This bill would amend sections 1331 and 1332 of Title 28, United States Code, so as to fix the jurisdictional amount in Federal question and diversity of citizenship cases at $10,000. The Conference approved H. R. 3098 in the form in which it passed the House of Representatives.

The Conference also reaffirmed its approval of proposed legislation which was introduced in the Eighty-second Congress on the recommendation of the Conference as H. R. 7623. This bill would amend section 1332 of Title 28, United States Code, so as to provide that in cases based upon diversity of citizenship a corporation shall be deemed to be a citizen both of the State of its creation and the State in which it has its principal place of business.

The Conference also reaffirmed its disapproval of H. R. 6157 of the Eighty-second Congress to prohibit the transfer of antitrust cases brought under section 12 of the Clayton Act (15 U. S. C. 22) except with the consent of the party who began the proceeding.

Condemnation Cases

The Conference reaffirmed its disapproval of S. 1958 of the Eighty-second Congress which would in effect amend Rule 71A (h) of the Federal Rules of Civil Procedure so as to make a jury trial in condemnation proceedings in the United States district courts mandatory upon the demand of any party.

Definition of a Felony

The Conference reaffirmed its approval of S. 2993 and H. R. 7058 of the Eighty-second Congress. These bills, which were introduced on the recommendation of the Conference, would amend

the statute relating to the definition of a felony so as to provide "That when a person is convicted of any felony and the sentence imposed by the court does not provide for imprisonment for a term exceeding 1 year, such person shall, for all purposes, after the judgment of conviction shall have become final and after the sentence imposed upon him shall have expired, be deemed to have been charged with and convicted of a misdemeanor, and such person shall not suffer any disability or disqualification which would otherwise result from a conviction of a felony."

Operation of the Jury System

District Judge Harry E. Watkins presented the report of the Committee on the Operation of the Jury System, which is under his chairmanship.

Pursuant to instructions of the Conference (September Session, 1951, Report, pp. 21–22; March Session, 1952, Report, p. 12) Judge Watkins reported that his committee had completed a careful study of certain resolutions of the Association of Grand Jurors of the City and County of San Francisco, California, dealing with the investigatory power and authority of grand jurors, and legislation on the subject introduced in the Eighty-second Congress (S. 2086 and identical bills in the House, H. R. 5699 and H. R. 5700).

The proposed legislation would add to Title 18 of the United States Code a new section, providing that a Federal grand jury may inquire at its own instance as well as at the instance of the court or an attorney for the Government, whether a crime cognizable by the court has been committed. It was the view of the committee that this provision would add nothing to the powers possessed by the Federal grand juries under existing law as declared by judicial decisions, and it pointed out that only recently the matter had received careful judicial consideration in the Northern District of California, both in an opinion of the court there (*U. S.* v. *Smyth et al.*, 104 F. Supp. 283, D. C. Calif., 1952) and by carefully considered instructions to a grand jury given by one of the judges there and expressing the views of several of them. The committee concluded that under these circumstances there is no need for statutory clarification of this point. Furthermore, the committee objected to certain other provisions of the proposed legislation relating to the mandatory appointment and compensation at the request of the grand jury of special counsel and investigators to

assist them, and permitting the grand jury to continue indefinitely an investigation once begun by it, and requiring the district judge to include in his charge to the jury a statement of its rights under the proposed bill.

Judge Watkins reported also that the resolutions of the Grand Jury Association of the City and County of San Francisco which recommended provisions along the same lines as those incorporated in the proposed legislation, had been studied with care by his committee; that the desire to facilitate law enforcement which they manifest is commendable but that the committee could not agree with the specific recommendations, since they are subject to the same objections that it finds to the legislation on the subject which it had considered.

The Conference approved the report and recommendations of the committee.

Judge Watkins also informed the Conference that his committee had considered two bills of the Eighty-second Congress (H. R. 7186 and 7574) dealing with investigations of prospective jurors. The first of these would require each grand and petit juror to take an oath of allegiance and each grand juror to subscribe to an affidavit concerning his qualifications. The second is the same except that it would in addition require all grand jurors to be fingerprinted, and all applicants for jury service to be investigated by the Federal Bureau of Investigation. The committee had concluded that these provisions are not necessary in order to secure jurors of unquestionable loyalty; that they might offend many patriotic and qualified citizens who would be suitable for jury service, and would impose a large burden upon the law enforcement agencies, without commensurate value to the courts and the public. It was their view that the problem of securing patriotic and loyal persons to serve as jurors in the Federal courts is one that must be handled locally by the courts concerned, and that this problem is now receiving careful and suitable consideration in all districts. Accordingly, the committee concluded that neither of the proposed bills should be enacted.

The Conference approved the report and conclusions of the committee.

The Conference renewed its strong opposition to legislation of the character of H. R. 287 of the Eighty-second Congress which would require Federal judges to conform to State procedure in the instruction of jurors. It renewed its opposition to H. R. 5254 and

its endorsement of H. R. 4514 of the Eighty-second Congress, both dealing with the composition, compensation, powers and duties of jury commissions in the District courts.

The Conference instructed the committee to consider the adequacy of the allowances for jury service in Alaska, and report its conclusions to the Conference.

Wages and Effects of Deceased or Deserting Seamen

The Conference reaffirmed its approval of S. 3261 and H. R. 8054 of the Eighty-second Congress. These bills, which were introduced on the recommendation of the Conference, are designed to provide a better method of dealing with wages and effects of deceased or deserting seamen than the procedure followed under existing law.

Procedure in Antitrust and Other Protracted Cases

Judge Prettyman, chairman of the Committee on Procedure in Antitrust and Other Protracted Cases, reported to the Conference that the committee had received assurances from the Assistant Attorney General in charge of the Antitrust Division of a policy of cooperation by the Department of Justice in implementing the committee's recommendations. A number of other suggestions with respect to procedural devices in this type of case have been brought to the attention of the committee. The report of the committee was received and the committee was continued.

Retirement of Judges

Circuit Judge Duffy, chairman, submitted a report on behalf of the Committee on Retirement of Judges. After consideration of the report of the committee, the Conference approved, with an amendment, a proposed bill recommended by the committee. As approved by the Conference the proposed bill would permit any justice or judge of the United States appointed to hold office during good behavior voluntarily to retire from regular active service after attaining the age of 65 years and after serving at least 15 years continuously or otherwise. This would be an addition to the present statute which permits such retirement at the age of 70 years after 10 years of service.

The bill recommended would also contain the changes approved by the Judicial Conference at its March meeting in 1952 (pp. 16–17

of the March 1952 report of the Conference) in regard to the power of the President to appoint an additional judge when a disabled judge does not retire. The amendments then approved would extend the present provision so as to include all judges appointed to hold office during good behavior including judges of the special courts; would include judges eligible to retire on account of permanent disability as well as those eligible on account of age and length of service; and would make requisite to the appointment by the President of an additional judge when a disabled judge does not retire, a certificate of the judge's inability to perform the duties of his office signed by a majority of the members of the judicial council of the circuit in the case of a circuit or district judge and in other cases by a specified judge.

The committee also recommended that the statute in reference to the right of retirement of territorial judges (28 U. S. C. 373) be amended to provide that such a judge should be entitled to resign at full salary after attaining the age of 70 years and serving as a judge at least 10 years, or after attaining the age of 65 years and serving at least 15 years, and that if such a judge fails of reappointment or is removed by the President upon the sole ground of mental or physical disability and his judicial service aggregates 16 years or more he shall upon attaining the age of 65 years receive for life the salary which he was receiving upon the relinquishment of his office; that if such service aggregates less than 16 years but not less than 10 years he shall upon reaching the age of 65 years receive for life the proportion of his salary which the aggregate number of his years of service bears to 16. The Conference recommended that the statute be amended in accordance with the report of the committee.

The Conference approved in principle legislation to provide that judges of the United States District Courts for Hawaii and Puerto Rico hereafter appointed should hold office during good behavior, and requested the committee to prepare and submit to the Conference for consideration a bill for that purpose.

The Question of Legislation To Authorize Compensation for Expert Witnesses

Chief Judge Magruder, chairman of the committee to consider whether statutory authority should be given to Federal judges to compensate experts called by the court in civil litigation to testify

with respect to economic, professional, or other technical matters, reported that the committee had discussed the matter but had not yet arrived at a consensus of opinion and was not prepared to report. The Conference granted the request of the committee to defer its report until a later meeting.

Sound Recording of Court Proceedings

Chief Judge Laws, chairman of the Committee on Sound Recording in the District Courts, reported on a test of sound recording made in the District Court for the District of Columbia in the last year. He said that the impression produced upon the committee and personnel of the court who were present was favorable, but that experimentation for further improvements in equipment and technique was going on and that it was expected that progress would be made within the coming year. The Conference authorized the committee to continue its study.

Pretrial Procedure

Chief Judge Phillips at the request of Circuit Judge Alfred P. Murrah, presented the report of the Committee on Pretrial Procedure. The report stated that continuous progress was being made in the extent to which pretrial conferences were being used in the federal courts and that between one-third and one-half of all districts now used it regularly in most civil cases. Members of the committee and other Federal judges have participated in a number of pretrial demonstrations in various parts of the country and the committee report stated that in its opinion this was a most effective way of convincing lawyers and judges of the value of pretrial procedure. The committee has been giving assistance to newly appointed Federal judges by furnishing them information concerning various techniques of pretrial procedure. It has also endeavored to stimulate the various circuit committees which have been appointed to deal with pretrial procedure. The following recommendations were approved by the Conference:

1. That any member of this Pretrial Committee, with the consent of the Chief Judge of his circuit, or any other judge designated by the Chief Judge of his circuit is authorized to visit any district court in his circuit for the purpose of consulting concerning the use of pretrial procedure in that court, and in the event he is invited to do so, to sit with the judge of said court to advise and assist him in holding pretrial conferences. A judge may be author-

ized to go from one circuit to another for this purpose if he receives a designation from the Chief Justice as in the case of an assignment for holding court.

2. In order to revitalize the circuit committees on pretrial, the committee recommends that the Conference request the Chief Judge of each circuit to appoint a regular standing committee of his circuit conference on pretrial procedure, consisting of at least five members, where such a committee does not now exist, to include both district judges and lawyers with at least one member from each state in the circuit to serve for stated terms and until their successors are appointed; such circuit committees to be charged with the duty of:

(*a*) Ascertaining the extent and efficiency of the employment of pretrial procedure in the Federal and State courts in the circuit,

(*b*) Considering appropriate measures to promote its wider understanding and use and taking appropriate action, and

(*c*) Making an annual written report of its activities and of the extent of the employment of pretrial in the circuit to the annual conference of the circuit and furnishing a copy to the chairman of this committee.

The committee further reported that the Administrative Office of the United States Courts will make a survey of the use of pretrial conferences in the Federal courts during the coming year.

The Conference directed that the report of the committee be received and approved and that copies be circulated among the members of the Federal judiciary.

JUDICIAL STATISTICS

Circuit Judge Charles E. Clark, chairman of the committee, presented its report. He referred to the use of the Administrative Office statistics by the Senate and House Committees on the Judiciary in their reports on the omnibus judgeship bill and stressed the importance of the Conference recommendations and the prestige they had with the Congress. In connection with Conference recommendations for additional judgeships, the committee report suggests that normally such recommendations should first be made by a circuit council or a circuit conference and that the Administrative Office should be informed of the recommendations at least 6 weeks before the Judicial Conference meeting. This will enable the office to prepare and send out to each member of the Conference a report of the business of each court affected, thereby giving them an opportunity to make a careful study of the proposals in advance of the meeting.

Judge Clark referred to the research work which had been done by the Administrative Office in the field of discovery and of habeas corpus and stated that surveys on the costs of appeals and pretrial procedure were now in the planning stage. On the recommenda-

tion of the committee pretrial statistics will be published hereafter in the quarterly and annual reports of the Director.

The report of the committee was received and approved and authority was given to bring it to the attention of circuit and district judges.

Revision of Criminal and Judicial Codes

For the Committee on Revision of the Criminal and Judicial Codes, Judge Maris, chairman, reported that he had been requested by the Secretary of the Interior and the Governor of American Samoa to investigate the existing judicial system in those islands and to recommend legislation for its improvement; that after an investigation and study, including a visit to Samoa, he had in June of this year transmitted to the Secretary of the Interior his recommendations.

Judge Maris also reported that the proposals which he had made for the revision of the judicial system of the Trust Territory of the Pacific Islands last year were enacted into law by executive order of the High Commissioner of the Trust Territory dated February 14, 1952.

Compensation of Counsel Appointed by Courts to Represent Indigent Litigants in Criminal Cases

The Conference renewed its approval of legislation to provide for the payment of compensation and reimbursement of expenses of counsel appointed by courts to represent defendants in criminal cases. It specifically approved a bill pending in the Eighty-second Congress (H. R. 3978) which permits compensated representation to be furnished either by a public defender appointed by the court or by the payment of fees within specified limitations to counsel appointed by the court in particular cases, with a proviso that the adoption of the latter method by any district containing a city of more than 500,000 population shall require the approval of the judicial council of the circuit. The Conference was of the opinion that the lack of any provision at the present time for compensating or even reimbursing the expenses of counsel appointed by the court to defend poor persons accused of crime, was a serious defect in the Federal judicial system. Accordingly it directed that every effort be made to procure from the next Congress remedial legislation of the nature contained in the pending bill.

Protection of Probation Officers

The Conference approved a recommendation made by the Judicial Conference of the Eighth Circuit that probation officers be added to the list of certain officers and employees of the United States protected by Section 1114 of Title 18, United States Code. This section of the code makes the killing of certain named officers and employees of the United States while engaged in the performance of their official duties or on account of the performance of their official duties an offense against the United States.

Elimination of Requirement of Notice of Holding Terms of Court in Alaska

The Conference approved a recommendation of the Judicial Conference of the Ninth Circuit that Title 48, U. S. C. 102, be amended so as to eliminate the requirement that at least 30 days' notice shall be given by the judge or clerk of the time and place of holding terms of court in Alaska.

Proposal by the Ninth Circuit Judicial Conference of an Amendment of Civil Rule 8

Judge Denman presented a resolution adopted by the judicial conference of the Ninth Circuit recommending that the part numbered 2 of Rule 8 (a) of the Rules of Civil Procedure which now provides that the initial pleading in a civil case shall contain "a short and plain statement of the claim showing that the pleader is entitled to relief" shall be amended to require that it shall contain "a short and plain statement of the claim showing that the pleader is entitled to relief, which statement shall contain the facts constituting the cause of action." Upon motion the resolution was referred to the Supreme Court Advisory Committee on Rules for Civil Procedure.

Rules Adopted by Courts of Appeals for Review or Enforcement of Orders of Administrative Agencies

Section 11 of Public Law 901 of the Eighty-first Congress approved December 29, 1950 (5 U. S. C. Supp. V, 1041), provides for the adoption, subject to the approval of the Judicial Conference, of rules governing the practice and procedure in proceedings to review or enforce orders of certain administrative agencies. The

Conference approved rules adopted by the Courts of Appeals of the District of Columbia, Third, Fourth, and Tenth Circuits, pursuant to this provision.

Legislation to Add to the Grounds for a Motion to Vacate or Set Aside a Sentence in a Criminal Case

An amendment of Section 2255 of Title 28 of the United States Code provided for by H. R. 8147 of the Eighty-second Congress which would add to the grounds for a motion to vacate or set aside a sentence in a criminal case, that the person sentenced was not the person that committed the crime, was disapproved. It was the view of the Conference that Section 2255 in its present form gave as broad a right of review as was advisable, that meritorious cases not covered by the Section would be very rare, and that if occasionally there was such a case, it would be better to leave the remedy to executive clemency.

Salaries of the United States Commissioners for Great Smoky Mountains National Park

Prior to the enactment of Public Law 477 of the Eighty-second Congress approved July 9, 1952, one salaried United States commissioner for Great Smoky Mountains National Park was appointed by joint action of the United States District Courts for the Western District of North Carolina and the Eastern District of Tennessee. That Act provided for the appointment of two salaried commissioners, one to be appointed by the United States District Court for the Western District of North Carolina to serve that part of the park which is situated in North Carolina and the other to be appointed by the United States District Court for the Eastern District of Tennessee to serve that part of the park which is situated in Tennessee. Under section 634 of Title 28, United States Code, each national park commissioner receives an annual salary fixed by the district court which appoints the commissioner with the approval of the Judicial Conference of the United States. The Director of the Administrative Office reported that he had been informed by the district court for each of the districts mentioned that, subject to the approval of the Judicial Conference, it will fix the salary of the commissioner for the part of the park in that district at the sum of $1,900 per year. The sum of these salaries, $3,800 per year, will be the same as the salary of the commissioner

who previously had jurisdiction over the entire park. The Conference approved the salaries fixed by the district courts.

Certain Bills Pending Before the House Judiciary Committee

In response to a request from the chairman of the Committee on the Judiciary of the House of Representatives for an expression of the views of the Conference with regard to a number of bills of the Eighty-second Congress referred to that committee, the Conference took the following action:

S. 2546 entitled "An act to provide for attorneys' liens in proceedings before the courts or other departments and agencies of the United States"; approved the bill.

H. R. 6317 entitled "A bill to amend section 1923 (a) of title 28, United States Code, relating to docket fees"; referred the bill to the Committee on Revision of the Criminal and Judicial Codes.

H. R. 7737 entitled "A bill providing that the United States shall have a civil action against any person who bribes or attempts to bribe an officer or employee of the Government"; referred the bill to the Committee on Revision of the Criminal and Judicial Codes.

H. R. 7425 entitled "A bill to amend Section 3185 of Title 18, United States Code"; referred the bill to the Committee on Revision of the Criminal and Judicial Codes.

Quarters of the Courts and Related Facilities

In response to invitation Honorable W. E. Reynolds, Commissioner of the Public Buildings Service, and Mr. Gilbert S. Underwood, Director of the Design and Construction Division of that Service, attended the meeting of the Conference and discussed with the members problems concerning the quarters and related facilities of the courts. Particular consideration was given to the air conditioning of quarters of the courts in locations where extreme heat not only causes discomfort during the summer to persons having business in the courts, jurors, parties, witnesses and lawyers, as well as the judges and other officers of the courts, but necessarily reduces the efficiency and output of the courts during the hot months of the year. The Conference emphasized that it is particularly important now in view of the stress of increasing business in virtually all of the Federal courts, that the courts should be able to operate effectively during the summer, and that to this end the air conditioning and cooling of the court quarters in many places is essential. Commissioner Reynolds indicated that although funds are lacking for this purpose in the current appropriations to the Public Buildings Service, the utmost effort would be exerted

to procure such funds for application in appropriate cases in future appropriations.

Proposed Amendment of Statutes Relating to Record on Review of Administrative Agencies

Mr. Joseph W. Stewart, Clerk of the United States Court of Appeals for the District of Columbia Circuit, presented to the Conference suggestions that existing statutes be amended so as to permit administrative agencies to send to the courts of appeals the original records of cases in lieu of transcripts; to send abbreviated records where the whole record is not necessary; and to permit records to be returned at the conclusion of the case to the administrative agencies from which they were received. The suggestions were referred to the Committee on Revision of the Criminal and Judicial Codes for consideration.

Report of the Committee of the Eighth Circuit on Economies in Administration

A report of the Committee on Economies in Administration of the Eighth Circuit of which District Judge Gunnar H. Nordbye of Minnesota is chairman and which had been presented at the recent judicial conference of the Eighth Circuit, was brought to the attention of the Conference. The report showed economies particularly in the elimination of branch offices of clerks of district courts without sufficient business to justify their continuance and in the cost of juries, which were being effected. These were along lines recommended in 1948 by the Conference Committee on Ways and Means of Economy in the Operation of the Federal Courts (pp. 33–38 of the September 1948 report of the Conference, particularly pp. 34–36). The Conference was gratified by the sustained effort to avoid unnecessary expense in the conduct of the Federal courts which the courts of the Eighth Circuit are making, and by the savings which are being accomplished. The Conference directed that the report be circulated among the circuit and district judges of the United States, and commended it for their careful consideration.

Committees

The Conference renewed the authorization to the Chief Justice to take whatever action he deemed desirable with respect to in-

creasing the membership of existing committees, the filling of committee vacancies, and the appointment of new committees. Subject to such action existing committees were continued. The Conference continued the Advisory Committee consisting of the Chief Justice and Chief Judges Stephens, Biggs, Parker, and Phillips, to advise and assist the Director in the performance of his duties.

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., October 22, 1952.

APPENDIX

Report of Honorable James P. McGranery, Attorney General of the United States

Mr. Chief Justice, Members of the Judicial Conference of the United States, Honored Guests:

Before I begin my report on the administration of justice in the United States, I wish to express my deep appreciation to the Chief Justice for his courtesy in granting this time. Well aware of your heavy schedule, I shall endeavor to discuss a few matters for immediate consideration and I shall submit the fully developed Department comments in mimeographed form to be read at your leisure.

It may not be amiss to ask that you take judicial notice of the limited length of time that I have had the honor and the privilege of service as the Attorney General. On May 27 I took my oath of office, which was graciously administered by our distinguished Chief Justice; hence my tenure thus far covers less than 4 months. During this period every division head (with one exception) has been changed and there have been correspondingly complete new revisions and reviews for the purpose of achieving more efficient administration.

One of my first acts was to request reports from all division heads; and following this, I summoned all the United States attorneys to a conference—and asked that they submit written reports on their respective offices with data compiled according to uniform specified points of examination. This survey is enabling us to ascertain if members of the Department in the field have been and are functioning in accordance with the high standards requisite for proper administration and to make corrections where indicated.

In a spirit of thankfulness to our beloved President, it is my happy prerogative to announce to your conference that President Truman has made available from his fund to the Department of Justice the sum of $50,000 for the purpose of a departmental survey and analysis of its operations and functioning by independent efficiency experts for the purpose of streamlining the administra-

tion of departmental business. This is the first time that a complete survey has been undertaken since the creation of the Department; and during the interim the changing needs of these changing years have brought about constant additions and a multiplicity of procedures with consequent and inevitable duplication. Such a streamlining as we now envision will result not only in financial saving to the taxpayers but also in more efficient prosecutive action, and swifter and more certain justice to those whose problems are within the scope of the Department's jurisdiction.

Reference should now be made to concurrent investigations of the Department of Justice by congressional committees which were in existence prior to the tenure of this Attorney General. It is our announced policy and our active program to assist these committees and to cooperate with them in every way that will not retard our own prosecutive actions, while maintaining the mutual respect of a coequal branch of the Government. If the organization or the work methods of the Department have been found wanting in the discharge of the sacred duty of administering justice, we must be profoundly eager to learn the cause of such failure—wherever the cause may lie. Only then can we be sure that we will be at all times alert and equipped to enforce Federal laws impartially and expeditiously, amid the challenging problems of today and tomorrow.

Perhaps it is not amiss to refer to a few of numerous changes recently inaugurated. Our Internal Security Section of the Criminal Division is undergoing expansion in order that the thorough, patient and vigilant investigations of the Federal Bureau of Investigation in the vital area of subversive activity may be followed by prompt and effective prosecution by lawyers who have specialized in such cases, with proper protection of the civil rights guaranteed by the Constitution.

Your attention may already have been directed to my recent order discontinuing the so-called "racket grand juries." In my opinion they achieved nothing that could not have been accomplished with dignity, order and completeness by the grand juries provided for under existing law. Furthermore, the basis for calling them could be construed as an unjustified reflection upon our eminently adequate Federal system of justice which, comprising as it does—the Federal judiciary, the Department of Justice, and the regular grand juries—has proved effective in accordance with the ideals of our founding fathers.

The militant and reasoned motive of the reorganized department has been the restoring of the confidence of the American people in the administration of justice, and to this task, as one team, we have devoted our full time and our full powers.

In this undertaking we have had the inspiring aid and encouragement of President Truman and the wholehearted cooperation of the members of the Federal judiciary. Our gratitude should be expressed even in token fashion at this time.

It is the wish of the Department to be of service to the judiciary wherever and whenever a desire for such service is requested.

At the present time under my personal supervision, a thorough study is in process concerning the difficult problems which arise from the so-called "conflict of interest statutes." As soon as concrete and constructive suggestions have been formulated, they will be embodied in a report to the President with a recommendation for legislation.

Your attention is respectfully directed to the proposal submitted by the Department to the President recommending that a governmental commission, augmented by an advisory committee, be established to study existing international practices of judicial assistance for the purpose of drafting such legislation and international agreements as may be deemed appropriate. The President has informally expressed approbation of this proposal. Nevertheless, since the establishment of such a commission would require financing not presently available, it has been decided to defer its establishment until congressional authorization and appropriations can be obtained. It is our hope and expectation that when the time for action arrives, the Federal judiciary may be of one mind with with the executive and legislative branches of the Government in this matter.

The proposal is outlined more specifically in the memorandum of the Department which I have taken the liberty of submitting for your consideration. Also included in the memorandum are other departmental observations which I offer for your consideration but without any recommendation as to the conclusions which you will, in your wisdom, formulate during the course of your deliberations.

Since taking my oath as Attorney General I have investigated and processed 17 nominations for judgeships which nominations went forward to the Senate; 7 of which the Senate confirmed before

adjournment; with 10 pending in the Senate Judiciary Committee at the time of adjournment.

Finally, I wish to say a word of gratitude to the Chief Justice and to all the gentlemen of the conference for your graciousness today and throughout the past months. The Department will endeavor to work, with God's help, toward the fulfillment of our common goal, the administration of justice.

Memorandum of the Department of Justice

I. CIVIL MATTERS

Committee on Antitrust and Administrative Trial Procedure.—The Department of Justice has followed with keen interest the work of your Committee on Antitrust and Administrative Trial Procedure. We have carefully studied that Committee's report on procedure in antitrust suits and other protracted cases, which you adopted last year, and our Antitrust Division has taken the initiative in promoting the use of the procedures recommended in that report. In addition, since its issuance, we have informed the Committee Chairman, Judge Prettyman, of our experience in applying some of those procedures in actual cases, and are in a position to state confidently that the implementation of the Committee's recommendations has had, and may be expected to continue to have, a salutary effect in simplifying and shortening to a substantial extent the trial of antitrust cases.

Amendment of Expediting Act.—In the antitrust field, one problem which has been of especial concern for several years, to this Conference and the Department of Justice, is that of amending the Expediting Act, 15 U. S. C. 28, so as to preserve the right to have antitrust cases of great public importance expeditiously tried by a three-judge court and at the same time to assure the judiciary that it will not be unduly hindered in the discharge of its heavy responsibilities by repeated calls upon three judges in a single case. The awareness of the Department of Justice of the burden which the appointment of a three-judge court imposes on the discharge of other judicial business is shown by the fact that expediting certificates have been filed in only six cases in the last 15 years. In cases such as those six, however, the establishment of a three-judge court seems to the Department of Justice to be essential.

By letter of June 20, 1952, to the Director of the Administrative Office of the United States Courts, the Department suggested the possibility that some relief might be afforded the judiciary, without prejudicing this interest of the public, if following the rendition of judgment by a three-judge court in any case, the Chief Judge of the appropriate district court were authorized, on request of the three, to designate a single judge to hear and rule on matters involving the interpretation, enforcement, or amendment of that judgment. This Conference may wish to consider the suggestion contained in that letter, namely, that the judiciary sponsor legislation adding to the Expediting Act language to the following effect:

> After entry of a final judgment disposing of all issues in such case and after the time to appeal from such judgment has expired, or appeal therefrom has been dismissed, or the judgment has been affirmed on appeal, the chief judge of the district court of the district in which the judgment was entered may, on the written request of the three judges who entered the judgment, designate a judge of the district court to hear and determine all matters relating to carrying out, interpreting, enforcing, or amending the provisions of the judgment.

Assignment of complex cases to single judge.—In the various fields where cases of great complexity arise, or in those where numerous motions may be anticipated, experience has shown that it is of greatest advantage to litigants and the least burden to the judiciary if the cases are assigned for all purposes to a single judge. This procedure eliminates the necessity for different judges familiarizing themselves with the whole of a complicated case each time a new motion is presented; and in general results in a sounder and more consistent disposition of interlocutory matters. The Department of Justice recommends earnestly the extension of this practice to all such cases to the maximum practicable extent.

Uniform rules for courts of appeals.—In the Attorney General's Report to this Conference last year, he repeated a recommendation that had been made in previous reports to this body as to the desirability of adopting uniform rules for all the courts of appeals, particularly with reference to the preparation and contents of printed records and briefs on appeal. The importance and advisability of accomplishing such uniformity is steadily increasing, and it is again recommended to this Conference that that step be taken.

Uniform rules for review of Tax Court decisions.—The promulgation of uniform rules would be particularly desirable with reference to the review of decisions of the Tax Court of the United

States by the various Courts of Appeals. The Government, of course, is a party in all of these cases. There are approximately 400 such cases every year, and economies in both time and effort, not only for the Government but also for others who litigate in more than one circuit, would result from establishing uniform provisions to replace the present divergent rules. Accordingly, the Department of Justice has endorsed an American Bar Association proposal that Congress give authority to the Supreme Court to prescribe rules of procedure for review of decisions of the Tax Court of the United States.

Time of delivery of ordinary transcript.—It will be recalled that 28 U. S. C. 753, in addition to providing for the salaries of court reporters, permits each reporter to charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court, subject to the approval of the Judicial Conference. For ordinary delivery of transcript the Conference has fixed a maximum rate of 55 cents per page, and for daily delivery a maximum rate of 90 cents per page, nearly 64 percent higher than the ordinary delivery rate. Most of the courts have set these maximum rates as the rates to be charged.

There appears to be no problem in the case of daily delivery. It is well understood that the transcript of the whole day's proceedings will be furnished by a given hour of the following day, usually before the customary hour for convening of court. On the other hand, there is no definite understanding with respect to time in the case of ordinary delivery of transcript. Actual deliveries vary in time from a few days to as high as 4 weeks. The resulting uncertainty, in relation to available time limits, practically forces the purchase of daily deliveries at the much higher rates, as a precaution against damaging delay.

This unnecessary burden and expense upon litigants who do not need daily transcripts of proceedings could be eliminated by the Conference fixing some outer time limit within which court reporters would be expected to provide ordinary delivery of transcript. A maximum period of 10 days would not appear to be unreasonable.

Integration of Admiralty Rules and Rules of Civil Procedure.—Two years ago, and again in 1951, the Attorney General in his Report to this Conference stressed the importance and urgency of the need to integrate the Admiralty Rules with the Federal Rules of Civil Procedure so as to cover many situations in which

litigation needlessly arises because of ambiguities in the Admiralty Rules. The need for that integration continues, and we again recommend that it be undertaken either by the adoption of a single rule making the Civil Rules applicable to admiralty cases not dealt with in the Rules of Admiralty, a method we prefer, or by wholesale specific revisions in the Admiralty Rules.

II. CRIMINAL MATTERS

Amendment of Rule 20.—At the 1950 and 1951 meetings of the Judicial Conference, your attention was invited to the desirability of amending the transfer provisions of Rule 20 of the Federal Rules of Criminal Procedure. The language of the rule, making its effect depend on an arrest and the place of arrest, prevents its application in cases where the accused is confined in a penal institution, but was not actually "arrested" in the district where the institution is located. Thus, the provisions of the rule, which would otherwise permit transfer to, and disposition of outstanding charges by, the courts of the district of confinement, cannot be applied to a prisoner confined but not arrested in that district until after he has completed his sentence and is taken into custody again to answer the indictment or information pending in the other district. As a consequence we have many outstanding detainers filed against prisoners because of indictments in districts other than where they are confined. When a detainer has been filed against a prisoner because of such an outstanding indictment or information, he is barred from consideration for parole. He becomes, in the opinion of the prison authorities, a greater custodial risk. And, if he insists on his rights, he may eventually have to be removed to the district where he was indicted at considerable expense to the Government.

In May of this year, the Department of Justice invited the attention of the Supreme Court to this problem, suggesting that the Court might consider exercising its power to bring about a change in the rule. The Supreme Court would undoubtedly welcome the views of this Conference on the subject.

The recommendation for change which the Department favors is identical with the proposal that was submitted by the Attorney General in 1950, with a slight variation that will assure the retention of the Rule 20 privilege for persons who have been admitted to bail. It would retain all of the provisions of Rule 20 as they

now are, and would simply add in the first sentence after the word "arrested," the words "or held," and after the words "was arrested," the words "or is held." No other changes would be necessary in the rule. So amended, the first sentence of Rule 20 would read:

A defendant arrested *or held* in a district other than that in which the indictment or information is pending against him may state in writing, after receiving a copy of the indictment or information, that he wishes to plead guilty or nolo contendere, to waive trial in the district in which the indictment or information is pending and to consent to disposition of the case in the district in which he was arrested *or is held*, subject to the approval of the United States attorney for each district. [Language to be inserted is italicized.]

Reduction of sentence under Rule 35 after expiration of time.—In *United States* v. *Smith*, 331 U. S. 469 (1951), the attempted grant of a new trial by a district court on its own initiative under Rule 33, after the time limitations fixed by that rule had expired, was held to be improper and at variance with the purpose of the rule. The attention of this body is invited to another practice which seems in like degree contrary to the purpose of another rule, Rule 35, which deals with the authority of a court to reduce sentences within a specified time after their imposition. In some few instances, sentences partly served have been reduced after the time period specified in Rule 35 has elapsed. Presumably, the actions of the judges in those cases were motivated by considerations of justice or mitigating circumstances of which they may not have been aware at the time of sentencing, but the practice seems to be clearly in contravention of Rule 35. The Conference may wish to take note of such action and to discourage it particularly because under existing law (18 U. S. C. 3731), there is no opportunity for the Government to appeal from such court action.

Counsel for indigent defendants.—The problem of providing adequate counsel for indigent defendants, either by means of a public defender or by compensated court-appointed attorneys, has been a matter of serious concern to, and agreement between, the Conference and the Department of Justice. Both approved in 1950 a bill to that end, S. 2206, then pending in the Eighty-first Congress. That bill was not enacted into law, and two bills identical to it, H. R. 3978 and H. R. 8524, were introduced in the Eighty-second Congress. These bills also failed of enactment. The Judicial Conference may therefore wish to consider action urging the reintroduction and eventual enactment of a similar bill in the Eighty-third Congress.

Transfer of jurisdiction over probationers to districts of residence.—In administering probation, it is the practice of many judges to retain jurisdiction over a probationer for the whole period of probation even after he has been permitted to transfer his residence to another jurisdiction. Thus, if the probationer is arrested after such change of residence for violating the provisions of probation, it is necessary to return him to the district and court of original jurisdiction for appropriate action by that court. From an administrative point of view, it would seem that this procedure is not as satisfactory as the transfer of jurisdiction over and supervision of transferred probationers to the courts of the districts into which they have moved. During the fiscal year 1952, such a transfer of jurisdiction occurred in less than 10 percent of the nearly 3,000 cases where probationers were permitted to move from one district to another. Thus, more than 90 percent of such probationers were under the jurisdiction of judges in districts where they no longer resided. It would seem that the transfer of jurisdiction in these cases of removal would result not only in monetary savings but in a possibility of more effective supervision, and we submit for the consideration of this body the suggestion that such transfers of jurisdiction be made the rule rather than the exception.

Inadequate sentences in immigration cases.—In the operations of the Immigration and Naturalization Service the enforcement of the immigration laws is, of course, a matter of primary concern. Inevitably, the effective administration of those laws must depend both upon a high morale among the enforcing officers and the certainty of quick punishment on the part of those who would violate them. It would help considerably if, in the judicial districts along our national borders where violations of these provisions most often occur, the judges would use their power of sentencing more stringently particularly in the cases of persistent violators.

Inadequate sentences in prisoner offenses.—A similar problem appears to exist in the sentencing of prison inmates for escapes, assaults, and other offenses committed during incarceration. In a few instances sentencing judges have taken the view that such crimes called for only nominal punishment. If this view were to obtain wide acceptance it would seriously impede the proper administration of our federal prison system. The threat of certain and substantial punishment by an authority disassociated from the prison administration itself is a most important deterrent to prison violence.

III. MISCELLANEOUS MATTERS

Bill creating additional judgeships.—At the meeting of this Conference a year ago, the Attorney General was able to report to you that the creation of a number of judgeships, as recommended by this body, had been proposed in a bill, S. 1203, then pending before the Congress. Unfortunately the bill was not enacted into law in the Eighty-second Congress. The Judicial Conference may therefore wish to renew its recommendation as to the creation of additional judgeships by the Eighty-third Congress.

Bills relating to testimony of judges.—In his remarks to the Conference last year the Attorney General referred to the bill, H. R. 486, which would have prohibited any Justice of the United States from testifying "as to the character or reputation of any person or as to any matter of opinion in any action in any court of the United States." A similar bill, H. R. 5428, which would extend the prohibition to Judges of the United States as well as Justices and which omits the reference to "any matter of opinion" was also introduced in the Eighty-second Congress. Neither of these bills was enacted.

Bills establishing attorneys' liens.—Proposals were made in both Houses of the Eighty-second Congress to provide for attorneys' liens in proceedings before the courts or other departments and agencies of the United States. This lien would have attached from the commencement of any proceeding or the service of an answer containing a counterclaim, and would have given any attorney, whose appearance had been entered for a party, a lien upon his client's cause of action. This lien would attach to any verdict or other determination in his client's favor and to the proceeds thereof in whatever hands they might come. The bills also provided that no statute forbidding or limiting the assignment of a claim against the United States would be deemed to apply to a lien thus established. The two bills differed as to enforcement of the lien, the House version leaving such enforcement in the first instance to the court or government agency which had made the final determination to which the lien attached, and the Senate bill entrusting enforcement entirely to the courts. The Department of Justice objected to both bills, noting the danger of government embroilment in disputes between attorney and client and the undesirability of placing Executive agencies under the neces-

sity of adjudicating rights as between client and attorney. Neither of these two bills was enacted into law.

Bills affecting the jury system.—Several bills affecting the Federal jury system were proposed in the Eighty-second Congress. Proposals to provide a jury commission in each United States district court were submitted and met with no objection from the Department of Justice, but were not enacted. Other bills introduced related to the extension of the privilege of jury trial to certain cases arising within the special maritime and territorial jurisdiction of the United States. To these bills the Department interposed certain objections. In addition, proposals were made to establish uniform qualifications for jurors, to require Federal jurors to take an oath of allegiance, to authorize the appointment of special counsel and investigators in certain cases to assist grand juries in the exercise of their powers, and to permit all civil actions against the United States for recovery of certain taxes to be brought in the district courts with the right of trial by jury. None of these bills was enacted.

Amendment to Migratory Bird Treaty Act.—The Migratory Bird Treaty Act of July 3, 1918, as amended (16 U. S. C. 703–711), seems to have resulted in the bringing in the district courts of a large number of relatively minor cases. It may please this Conference to know, therefore, that the Department of Justice is including in its legislative program for the coming year a proposed amendment to the Migratory Bird Treaty Act which would make applicable the provisions of Sections 3041 and 3042 of Title 18 so as to give United States commissioners jurisdiction over offenses under the act.

International judicial assistance and procedure.—The end of hostilities in 1945 and the resumption of world-wide commerce and business brought to both Federal and state courts an unprecedented amount of litigation with international ramifications—cases in which judicial papers must be served abroad, or records or witnesses must be examined within the territory of a foreign state, or in which proof must be offered of the law prevailing in a foreign jurisdiction. These cases pose problems of procedure which are often baffling and sometimes insoluble in the present state of the law. They emphasize the need in the international field of the same expert study and codification which have brought about historical reforms of Federal procedure in the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

Extra-territorial procedure now depends largely upon usage and custom, and it is difficult for the practicing lawyer to ascertain what steps should be taken in a given instance. The provisions of the Federal Rules of Civil and Criminal Procedure and of the state practice acts for the taking of evidence abroad are often frustrated by prohibitions and limitations put upon their use by foreign governments. Many countries forbid the taking of depositions within their territories. Even where our deposition practice is permitted or tolerated, there is no provision in civil law jurisdictions for obtaining the testimony of an unwilling witness. When witnesses refuse to testify, or if they are found in a country where our deposition practice is forbidden, recourse must be had to letters rogatory. Borrowed from the civil law, a letter rogatory is, in our practice, a request by a domestic court to a court of a foreign country to take evidence. It is, of course, executed according to the law of and in the language of the foreign country. Procedure in civil law countries is so different from ours that American lawyers avoid using letters rogatory wherever possible. Moreover, the courts of some countries, such as The Netherlands and Germany, are unable to issue compulsory process even to aid in the execution of a letter rogatory issuing from an American court because the United States has not entered into procedural treaties with their governments. Courts of limited jurisdiction and administrative tribunals which cannot promise reciprocity, a time honored condition of letters rogatory, are without means of obtaining testimony abroad from unwilling witnesses found in civil law countries.

Foreign courts find equally unsatisfactory the limited judicial assistance which American courts are able to render them. From time to time over the last hundred years, several countries have offered to enter into agreements with the United States to correct deficiencies of international practice. Yet the United States remains the only country of major importance which has not entered into treaties or conventions codifying international legal procedure. Practice can be simplified, expedited, and rendered more certain and less expensive by treaty. Much of Latin America and Europe is covered by a network of procedural treaties. Great Britain has entered into 22. This is a good demonstration that the common law and the civil law systems can be coordinated procedurally. Furthermore, an excellent start in drafting has already been made by the Harvard Research in International Law, which in 1939 published a Draft Convention on Judicial Assistance. Con-

siderable improvement in practice can probably be effected by informal agreement.

Responsibility for reform must be assumed by the Federal government because there is little that the individual states can do by themselves to improve their international juridical relations. Many of the important bar associations, including the American Bar Association, have urged initiation of action by the Federal government. Accordingly, it has been proposed to the President that there be established a small governmental commission, to be headed by the Attorney General of the United States and comprising representatives of the Departments of Justice and State, and of the Federal judiciary, to study existing international practices of judicial assistance available to state and Federal courts and administrative tribunals. With a view to reform, the commission would draft for the assistance of the Secretary of State international agreements to be negotiated by him and would draft and recommend for presentation by the President any necessary legislation and other action advisable in the improvement and codification of international practice. It was felt that this small governmental commission should be aided by a larger advisory committee consisting of lawyers, judges, and law teachers, selected for their practical experience in international litigation, their eminence as procedural experts, or their accomplishments in the field of international or comparative law.

The proposal has the informal approval of the President. However, because the establishment of such a commission and advisory committee would require financing which is not now available, it was deemed best to defer the establishment of the proposed commission until such time as congressional authorization and appropriations could be obtained—which will not be before 1953.