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

* *

SEPTEMBER 19–20, 1955

WASHINGTON, D. C.

TITLE 28. UNITED STATES CODE, SECTION 331

§ 331. Judicial Conference of the United States.

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

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

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

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

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

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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 19, 1955, and continued in session on September 20. The Chief Justice presided and members of the Conference were present as follows:

Circuit:

District of Columbia	Chief Judge Henry White Edgerton.
First	Chief Judge Calvert Magruder.
Second	Chief Judge Charles E. Clark.
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 F. Ryan Duffy.
Eighth	Circuit Judge John B. Sanborn. (Designated by the Chief Justice in place of Chief Judge Archibald K. Gardner who was unable to attend.)
Ninth	Chief Judge William Denman.
Tenth	Chief Judge Orie L. Phillips.

The Conference welcomed the new Chief Judge for the District of Columbia Circuit, Honorable Henry White Edgerton, succeeding Chief Judge Harold M. Stephens who died on May 28, 1955. The Conference adopted the following resolution:

> The Judicial Conference of the United States records with profound sorrow the death of Chief Judge Harold M. Stephens. When we realize that he will be with us no more, we all feel the great personal loss of one whom we revered and admired. We shall miss his sound and wholesome advice and his suggestions which were based both upon his long and distinguished judicial career and also upon his experience at the Bar.
>
> Judge Stephens was successful as a practicing lawyer. He had experience as a trial judge in the state courts of Utah. He was an assistant attorney general of the United States, which was followed by 20 years' service as a judge of the United States Court of Appeals for the District of Columbia

Circuit. For more than 7 years before his death, he was a member of this Conference.

The work of this Conference commanded the intense interest of Judge Stephens. His great industry and his zeal for the effective administration of justice in the federal courts resulted in his making many important contributions to the work of this Conference. His attainments were many. We all profited by his wisdom and his sound judgment. We shall long remember his intense devotion to his judicial duties and to the carrying out of the decisions and the determinations of this Conference.

The Acting Attorney General, William P. Rogers, attended the morning session on the opening day of the Conference.

Circuit Judges Albert B. Maris, Alfred P. Murrah, and Elbert Parr Tuttle, and District Judges Harry E. Watkins, Marion S. Boyd, and Roy W. Harper, attended all or some of the sessions.

The Director of the Administrative Office of the United States Courts, Henry P. Chandler, the Assistant Director, Elmore Whitehurst, the Chief of the Division of Procedural Studies and Statistics, Will Shafroth, the Chief of the Bankruptcy Division, Edwin L. Covey, the Chief of Business Administration, Leland L. Tolman, the Chief of the Probation Division, Louis J. Sharp, and other members of the staff of the Administrative Office attended the sessions of the conference.

Report of the Attorney General

Acting Attorney General William P. Rogers presented a report to the Conference in place of Attorney General Herbert Brownell, Jr., who was out of the country. The report appears in the appendix.

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 to the members of the Conference his 16th annual report on the activities of his office for the fiscal year ended June 30, 1955, including a report of the Chief of the Division of Procedural Studies and Statistics on the state of the busi-

ness 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.—The number of cases begun in the courts of appeals increased by a little more than 200 over 1954 to a total of 3,695 in the fiscal year 1955. The increase has occurred in appeals from the courts, which have shown a steady upward trend since 1950, probably the result of a continuous increase in the number of contested cases and trials in the district courts and also the increased number of district judges. The number of cases terminated was 3,654 only slightly less than the number begun, leaving 2,175 pending on June 30, 1955. There was an increase of 60 percent in cases begun in the Second Circuit. Also there were increases of some importance in the First and Third Circuits. The Ninth Circuit showed a large decrease but still has a heavy pending caseload. The median time from filing to final disposition for cases heard and decided increased fractionally to 7.3 months but was considerably longer in the Ninth Circuit (15.8 months) and in the Sixth Circuit (10.3 months). For the first 4 numbered circuits and the Tenth Circuit, it was less than 6 months.

The number of petitions for certiorari from the courts of appeals to the Supreme Court was slightly more than last year and the number granted was 96 or 17 percent of the number acted on compared with 70 or 13 percent in the fiscal year 1954.

District courts.—Growing congestion in many district courts is shown by the increase in the number of pending civil cases during the year and the rise in the time required from filing to disposition of cases which are tried. This is a matter of serious concern to the Conference. In districts where 2 and even sometimes 3 years expire from the time answer is filed in a civil case to the date when it is tried, litigants are being denied that prompt service which the Federal courts should give.

The number of private civil cases filed annually—and this is by far the most time-consuming part of the courts' business—has more than doubled since the end of World War II and the pending

private cases have almost tripled. The figures for the fiscal years 1945, 1950, and 1955 are as follows:

Fiscal year	Number of judgeships	Private civil cases		
		Filed	Terminated	Pending at end of year
1945	198	17,855	16,753	16,239
1950	221	32,193	30,494	34,825
1955	250	39,225	37,363	47,621
Percentage increase 1945–55	26%	120%	123%	193%

Each year since 1943 the number of private civil cases begun has exceeded the number terminated and the phenomenal growth in the number of pending cases is the result.

In the fiscal year 1955, the total of all cases filed, including both cases in which the Government was a party and those between only private litigants, was 59,375 or a few cases less than the number filed during the previous year. Cases terminated were 58,974 or over a thousand more than in 1954. The number of pending civil cases went up to 68,832.

The median interval from filing to disposition of civil cases in which a trial was held terminated in the district courts in the 86 districts having only Federal jurisdiction rose over a month to 14.6 months and there were 25 districts, which are listed in the annual report of the Administrative Office of the United States Courts, in which the time for disposition exceeded the national median. From issue to trial, the median time interval for the 86 districts was 9.1 months.

Among the congested districts some improvement has taken place in the Southern District of New York where the civil calendar has been reduced by almost 600 cases and the time for reaching trial (although still 38 months for personal injury jury cases) has been materially shortened.

The criminal business of the district courts has shown only a small change since the war if immigration cases arising in the districts on the Mexican border are eliminated. The number of criminal cases pending is small in comparison with the number filed during the year. In 1955, the number of cases filed was 35,310. Terminations were in excess of filings and 8,643 cases were pending at the end of the year of which 1,747 could not be tried because they involved fugitives or other defendants who were not in Federal

custody. Criminal cases receive priority and generally speaking the criminal dockets are in satisfactory condition.

While bankruptcy cases increased, the rate of increase has dropped, particularly in the last half of the fiscal year 1955. The increase in the past year was in voluntary bankruptcy petitions filed by individuals and not in business failures. Cases terminated increased by 8,700 over 1954 but still were less than the cases begun. The pending caseload rose to 55,592 which was higher than at any previous year's end since 1941.

Cases and motions under advisement.—A report was presented to the Conference listing the cases and motions under advisement more than 6 months on September 1, with such explanations in reference to them as had been furnished to the Administrative Office by the judges concerned. The number of such cases and motions was reported as 19, not including some cases reported as closed. Of that number, reports indicated that all but 8 would be disposed of by October 1. Where necessary these will be brought to the attention of the judicial council of the circuit by the chief judge.

Additional Judgeships Recommended

Because of changed conditions, the Conference withdrew the recommendation heretofore made that an additional judgeship be provided for the Middle District of Pennsylvania on a temporary basis. It also withdrew its previous recommendation for an additional district judgeship for the District of Arizona. With these two exceptions, the Conference reaffirmed its previous recommendations with respect to the creation of additional judgeships (Cf. Rpt. Mar. 1955, sess. p. 2).

The Conference recommended the creation of the following judgeships not heretofore recommended by the Conference:

1 additional district judgeship for the Eastern District of Pennsylvania.

1 additional district judgeship for the District of Maryland.

1 additional district judgeship for the Western District of Texas.

A proposal that one additional district judgeship be recommended for the Western District of Washington was considered and rejected.

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A complete list of the present Judicial Conference recommendations with respect to judgeships including such former recommendations as the Conference voted to reaffirm is as follows:

Courts of Appeals:

Second Judicial Circuit—The creation of one additional judgeship.

District Courts:

Second Judicial Circuit—District of Connecticut.—The creation of one additional judgeship.

Eastern District of New York.—The creation of one additional judgeship.

Southern District of New York.—The creation of three additional judgeships.

Third Judicial Circuit—Eastern District of Pennsylvania.—The creation of two additional judgeships.

Fourth Judicial Circuit—District of Maryland.—The creation of one additional judgeship.

Eastern, Middle, and Western Districts of North Carolina.—The creation of one additional judgeship.

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

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

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

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

Sixth Judicial Circuit—Eastern District of Michigan.—The creation of one additional judgeship.

Northern District of Ohio.—The creation of one additional judgeship.

Eighth Judicial Circuit—Northern and Southern Districts of Iowa.—The creation of one additional judgeship.

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

Northern District of California.—The creation of one additional judgeship.

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

District of Kansas.—The creation of one additional judgeship.

DISAPPROVAL OF CREATION OF ANY ADDITIONAL JUDICIAL DISTRICTS

The Conference reaffirmed the following resolution which was adopted at the September 1948 session (Cf. Rpt. p. 35):

"BE IT RESOLVED, That, henceforth, the Judicial Conference of the United States will definitely oppose the creation of any additional judicial district; and where it is found that additional judicial service is necessary, it will recommend that such service be provided by the creation of additional judgeships within the then existing judicial districts."

DISAPPROVAL OF PROPOSED CREATION OF ADDITIONAL DIVISION IN THE NORTHERN DISTRICT OF CALIFORNIA

The Conference approved the following resolution which was adopted by the Judicial Conference of the Ninth Circuit at its session held June 28–30, 1955:

"WHEREAS, Director Chandler has requested that the Judicial Council of the Ninth Circuit advise the Judicial Conference of the United States whether or not it should recommend that Congress enact H. J. 515 and the identical H. J. 516; (these provide for creating in the United States District Court for the Northern District of California a new Eastern Division by taking from the present Southern Division the Counties of Alameda and Contra Costa. This Eastern Division would hold its sessions in the City of Oakland, County of Alameda, a distance of about ten miles from San Francisco where the judges of the Southern Division now entertain litigation of that Division.)

"AND WHEREAS, the combined round trip time to go by automobile or train transportation from Oakland cross San Francisco Bay through San Francisco and return is not over an hour;

"AND WHEREAS, the creation of such a new division would require the cost of construction in Oakland of
(a) a courtroom, (b) a judge's three room chambers for the judge, his law clerk and his secretary, rooms for the accommodation of juries of men and women, one or more Assistant United States Attorneys, for deputy marshals and their prisoners, clerk of the court and his deputies, a crier, court

reporters, probation officers, a library and the books of the library and other court facilities;

"AND WHEREAS, we are advised by Mr. Chambers of the General Services Administration that Congress would be compelled to appropriate at least $1,000,000 to supply these facilities for the proposed Eastern Division if in a proper structure and not less than $400,000 if, by removing the present occupants of the Post Office Building and paying very large rentals for their offices elsewhere, their quarters were converted to an adequate courtroom and the above offices;

"AND WHEREAS, if the 10 miles of travel between Oakland and San Francisco warrant the creation of such an Eastern Division, there would be a greater warrant for the creation of another division in the San Jose area, some 50 miles from San Francisco, consisting of the surrounding counties; . . .

"It was resolved that the Conference take the same position as that of the Judicial Council of the Circuit and register its disapproval of the establishment of a division of the above district court."

APPOINTMENT OF AN ADDITIONAL JUDGE WHEN A DISABLED JUDGE FAILS TO RETIRE

The Conference reaffirmed its recommendation made at the April 1954 special session (Cf. Rpt. p. 3), the September 1954 session (Cf. Rpt. p. 7), and the March 1955 special session (Cf. Rpt. p. 4) that the repealed statute which permitted the President to appoint an additional judge when a disabled judge eligible to retire failed to do so and the President found that such an appointment was necessary for the efficient dispatch of business, be amended in the form recommended by the Conference and reenacted. The recommendation of the Conference is embodied in H. R. 4792 which passed the House in the first session of the 84th Congress and is pending before the Judiciary Committee of the Senate.

PROPOSED DESIGNATION OF RETIRED JUDGES AS "SENIOR JUDGES"

The Conference reaffirmed its recommendation made at the March 1955 session (Cf. Rpt. p. 4) that § 371 (b) of Title 28, United States Code, be amended so as to designate a judge taking advantage of the retirement provisions as a "senior judge" instead

of a "retired judge" as at present and to provide that a roster to be known as the "Roster of Senior Judges" be maintained by the Chief Justice of retired judges willing and able to undertake special judicial duties upon assignment by him when and as needed. This recommendation of the Conference is embodied in H. R. 6248 which passed the House of Representatives at the first session of the 84th Congress and is pending before the Judiciary Committee of the Senate.

Joint Report of the Committee on Supporting Personnel and the Committee on Court Administration

Chief Judge Biggs, who is chairman of the Committee on Supporting Personnel and also chairman of the Committee on Court Administration, made a joint report for the two Committees. He informed the Conference that because the subjects which had been referred to the Committee on Supporting Personnel are also among the subjects which the Committee on Court Administration had been authorized to consider, and the 2 Committees had the same chairman and 1 additional member in common, it seemed to him appropriate that the 2 Committees hold a joint session, which had been done.

Additional Deputy Clerks

After considering the increase volume of work in the clerks' offices of the United States courts both Committees were of the view that need for 50 more deputy clerks in addition to 25 added positions provided for in the appropriation for the current fiscal year is clearly indicated and that even this number may not be adequate. They therefore recommended that sufficient funds be included in the budget estimates for the fiscal year 1957 to permit the employment of this number of additional deputy clerks, to be classified by the Administrative Office in accordance with present standards. The recommendation was adopted by the Conference.

The Probation Service

Additional Probation Officers.—The Committees reported that the 316 Federal probation officers presently have an average workload of 115 per officer. The workload is computed by giving a weight of 1 to each person under supervision and a weight of 4 to each presentence investigation, it being considered that on the

average an investigation requires 4 times as much time as supervision of 1 person. This is a method of computation approved by correctional authorities. Additional funds available in the appropriation for the current fiscal year will permit the appointment of 71 additional probation officers which will reduce the average workload per officer to 94. The Administrative Office considers that a desirable standard is an average workload of 75 per officer, although this is above the load of 50 recommended by some authorities in the field.

To reduce the average workload of Federal probation officers to 75 the addition of 115 officers to those presently in service or authorized under the current appropriation act will be required. This number would also fulfill the recommendation made by the Senate Committee on the Judiciary on Juvenile Delinquency (S. Rept. No. 61, 84th Cong., 1st Sess., p. 109). Accordingly the two Committees recommended that funds be included in the budget estimates for the fiscal year 1957 to permit the appointment of 115 additional probation officers. The recommendation was approved by the Conference.

Clerical Assistance to Probation Officers.—The Committees reported that the appointment of 115 additional probation officers will require the services of 124 additional clerk-stenographers. The Committees therefore recommended and the Conference approved the inclusion of sufficient funds in the budget estimates for 1957 to provide for this additional number of clerk-stenographers in the Probation Service as the need arises.

Compensation of Probation Personnel.—The Committees reported that they found the salaries of Federal probation officers to be substantially lower than those of officers in most Federal law enforcement agencies and also in many State probation systems and that they considered it necessary that probation officers be reclassified if competent men are to be employed and retained. They therefore recommended the following changes in the presently existing plan of classification of probation officers:

1. That the entrance grade and salary for probation officers be increased from $4,525 per annum, grade GS–7, to $5,440 per annum in grade GS–9.

2. That the ceilings for probation officers be raised from GS–10 to grade GS–11; for deputy chief probation officers from grade GS–11 to grade GS–13; for chief probation officers in the smaller of-

fices from grade GS–11 to grade GS–13; and that the chief probation officers of the metropolitan districts be raised from grade GS–12 to grade GS–14.

3. That a new position of Supervising Probation Officer be created to be allocated to grade GS–12.

The Conference adopted these recommendations and authorized the inclusion of sufficient funds in the budget estimates for 1957 to make them effective.

Standards for Probation Officers.—The Conference recommended in 1942 (Cf. Rpt. Sept. 1942 sess. pp. 9–10) and reaffirmed in 1954 (Cf. Rpt. Apr. sess. 1954, pp. 21–22) the following standards of qualifications for probation officers:

(1) Exemplary character.

(2) Good health and vigor.

(3) An age at the time of appointment within the range of 24 to 45 years inclusive.

(4) A liberal education of not less than collegiate grade, evidenced by a bachelor's degree (B. A. or B. S.) from a college of recognized standing, or its equivalent.

(5) Experience in personnel work for the welfare of others of not less than 2 years, or 2 years of specific training for welfare work (a) in a school of social service of recognized standing, or (b) in a professional course of a college or university of recognized standing.

The Committees reported that while these standards had been adhered to in most instances, there have been deviations and that the deviations had been emphasized by the Subcommittee of the Senate Committee on the Judiciary to Study Juvenile Delinquency, which had recommended that the standards be made mandatory. The Committees of the Judicial Conference therefore recommended that the Judicial Conference recommend to Congress the enactment of appropriate legislation empowering the Judicial Conference to promulgate minimum standards which must be met by all probation officers to be appointed in the future. The Conference adopted the recommendation.

The Chicago Service Training Center.—To improve the facilities of the Chicago Service Training Center for the training of newly appointed probation officers, the Committees recommended the following additions to the budget of the Training Center to be included in the budget estimates for the United States Courts for the next fiscal year:

1. Assistant director of training in grade GS–12	$7,570
2. Two probation officer instructors in grade GS–11 at $6,390	12,780
3. One secretary-librarian in grade GS–5	3,670
4. Books and materials, including visual aids	300
5. Special stipends for outside instructional services	1,000
Total addition to the annual budget for the Training Center	25,320

The recommended additions were approved by the Conference, and the Administrative Office was instructed to include the additional amount in the budget estimates for the Chicago Service Training Center for the next fiscal year.

Deficiencies in Appropriations for Travel Limiting the Probation Service.—The Committees informed the Conference that a large deficiency in the travel funds available for probation officers had reacted adversely on the functioning of the probation service as a whole and on the Chicago Service Training Center in particular. The Committees therefore recommended that every effort be made to have included in the appropriation for the United States courts sufficient funds for travel to permit the probation service as a whole to function properly and also to take maximum advantage of the facilities of the Chicago Center. The Conference approved this recommendation.

CLASSIFICATION OF CLERK-STENOGRAPHERS

The Committees reported that it had been found, as a practical matter, impossible to secure satisfactory stenographers in grades lower than GS–4 in many areas. Accordingly they recommended that all clerk-stenographers in the supporting personnel of the courts below that grade be reclassified to grade GS–4 and that hereafter grade GS–4 be established as a minimum grade for entering clerk-stenographers. The Conference approved this recommendation and authorized the inclusion of sufficient funds in the budget estimates for the fiscal year 1957 to carry it into effect.

SURVEY OF CLASSIFICATIONS OF OTHER COURT PERSONNEL

The Committees informed the Conference that consideration had been given to recommendations for reclassifications of other

supporting personnel of the courts including law clerks, secretaries, and secretary-law clerks to judges, and clerks of court and their deputies. The Committees were of the opinion that because of the interrelationship of the grades of these positions they should not be considered piecemeal. Also the Committees considered that additional information was needed in order to determine fair compensation for these employees. Accordingly they recommended that the Conference direct the Administrative Office to make a further survey of the grades and salaries of the supporting personnel of the courts for submission to the Committees and that the Committees be authorized to consider the survey and make further recommendations on the subject to the Conference as soon as possible. The Conference adopted the recommendation.

NATIONAL PARK COMMISSIONERS

The attention of the Conference was directed to the fact that the national park commissioners have not received the benefits of the 7½-percent pay raise given to Federal employees generally by the Federal Employees Salary Increase Act of 1955, Public Law 94, 84th Congress, first session, because pursuant to Title 28, U. S. C., § 634, the salaries of these commissioners are fixed by the district courts of the districts in which the parks are situated with the approval of the Conference. The Committees recommended that the Conference inform the district courts that it would approve increases in the compensation of national park commissioners to the extent of 7½ percent retroactive to March 14, 1955, the effective date of Public Law 94 with respect to the salaries of other court employees. The Conference adopted the recommendation.

MATTERS RELATING PARTICULARLY TO THE COMMITTEE ON COURT ADMINISTRATION

The Conference received and approved the report of the Committee on Court Administration that it is presently engaged in seeking information on subjects germane to the functioning of the courts and their supporting personnel which would be considered at a further meeting of the Committee scheduled to be held November 1 and 2, 1955.

The following additional matters were referred to the Committee on Court Administration for consideration and recommendation to the Conference:

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1. The question whether the creation of any additional divisions of judicial districts ought to be opposed.

2. A proposal offered by Judge Denman that whenever a chief judge of a circuit determines that he needs the services of two law clerks he be authorized to appoint that number.

3. A bill (H. R. 7161) pending before the Judiciary Committee of the House of Representatives to provide that chief judges of circuits and district courts shall no longer serve as chief judges upon reaching the age of 75 years.

4. A bill (S. 2359) pending before the Judiciary Committee of the Senate to provide that the President shall designate from time to time one of the circuit judges in active service in the circuit as chief judge of the circuit.

5. A bill (H. R. 5884) which has passed the House of Representatives and is pending before the Senate Committee on Foreign Relations which would increase the fee for execution of a passport application before the clerk of a State court from $1 to $3 but would not increase the fee of $1 for the execution of such applications before clerks of United States district courts.

6. A bill (H. R. 91) pending before the Judiciary Committee of the House of Representatives which would provide that diversity of citizenship cases could be removed from State courts to Federal courts only if the amount in controversy exceeds the sum of $15,000.

7. A bill (H. R. 5007) pending before the Judiciary Committee of the House of Representatives which would raise to $10,000 the jurisdictional amount both in Federal question and diversity of citizenship cases, and would further provide that the diversity of citizenship jurisdiction should apply only to cases affecting individuals, thus excluding corporations.

8. A proposal offered by Judge Edgerton that a study of ways and means of shortening trials be suggested to a foundation as an appropriate subject for investigation in the public interest.

Compensation of United States Commissioners

The Director recommended that consideration be given to the rate of compensation of United States Commissioners, pointing out that there has been no change in the fees authorized for their

services since 1946 and that a bill (H. R. 7363) is pending in the House of Representatives which would increase the existing limit of $7,500 per year on the basic fees which a Commissioner may receive to $10,000. The matter was referred to the Committee on Supporting Personnel of the Courts for consideration and report to the Conference.

Bankruptcy Administration

Chief Judge 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 which was approved by the Director on August 15, 1955, relating to certain changes in salaries and arrangements of referees and to the filling of vacancies in certain referees' positions.

The report had been circulated by the Director among the district judges and the judicial councils concerned, also among the members of the Judicial Conference. The Committee on Bankruptcy Administration had considered it and the recommendations of the district judges and judicial councils, and these with the report of the Committee were before the Conference.

Upon the recommendation of the Committee the Conference took the action shown in the following table:

District	Regular place of office	Present type of position	Present salary	Conference action	
				Type of position	Salary
5th Circuit					
Georgia (S)	Savannah	Part-time	$4,500	(1)	
7th Circuit					
Wisconsin (E)	Milwaukee	do	6,000	(1)	
9th Circuit					
Oregon	LaGrande	do	2,400	Part time	[2] $3,500

[1] Conference action deferred until the 1956 Spring meeting of the Conference.
[2] Effective Jan. 1, 1956.

The Conference upon the recommendation of the Committee took the action shown in the following table relating to positions to become vacant by expiration of term on the dates shown:

District	Regular place of office	Present type of position	Present salary	Present term expires—	Conference action		
					Position	Type of position	Authorized salary
2d Circuit							
Connecticut	Bridgeport	Full-time	$12,500	Oct. 31, 1955	Continued [1]	Full-time	$12,500
4th Circuit							
Maryland	Baltimore	Part-time	6,000	Dec. 31, 1955	do	do [2]	11,250
5th Circuit							
Texas (N)	Lubbock	do	3,000	Dec. 14, 1955	do	Part-time	4,500
7th Circuit							
Illinois (N)	Chicago	Full-time	12,500	Oct. 3, 1955	do	Full-time	12,500
10th Circuit							
Utah	Salt Lake City.	Part-time	6,000	Nov. 27, 1955	do	Part-time	6,000

[1] The word "continued" signifies an authorization for the filling of the vacancy for a term of 6 years beginning on the day following the expiration date of the present term at the authorized salary shown above.
[2] The part-time position at Salisbury was discontinued effective Jan. 1, 1956, as no longer needed, the entire District of Maryland to be served by the full-time referee at Baltimore. Easton and Salisbury are designated as places of holding court for the Baltimore referee.

Sixth Circuit—Western District of Kentucky.—The Committee recommended and the Conference approved the filling of the vacancy in the office of referee in bankruptcy at Louisville, Ky., caused by the death of Referee Hite H. Huffaker on June 20, 1955, for a term of 6 years on a full-time basis at a salary of $11,250 a year; the regular place of office of the new appointee to be at Louisville, Ky.

CHANGES IN ARRANGEMENTS

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

Third Circuit—Western District of Pennsylvania.—That the regular place of office of the referee formerly located at Ebensburg, be changed to Johnstown and that Ebensburg be discontinued and Johnstown designated as a place of holding court for the referee now located at Johnstown.

Fourth Circuit—Eastern District of Virginia.—That the counties of Elizabeth City and Warwick, be stricken from the list of counties included in the territory of the Norfolk referee and that the city of Hampton and the city of Warwick be added to such territory.

Seventh Circuit—Eastern District of Illinois.

1. That an additional part-time referee be appointed effective January 1, 1956, at a salary of $6,000 per annum, for a term of 6 years, to serve the counties of Fayette, Clinton, Marion, Monroe, Washington, Jefferson, Randolph, Perry, Franklin, Hamilton, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac and St. Clair; the regular place of office to be at East St. Louis, Illinois, with places of holding court designated at East St. Louis and Cairo.

2. That the territory of the Danville referee be changed effective January 1, 1956, to include only the counties of Kankakee, Iroquois, Ford, Champaign, Piatt, Moultrie, Shelby, Douglas, Edgar, Coles, Clark, Cumberland, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Wayne, Edwards, Wabash, White and Vermilion.

3. That East St. Louis and Cairo be discontinued as places of holding court for the Danville referee, effective January 1, 1956.

4. That the salary of the Danville referee be fixed at $5,000 a year, effective January 1, 1956.

Ninth Circuit—District of Nevada.—That the regular place of office of the referee formerly located at Reno, be changed to Las Vegas and that Reno be continued as a place of holding bankruptcy court for the referee at Las Vegas.

The Committee recommended and the Conference authorized the Director to seek at the first opportunity a supplemental appropriation for 1956 for referees' salaries in an amount sufficient to defray the cost of the above changes in salaries and arrangements approved by the Conference.

At the meeting of the Conference in March 1955, the Bankruptcy Committee was authorized to study Section 60 of the Bankruptcy Act and related sections with a view to proposing legislation to clarify their meaning. Thereafter the chairman of the Committee appointed the following Subcommittee to study the matter: Circuit Judge John B. Sanborn, Chairman, District Judge H. Church Ford, Member, and Edwin L. Covey, Adviser.

The Subcommittee reported the results of its study thus far. The Committee recommended that the Subcommittee be continued for further study and report to the full Committee. The recommendation of the Committee was approved by the Conference.

Chief Judge Phillips brought to the attention of the Conference a draft of a proposed revision of Section 58e of the Bankruptcy Act

relating to orders and notices in bankruptcy now required to be given to the Commissioner of Internal Revenue, the Director of Internal Revenue and the Comptroller General. The purpose of the proposal is to reduce the number of such orders and notices relating to the date of adjudication in bankruptcy. The proposal which has the approval of the Commissioner of Internal Revenue would eliminate two of the documents now required by Section 58e to be mailed to the Commissioner of Internal Revenue in Washington but would continue the one sent to the local Director. With the decentralization of the Internal Revenue Service that agency will rely on the notice sent to the local Director. The Comptroller General will rely on the single notice sent to him in Washington. The Committee recommended the approval of the following draft of an amendment to Section 58e:

> e. ~~The clerk shall mail to the Commissioner of Internal Revenue and to the Comptroller General of the United States a certified copy of every order of adjudication forthwith upon the entry thereof.~~ The court shall, in every case instituted under any provisions of this Act, mail or cause to be mailed a copy of the notice of the first meeting of creditors ~~to the Commissioner of Internal Revenue~~ to the ~~collector~~ district director of internal revenue for the district in which the court is located, and to the Comptroller General of the United States. Whenever the schedules of the bankrupt, or the list of creditors of the bankrupt, or any other papers filed in the case disclose a debt to the United States acting through any department, agency, or instrumentality thereof, (except for any internal revenue obligation payable to the Secretary of the Treasury or his delegate) a notice of the first meeting shall be mailed as well to the head of such department, agency, or instrumentality.
>
> (Deleted matter stricken and added matter underscored.)

In connection with the proposal to amend Section 58e the Committee also recommended that the Conference reaffirm its approval of legislation that would provide for the combining of notices of the time fixed for filing objections to the discharge of the bankrupt with the notice of the first meeting of creditors whenever possible. Both recommendations were approved by the Conference.

The Committee recommended that the Conference reaffirm its previous action recommending that the following maximum rates of compensation for trustees be provided by amendment of Section 48c (1) of the Bankruptcy Act, to wit:

10 percent on the first	$500.00
6 percent on the next	1,000.00
3 percent on the next	8,500.00
2 percent on the next	15,000.00
1 percent on all above	25,000.00

together with an increase in the discretionary allowance from $100 as now provided in such subsection to the sum of $150.00.

The Committee recommended that the Conference reaffirm its previous action recommending an amendment of Section 66 regarding unclaimed moneys in bankruptcy proceedings (Cf. Rpt. Sept. 1953 sess. pp. 10–11, Cf. Rpt. Sept. 1954 sess. pp. 14–15). The Conference approved this recommendation.

Chief Judge Denman brought to the attention of the Conference the following resolution adopted by the Judicial Conference of the Ninth Circuit:

> "RESOLVED, that this Conference refer to the Judicial Conference of the United States the question as to the need for amending Section 7, Section 324 and Section 331 of the Bankruptcy Act, and to recommend to Congress an amendment providing for adequate procedure for filing a Chapter 11 proceeding without schedules and statements of affairs where the judge or judges are absent from the district, and further providing for an order of reference under Chapter 11 by the clerk under the same circumstances."

The resolution was referred to the Committee on Bankruptcy Administration for consideration and report.

THE COURT REPORTING SYSTEM

The Director submitted a report on the court reporting system in which he informed the Conference that in general the income of the Federal court reporters has improved continuously throughout more than a decade since the system was established. Their average annual net income from salary, official transcript fees and private reporting during the fiscal year 1955 was $10,191.83. The median was $9,197.07.

The attention of the Conference was directed to the fact that the Federal Employees Salary Increase Act of 1955 did not increase the salaries of court reporters but section 3 (c) of the Act raised the statutory maximum limit upon their salaries from $6,000 to $6,450 per year, thus enabling the Conference which has the responsibility of fixing the reporters' salaries to take appropriate

action. Accordingly the Director recommended and the Conference authorized increases of 7½ percent in the salaries of the court reporters, rounded to the nearest even multiple of $5, effective as of March 14, 1955, the day on which the increases under the Salary Increase Act became applicable to other supporting personnel of the courts. The Director reported that funds are available for the payment of these increases.

The Conference voted to fix the salaries of reporters who have been receiving $4,500 per year at $5,000 per year plus the 7½ percent increase to become effective when funds are available, and it instructed the Director to include funds for this purpose in the 1957 budget estimates.

Accordingly the annual salary rates for reporters as fixed by the Conference hereafter are revised as follows:

For reporters who have been receiving:

	Annual salary
$4,500 5,000	$5,375
5,500	5,915
6,000	6,450

No additional increases in the salaries of reporters in individual districts were recommended by the Director or authorized by the Conference.

CHANGES IN ARRANGEMENTS

The Conference was informed that Judge Mize of the Southern District of Mississippi had requested that as an alternative to the combined reporter-secretary position presently authorized for his district the positions be separated and the appointment of a reporter only be authorized. Accordingly, the appointment of a reporter only for this district was authorized at a salary of $5,375.

The Conference affirmed an authorization heretofore made by a mail vote for Judge Lemley of the Eastern and Western Districts of Arkansas to appoint a court reporter only in place of a combined reporter-secretary at a salary of $4,500. Under the action of the Conference above mentioned the salary of the new position will be $5,375.

At the request of Judge Register of the District of North Dakota, the Conference authorized a combined reporter-secretary position for his court as an alternative to the position of reporter only here-

tofore authorized. The salary authorized for the combined position is $5,915.

Air Conditioning of Court Quarters

Chief Judge Parker, chairman, submitted a report and supplemental report of the Committee on Air Conditioning.

The Committee reported that in a large part of the country air conditioning of courtrooms and quarters of judges and supporting personnel is necessary in the interest of efficiency. The practical impossibility of holding court during summer months in many areas in the absence of air conditioning has led sometimes to long vacations and unnecessary delay in disposing of judicial business. The Committee was of the opinion that by enabling court to be held more comfortably during the summer months air conditioning will do much to eliminate long vacations and the delays resulting therefrom as well as contribute to the greater efficiency of those who are engaged in the work of the courts. The Committee therefore recommended:

1. That, except in those rare portions of the country where air conditioning is not needed during the summer months, air conditioning be provided for all courtrooms and quarters of court personnel that are constructed in the future.

2. That as rapidly as possible, air conditioning be provided in existing courtrooms and quarters occupied by court personnel.

3. That, when court is held in a number of places in a district and it is not necessary to hold court in all places at the same time, air conditioning be provided immediately in one of the courtrooms and for the chambers of the judge resident within the district, without awaiting action with respect to other courtrooms and quarters of other personnel.

After securing information from all of the courts as to their desires for air conditioning and obtaining from the judicial councils of the circuits their recommendations concerning the needs thus expressed, the Committee had prepared a list of places in which the air conditioning of courtrooms and judges' quarters was believed to be most urgent. This list was attached to the report of the Committee. The Committee was instrumental in securing the inclusion of an appropriation of $1,150,000 in a supplemental appropriation act for the current fiscal year which will permit the

courtrooms and judges' quarters on that list to be air conditioned, and this work is presently going forward.

Other court quarters which the Committee considers should be air conditioned as rapidly as possible were listed in a second schedule attached to the report of the Committee. In order to go forward with the air conditioning of court quarters during the next fiscal year the Committee recommended that there be included in the budget for the courts for the fiscal year 1957 an item of $1,500,000 to cover the cost of air conditioning, and that the Committee on air conditioning be continued with power to advise the Administrative Office as to the expenditure of said sum in the air conditioning of courtrooms, court quarters and jury rooms, and with full power to make such changes in this list as may seem proper. The Conference approved the report of the Committee and adopted the foregoing recommendation.

Increase of Per Diem and Mileage Allowances of Court Personnel

The Director reported action taken by him under Public Law 189 of the 84th Congress approved July 28, 1955, which increased from $9 to $12 a day the per diem allowance in lieu of subsistence which might be authorized for supporting personnel of the courts while engaged in official travel within the continental United States and from 7 cents to 10 cents the mileage rate for the use of privately owned automobiles in official travel by both judges and supporting personnel of the courts. He stated that subject to action which might be taken by the Conference he had increased the per diem and mileage allowances to the sum permitted by the recent act as above specified because he considered that they were necessary for just reimbursement of the personnel of the courts for the travel expenses involved. He further reported that the addition to the cost of official travel of the courts could not be defrayed without serious impairment of the service except by a supplemental appropriation. The Conference approved the action of the Director and authorized him to seek a supplemental appropriation to cover the increased cost.

Appropriations

The Director submitted to the Conference for its approval pursuant to the statute (28 U. S. C. 605) estimates for supplemental

appropriations for the current fiscal year, and for annual appropriations for the fiscal year 1957.

The supplemental estimates included funds for increased salary costs resulting from the enactment of the Federal Employees Salary Increase Act of 1955, increased travel costs due to the increase in the rates of allowance for subsistence and the use of privately owned automobiles in official travel under the recent Public Law 189 of the present Congress, increases authorized by the Conference in the salaries of court reporters and added costs of salaries of referees in bankruptcy as authorized by the Conference. The estimates were approved as submitted.

The estimates for the annual appropriations for the operation of the courts during the fiscal year 1957 were approved as submitted with additions for the cost of air conditioning, increases in salaries of referees in bankruptcy and court reporters authorized by the Conference as above shown, and with authorization for the Director to add not to exceed $75,000 for salaries of additional personnel for the Administrative Office, with a commensurate sum for impersonal facilities and not to exceed $14,000 for the annual cost of reclassifications in that office.

Habeas Corpus

Chief Judge Parker, Chairman of the Committee on Habeas Corpus, informed the Conference that the proposed legislation approved by the the Conference at the March, 1955 session (Cf. Rpt. p. 18) had been introduced in the House of Representatives as H. R. 5649 entitled "A Bill to amend section 2254 of Title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court." A hearing was held before a Subcommittee of the Judiciary Committee of the House of Representatives in June 1955, after which the bill was favorably reported to the House by the Committee. It was pending on the House Calendar at the adjournment of the first session of the present Congress.

The Conference reaffirmed its support of this proposed legislation and recommended its enactment by Congress at its next session.

Annuities for Widows and Dependent Children of Judges

The Conference reaffirmed its recommendation made at the March 1955 session (Cf. Rpt. p. 15) that legislation be enacted to

authorize provision for payment of annuities on a contributory basis to widows and dependent children of judges comparable to the provisions made under existing law for annuities to widows and dependent children of Members of Congress.

Operation of the Jury System

Judge Watkins, chairman, submitted the report of the Committee on the Operation of the Jury System.

The proposed legislation to provide for a jury commission for each United States district court, to regulate its compensation, to prescribe its duties, and for other purposes which has been advocated by the Conference for more than 10 years was again introduced in the first session of the 84th Congress as H. R. 6250 and S. 1775. Upon the recommendation of the Committee, the Conference reaffirmed its support of this measure.

The Committee procured the reintroduction in the 84th Congress of bills to carry out the recommendations of the Conference to establish uniform qualifications for jurors in the Federal courts by repealing that paragraph of Section 1861, United States Code, Title 28, which states that no person is competent for jury service if he is incompetent to serve as a grand or petit juror by the law of the state in which the district court is held (S. 1774, H. R. 6252). The Conference reaffirmed its approval of this proposed legislation and authorized the Committee to continue its efforts to secure its enactment.

The attention of the Conference was called to bills (H. R. 423, S. 2699) which would require that no citizen be excluded from grand or petit jury service because of sex; but would permit any woman to elect to make the provision inapplicable to herself. It was the view of the Conference that no man or woman should be excused from jury service on account of sex upon mere request and that provision for the use of women jurors in all districts should be made pursuant to the terms of the bills recommended by the Conference (S. 1774, H. R. 6252).

Inasmuch as proposed legislation to authorize in certain cases the appointment of special counsel and investigators to assist grand juries in the exercise of their powers, heretofore disapproved by the Conference (Cf. Rpt. Sept. sess. 1952, p. 16; Sept. 1953 sess. p. 21), has been reintroduced in the present Congress as H. R. 777, the Conference upon recommendation of the Committee re-

affirmed its position that this proposed legislation ought not to be enacted.

The Conference reaffirmed its disapproval of pending bills (H. R. 4732, H. R. 4777 and S. 1825) to provide for jury trial as of right of the issue of just compensation in condemnation cases notwithstanding the discretionary power given to the court by Rule 71A (h) of the Federal Rules of Civil Procedure, to provide for determination of the issue of compensation by a commission. After the appointment of a committee and careful consideration of this matter, the Conference has several times gone on record against the enactment of legislation of this character (Cf. Rpt. Mar. 1952 sess. pp. 7–8; Sept. 1952 sess. p. 15; Apr. 1954 sess. p. 15; Mar. 1955 sess. p. 21). It is the view of the Conference that the present procedure in condemnation proceedings as prescribed by Rule 71A (h) is operating fairly and efficiently and should be permitted to continue.

The Committee was authorized at its request to study a pending bill (H. R. 565) which would require that in a civil action tried by a jury, other than those tried by a jury "as a matter of right guaranteed by the seventh amendment to the Constitution," the number of jurors that must constitute the jury and the number of jurors who must agree in order that there be a valid verdict or finding shall be determined by the law of the state in which the action is tried; or, if there is no state law on the subject, that trial shall be by 12 jurors and the verdict or finding shall be valid if 10 of them agree.

The Conference received the report of the Committee that the revised edition of the handbook for petit jurors, prepared by the Committee, has been printed and will be furnished to all judges with the information that supplies of the handbook are available for use in their respective courts upon requisition to the Administrative Office.

A further report by the Administrative Office of its study of the costs of operation of the jury system was received and authorized to be distributed among the judges.

Judicial Statistics

Judge Clark presented the report of the Committee on Judicial Statistics of which he is the chairman. During the spring at the request of the committee, 28 district judges kept diaries for a

period of 3 months noting the amount of time spent in court and chambers in individual cases. The Administrative Office is preparing a report of the results, which substantiates the information obtained from previous studies, particularly as to the relatively large amount of time required by the private cases. Judge Clark expressed the appreciation of the committee to the judges who had participated in the study.

The Committee in its report discussed the factors to be considered in recommending the creation of additional judgeships and came to the conclusion that a single mathematical standard could not be established because of the individual factors in each case. It suggested that the Administrative Office be notified by the chief judge of the circuit, when possible at least 3 weeks before the meeting of the Judicial Conference, of any recommendations for additional judgeships which he intends to make and that the Administrative Office then mail statistical data and other information with reference to the proposed judgeship to all members of the Conference before their meeting.

A further committee recommendation discussed by the chairman of the committee and other members of the Conference was that the Conference go on record as being opposed to the creation of an additional judgeship in any district where the judicial business is now being despatched satisfactorily and there is no present indication that this condition will not continue. The report was received and the Administrative Office was authorized to circulate it among the circuit and district judges.

Pre-trial Procedure

Judge Murrah, Chairman of the Committee on Pre-trial Procedure, submitted its report to the Conference. He stated that information from the circuits indicated that progress was being made in expanding the use of pre-trial and improving the techniques employed in the district courts. He emphasized the importance of the circuit committees and referred to the work which was being done to inform the newly appointed judges of the value of the pre-trial conference and to help them to adapt it to their own needs. For the last several years, he said, he has been writing to each newly appointed district judge suggesting that he investigate the merits of pre-trial. He has also written at the same time to the chief judge of the circuit asking for his cooperation in

providing an opportunity for an experienced pre-trial judge to discuss pre-trial with the new appointee.

The following resolution of the Committee, having been circulated among the district judges, was adopted by the Conference:

> "It is recommended that the Judicial Conference approve the appointment by the Chief Justice of the United States of a panel of district judges consisting of one or more from each circuit who shall make a study of the special problems in the pre-trial of long and complicated cases, the study to be under the auspices of the Pre-trial Committee and in conference with leading trial counsel: that this panel be authorized to meet in conference; and that after the formation and study of such panel, it be adopted as the policy of the Judicial Conference of the United States that in antitrust and similar complicated and protracted cases one of the judges of this panel be available to the judge who will try the case, on his request and upon designation by the chief judge of the circuit, for consultation or to sit jointly in the pre-trial conferences, or to assist in such manner and to such extent as the trial judge may deem advisable."

Judge Murrah stated that the resolution had been approved by 38 of the 42 district judges writing to him concerning it, a few not expressing an opinion because they felt it a matter with which they were not directly concerned. The Committee re-emphasized that the request for assistance to the panel or a member thereof would always be entirely voluntary on the part of the judge by whom a long case was to be tried and the assistance given would then only be to the extent requested.

The Administrative Office was authorized to circulate the Committee report among the judiciary.

Committee on Revision of the Laws

Judge Maris, chairman, submitted the report of the Committee on Revision of the Laws.

A bill (H. R. 29) pending in the present Congress provides for the appointment of hearing examiners serving the administrative agencies by five commissioners constituting the Office of Administrative Procedure. The examiners would be known as administrative judges. Although the Committee was of the opinion that the general policy involved in the bill is not one upon which the Judicial Conference should express an opinion, it considered that two provisions of it which bear directly upon the judiciary should be disapproved by the Conference. The first provision is that removal of an administrative judge for neglect of duty, or physical or mental disability may be accomplished only upon final order of the United States district court for the district in which

the administrative judge is stationed in a civil action for removal instituted by the Director of the Office of Administrative Procedure. The Committee felt that it would be unwise and perhaps unconstitutional to impose upon district courts the duty of removing officers of the executive branch of the Government. The bill also would provide that the President is to appoint a circuit judge as 1 of the 5 commissioners who comprise the Office of Administrative Procedure. This would make such a judge an official in the executive branch of the Government which would be inconsistent with his judicial office and would seriously interfere and disqualify him for the performance of his judicial duties. The Conference adopted the recommendation of the Committee and disapproved the proposed legislation.

The following resolutions adopted by the Judicial Conference of the District of Columbia Circuit were brought to the attention of the Conference and referred to the Committee on Revision of the Laws:

> "RESOLVED by the Judicial Conference of the District of Columbia Circuit that it disapproves the legislation embodied in S. 448, 84th Congress, a bill to confer jurisdiction on the United States District Court for the District of Columbia, or any judge thereof, to issue writs of habeas corpus with respect to persons held in the reformatory at Lorton or the workhouse at Occoquan, both in the State of Virginia, for criminal offenses committed in the District of Columbia.
>
> "RESOLVED by the Judicial Conference of the District of Columbia Circuit that it disapproves the legislation embodied in H. R. 151, 84th Congress, a bill relating to the practice of law in the District of Columbia.
>
> "RESOLVED by the Judicial Conference of the District of Columbia Circuit that it disapproves the legislation embodied in H. R. 828, 84th Congress, a bill 'to amend Title 28 of the United States Code with respect to the eligibility of members of the bar of the United States Supreme Court to practice before all courts of appeals and district courts of the United States,' in so far as the provisions thereof would apply to practice before the United States Court of Appeals for the District of Columbia Circuit or before the United States District Court for the District of Columbia."

Salary and Term of the District Judge for the District Court of Guam

Judge Maris brought to the attention of the Conference the fact that the judge of the District Court of Guam did not receive the increase in salary accorded to district judges and judges in the Territories by the Act of March 2, 1955, and that his present salary of $13,125 per year is $1,875 less than the salary of the United States attorney in Guam as a result of recent increase in the salaries of United States attorneys. Judge Maris suggested that the existing law be amended so as to provide that the judge of the District Court of Guam shall receive compensation at the rate prescribed for judges of the United States district courts which would give him a salary of $22,500 and also that his term of office be enlarged from 4 years to 8 years which would make the term the same as that prescribed for the judges of the District Courts of Puerto Rico, the Canal Zone and the Virgin Islands. The Conference approved the suggestion of Judge Maris and voted to recommend to Congress the introduction and enactment of a draft of bill prepared by him which would carry these provisions into effect.

Committee on Civil Disabilities

At the March 1955 session, the Conference directed that the draft of a bill prepared by the Committee on Civil Disabilities, which would amend the probation law so as to permit confinement in jail-type institutions or treatment institutions for a period not exceeding 6 months in a grant of probation on a 1-count indictment, be circulated among the judges for an expression of views (Cf. Rpt. p. 24). Chief Judge Phillips, Chairman of the Committee on Civil Disabilities, informed the Conference that the report had been circulated as directed and that a large majority of the judges who had replied favored the proposed legislation. The Conference voted to recommend to Congress the enactment of such a law.

Indigent Litigants

The Director informed the Conference that a hearing had been held before a Subcommittee of the Judiciary Committee of the House of Representatives on a number of bills providing for the payment of compensation to counsel appointed to represent poor persons accused of crime, including the bill recommended by the

Judicial Conference. A number of questions had been raised with regard to details of the bill recommended by the Conference and the Director was of the opinion that it is likely that amendments to it will be proposed. He desired the direction of the Conference as to what position he should take if his view is requested with regard to any proposed amendments to the bill. The matter was referred to the Committee on Court Administration for its advice.

Pretermission of Terms of the Courts of Appeals of the Eighth and Tenth Circuits

At the request of Circuit Judge Sanborn, the Conference, pursuant to Title 28, U. S. C. 48, consented that terms of the Court of Appeals of the Eighth Circuit at places other than St. Louis be pretermitted during the current fiscal year.

At the request of Chief Judge Phillips, the Conference consented that terms of the Court of Appeals of the Tenth Circuit at Oklahoma City, Oklahoma, and Wichita, Kansas, be pretermitted during the current fiscal year.

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

The Courts of Appeals for the Second, Fourth, Fifth, Ninth and Tenth Circuits submitted to the Conference for approval pursuant to the provisions of the Act of December 29, 1950 (64 Stat. 1129; 5 U. S. C. 1041) amendments to rules adopted by those Courts relating to the review and enforcement of orders of administrative agencies. The amendments were approved. The rules involved are as follows: Second Circuit, Rule 13 paragraph g; Fourth Circuit, Rule 27 paragraph 7; Fifth Circuit, Rule 38; Ninth Circuit, Rule 34 paragraph 7; and Tenth Circuit, Rule 34 paragraph 7.

Committees

The Conference resolved that all existing committees of the Conference be discharged, and that the Chief Justice, with the advice and assistance of the members of the Advisory Committee as previously constituted, be authorized to appoint, reappoint, or reconstitute such committees of the Conference as may seem desirable and appropriate. Pursuant to this resolution the following committees of the Conference were appointed:

Advisory Committee.—Mr. Chief Justice Earl Warren, *Chairman,* Chief Judges, John J. Parker, John Biggs, Jr., Orie L. Phillips, and F. Ryan Duffy.

Committee on Supporting Personnel.—Chief Judge John Biggs, Jr., *Chairman,* Circuit Judges Albert B. Maris, Third Circuit, Harvey M. Johnsen, Eighth Circuit, and E. Barrett Prettyman, District of Columbia Circuit, District Judges William J. Campbell, Northern District of Illinois, William C. Mathes, Southern District of California, Ben C. Connally, Southern District of Texas, and Lawrence E. Walsh, Southern District of New York.

Committee on Revision of the Laws.—Circuit Judge Albert B. Maris, *Chairman,* Circuit Judge Thomas F. McAllister, Sixth Circuit, District Judges Luther M. Swygert, Northern District of Indiana, J. Skelly Wright, Eastern District of Louisiana, William J. Lindberg, Eastern and Western Districts of Washington, and A. Sherman Christenson, District of Utah.

Committee on Air Conditioning of Court Quarters.—Chief Judge John J. Parker, *Chairman,* Circuit Judge Elbert Parr Tuttle, Fifth Circuit, District Judges Marion S. Boyd, Western District of Tennessee, Roy W. Harper, Eastern and Western Districts of Missouri, and Casper Platt, Eastern District of Illinois.

Committee on the Administration of the Criminal Law.—Chief Judge John J. Parker, *Chairman,* Chief Judge F. Ryan Duffy, District Judges Harold P. Burke, Western District of New York, Bolitha J. Laws, District of Columbia, Frank A. Picard, Eastern District of Michigan, and Sam M. Driver, Eastern District of Washington.

Committee on Judicial Statistics.—Chief Judge Charles E. Clark, *Chairman,* Chief Judge William Denman, Circuit Judge Herbert F. Goodrich, Third Circuit, District Judges William H. Kirkpatrick, Eastern District of Pennsylvania, Arthur F. Lederle, Eastern District of Michigan, Royce H. Savage, Northern District of Oklahoma, and Allen B. Hannay, Southern District of Texas.

Committee on the Operation of the Jury System.—Chief Judge Harry E. Watkins, Northern and Southern Districts of West Virginia, *Chairman,* District Judges Alfred D. Barksdale, Western District of Virginia, Alexander Holtzoff, District of Columbia, John W. Murphy, Middle District of Pennsylvania, and Sylvester J. Ryan, Southern District of New York.

Committee on Bankruptcy Administration.—Chief Judge Orie L. Phillips, *Chairman,* Circuit Judge John B. Sanborn, Eighth Cir-

EDWARD WEINFELD, SOUTHERN DISTRICT OF NEW YORK,

cuit, District Judges ~~H. Church Ford, Eastern District of Kentucky~~, Seybourn H. Lynne, Northern District of Alabama, Albert V. Bryan, Eastern District of Virginia, Oliver D. Hamlin, Jr., Northern District of California, and Bailey Aldrich, District of Massachusetts.

Committee on Pre-trial Procedure.—Circuit Judge Alfred P. Murrah, Tenth Circuit, *Chairman,* District Judges Johnson J. Hayes, Middle District of North Carolina, Phillip Forman, District of New Jersey, George C. Sweeney, District of Massachusetts, Bolitha J. Laws, District of Columbia, Benjamin Harrison, Southern District of California, William J. Campbell, Northern District of Illinois, John W. Delehant, District of Nebraska, Irving R. Kaufman, Southern District of New York, James V. Allred, Southern District of Texas, and Robert L. Taylor, Eastern District of Tennessee.

Committee on Court Administration.—Chief Judge John Biggs, Jr., *Chairman,* Chief Judge Orie L. Phillips, Circuit Judge Potter Stewart, Sixth Circuit, District Judges Louis E. Goodman, Northern District of California, and Ben C. Connally, Southern District of Texas.

The Conference declared a recess, subject to the call of the Chief Justice.

For the Judicial Conference of the United States.

EARL WARREN,
Chief Justice.

Dated Washington, D. C., Dec. 27, 1955.

APPENDIX

REPORT OF THE ATTORNEY GENERAL OF THE UNITED STATES TO THE JUDICIAL CONFERENCE OF THE UNITED STATES

By the HONORABLE WILLIAM P. ROGERS,
Acting Attorney General of the United States

WASHINGTON, D. C., *September 19, 1955.*

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

I appreciate this opportunity to appear on behalf of the Attorney General and make the annual report to the Judicial Conference of the United States. Mr. Brownell requested me to extend his apology for his absence, but he made arrangements to be out of the country many months ago. I know that he was keenly disappointed when he found he could not attend, for he looks forward to meeting with the Members of this Conference and the privilege extended to discuss matters of mutual interest and concern. This year there are again a number of matters which may be of some interest to the Conference.

I

Case Backlog and Delay.—The Department of Justice shares the concern of the Judicial Conference and is greatly disturbed by the continuing accumulation of pending cases and the consequent delays in disposing of matters in the Federal courts. The Attorney General has directed that in the coming year the greatest possible emphasis be given to eliminating this backlog without sacrificing any legitimate interests of the litigants, either the United States or any claimant against it.

As you know, the Department is plaintiff in 25 percent and defendant in 8 percent of all civil litigation in the district courts—which amounts to about 20,000 new cases each year. In addition there are about 37,000 criminal cases which the Government prosecutes annually. Excluding the Customs Court and the Court of Claims, this means that the United States is a party in approxi-

mately 60 percent of all the cases in the Federal District Courts.

Therefore, as representatives of the United States we in the Department of Justice have deep concern about the delay in getting a case disposed of in certain districts, and we have a great responsibility to do everything in our power during this next year to help correct a condition which has become almost chronic and which, I earnestly believe unless corrected, may become a disgrace to our Nation.

During the last week we had the pleasure of having a Justice of the Court of Appeals of the United Kingdom at lunch. After lunch he spoke many words of praise for the United States generally, but he indicated that he was surprised, to say the least, at the delay in our judicial processes. He mentioned, as an example, that it takes an average of 4 years to try a case in the Southern and Eastern Districts of New York. In England, he said, it takes 6 months or less to bring any case to trial and no more than 3 months thereafter to get a decision on appeal. A few years ago, he pointed out, there was a backlog which had developed in the English courts so that almost a year was required to try a case. This delay became a matter of such concern to everyone that by special effort of all persons involved the condition was speedily corrected. For some time now in England no more than 6 months has been needed to try any case.

The latest figures prepared by the Administrative Office of the Courts show the serious nature of the problem which faces us.

In Massachusetts from the time a civil case is filed until it is tried by a jury on an average takes 22½ months.

In Eastern Pennsylvania it takes almost 34 months on an average from the time a civil case is filed until it is tried by the court and 31 months for a jury trial. In Western Pennsylvania it takes 32½ months and 32 months, respectively.

In Eastern Louisiana from the time a civil case is filed until it is tried by the court on an average takes 23½ months. In Eastern Michigan it takes more than 25 months.

In the Eastern Division of the Northern District of Ohio from the time a civil case is filed until it is tried by a jury on an average takes over 3 years.

In the Southern District of Ohio from the time a civil case is filed until a trial by the court takes 27 months on an average. In Northern Illinois it takes more than 23 months. In Colorado it is 29.6 months on an average.

In New York, Eastern District, from the time a civil case is filed until it is tried by a jury takes on an average 41.6 months. In the Southern District it takes 4 years.

In the Southern District from the time a civil case is filed until it is tried by the court takes on an average 44.7 months. In the Eastern District it takes on an average 52.9 months or almost 4½ years.

There are, of course, many reasons for this appalling backlog of cases. Whatever the reasons, during the next year by working long hours and by giving constant attention to the problem, we believe that we can reduce our caseload by one-fourth. If this is possible it will mean a reduction in the Courts' total backlog of approximately 15 percent. Such an accomplishment, of course, would be a significant step in the right direction.

It has often been said, but it bears repeating: That justice delayed in many cases is justice denied. Resentment arising from injustice may inflict wounds more lasting and more painful than physical injury. While neither the courts nor the Department of Justice can control the influx of new business resulting from new rights accorded against the Government, we can and must take every possible step to insure prompt consideration and termination of all claims.

Of course the Judicial Conference for sometime has been working on this difficult problem. At the special session in March, the conference expressed its "serious concern over the inability of the courts in many districts as presently constituted, particularly in metropolitan areas, to keep up with the rising tide of judicial business and consequent accumulation of arrearages and long delays to litigants in reaching trial." We view it a most promising development that a Committee of this Conference has been appointed to undertake a comprehensive study into the overall administration of the courts. The Department stands ready to assist this Committee in every possible way.

I would not want to speculate into the deficiencies which this Committee may find or the recommendations which it will make. However, it is obvious that in varying degrees both the courts and the litigants are responsible for the backlog and delays. Our interest should not be in fixing responsibility—rather our concern should be to help in every way possible to correct the condition. It may be of interest, therefore, briefly to mention some of the corrective actions which have been and are being taken by the

Department looking to the more efficient and expeditious handling of our cases.

One of the facts which first came to our attention was the almost complete lack of liaison between the Department and the 94 United States Attorneys. For example, there was little information and almost no supervision in the Department with respect to most of the cases being handled in the field. From our records, it was impossible to determine how long cases had been pending or what and how much they involved. Salaries were so far out of line that many United States Attorneys and their assistants, with Departmental approval, were implementing their income through outside practice. The unfortunate result was that in many cases the Government's business became of secondary importance. In 13 years after 1940, the backlog of cases in the Department had risen from approximately 18,000 cases to about 34,000.

Our immediate objective was to reduce and ultimately eliminate this backlog. The ground work was completed by forbidding outside practice, by obtaining salaries sufficient to attract and keep competent lawyers, by enlarging the staffs in critical areas within the limits of available appropriations, and by the creation of the Executive Office of United States Attorneys to supervise, direct and maintain constant contact with our field offices. Last September, this Office was charged with the responsibility not only to prevent any further increase in the backlog, but to produce a marked decrease by the end of the fiscal year. This was a commitment the Department made to Congress in connection with obtaining additional personnel and salary increases.

Reduction of the existing case backlog was made a principal theme of the United States Attorneys' Conference held in Washington in October, 1954. Seminars were conducted at which the top officials of the Department thrashed out and resolved many problems concerning the handling of delinquent cases as well as how current matters could be more expeditiously processed.

The Litigation Control System, which was established in July, 1953, was enlarged and the reporting procedures improved to bring within its scope and up to date practically all litigation, actual and potential, pending in United States Attorneys' offices. Serving as a central control, this system provides the United States Attorney with up-to-date information on all matters in his office so that he can effectively supervise, control and take prompt and vigorous action in connection with all matters, old and new. Pe-

riodic visits to field offices by attorneys and administrative personnel assure that the system is being given effective and practical application on a day-to-day working basis.

Additional authority has been delegated to United States Attorneys to enable them to take final action in thousands of cases and matters without prior approval in Washington. By eliminating much correspondence and redtape there has been a more rapid termination of pending cases.

By these and other measures, our total backlog has been reduced from 34,521 cases pending in September of 1954 to 29,979 as of June 30, 1955, a reduction of 4,542 cases in 8 months. It is encouraging that we have been able to stop the upward trend of our backlog and, in fact, have been able to reduce it substantially. However, we are not satisfied with the rate of reduction. As I stated earlier, it is our goal to increase the rate which amounted to about 12 per cent in fiscal 1954 to 25 per cent in fiscal 1955.

Early in October we will have a 3-day conference of all United States Attorneys in Washington. At that time the Department intends to plan a detailed nation-wide program to reduce our backlog. This program will include regional meetings of United States Attorneys, plans to recruit as many additional assistants in a district as necessary for a concentrated effort, periodic visits by top officials in the Department into the districts where the conditions are most critical to confer with the courts and the United States Attorneys in the hope of finding improved methods to expedite our work.

Finally, we will stand ready to give the courts complete cooperation in this most important endeavor. Because of increased appropriations we will be able to supply as much help as needed in a district as long as it can be fully utilized. We also will hold ourselves in readiness to work extra long hours, beginning early and working late. If the backlog condition has not greatly improved by next summer, we will be prepared to try cases throughout the summer months. Congress in recognition of this backlog problem increased our appropriation in order that we might employ additional assistants. We hope to keep faith with Congress by significant accomplishments during the next year.

Despite the nation-wide trend, due to an influx of new business, pending civil cases in some districts, particularly in the Eastern and Southern Districts of New York, increased sharply during the last year. Taken together with other evidence, the enactment of

legislation to provide additional judgeships is clearly justified. Thus while Mr. Chandler reports that the average individual case output per judge has increased by over 20 percent since 1940, the March session of this Conference reports that "while the number of judgeships in the district courts has increased by 27 percent since 1941, during the same period there has been an increase of 55 percent in the number of all civil cases commenced annually, with an 80-percent increase in the number of new private civil cases which take much the largest part of the judges' time." In a letter to Chairman Kilgore of the Senate Judiciary Committee, the Department concurred in the recommendation of the Judicial Conference to provide a critically needed circuit judgeship for the Second Circuit and 19 additional district court judgeships, 3 of which would be for the Southern District of New York. We hope that Congress will act favorably on this important recommendation of the Judicial Conference.

It is encouraging that Congress in considering the needs of the Courts has recently appropriated funds which will remove restrictions on travel and the purchase of needed books and stenographic equipment. It is also encouraging that the Supplemental Appropriation Act for 1956 contained $1,150,000 for the purpose of providing air conditioning for Courts in critical areas. In some districts the whole judicial process is brought to a halt in the summer months, not because the judges and United States Attorneys are unwilling to discharge their responsibilities, but because it is physically impossible to conduct proceeds or expect parties and witnesses to appear in a stifling "100 degree-plus" courtroom. As this situation is rectified the work output will undoubtedly increase in these districts.

II

Diversity Jurisdiction.—There are other ways for attacking the backlog problem. Even a cursory examination will disclose that the Federal courts are now burdened with a substantial amount of litigation which could best be handled by State or local courts.

Throughout our history the right to sue in or remove to Federal courts, except as otherwise provided by special statutes, has always been limited by a requirement that the case involve a minimum jurisdictional amount. In determining what that amount should be, a Committee of the Judicial Conference concluded in 1951, in accordance with historic precedents, that "the jurisdic-

tional amount should not be so high as to convert the Federal courts into the courts of big business or so low as to fritter away their time in the trial of petty offenses." We agree.

In 1789, the First Judiciary Act set the amount at $500. The next significant change was in 1888 when it was raised to $2,000. The present amount, $3,000, was adopted in 1911. The value of the dollar has depreciated since 1911. This fact need not be elaborated here. It was one of the most potent and persuasive arguments for the enactment of Public Law 9, 84th Congress, which contained the much justified judicial pay increase. It certainly makes no sense to apply the 1911—$3,000 test as a yardstick for substantiality today. Yet the reasons for imposing a realistic minimum jurisdictional amount in diversity cases are now far more demanding.

The Department of Justice favors the enactment of legislation to reduce, through the reimposition of a reasonable jurisdictional amount, the volume of non-Federal business in Federal courts. This can be done without impairing any legitimate right of access to these courts. An increase in the amount for diversity jurisdiction to $10,000, as recommended by the Judicial Conference, would seem appropriate. Statistics compiled in 1951 indicate that such an increase might eliminate 39 percent of all diversity contract cases and 13 percent of the personal injury cases.

The argument has been advanced that the higher jurisdictional amount could readily be met in tort cases by merely inflating the claim for damages. Perhaps the New York Civil Practice Act suggests a workable deterrent to this practice. The law might provide that a plaintiff who elects to sue in the Federal courts and recovers less than the minimum jurisdictional amount could be denied costs (see N. Y. C. P. A. Section 1474). Adoption of some such appropriate penalty could materially reduce the filing of suits in the Federal courts which do not belong there in the first instance.

III

Habeas Corpus.—Another proposal in which the Department has considerable interest and which would have a direct impact on the backlog problem relates to the increasing use or, more accurately, the increasing abuse of the writ of *habeas corpus*. As Mr. Justice Frankfurter said in his dissent in *Sernal* v. *Large* (332 U. S. 174, 195): "I think it fair to say that the scope of *habeas corpus* in the federal courts is an untidy area of the law . . ."

In 1953, the Judicial Conference reactivated its Committee on *Habeas Corpus* to study the problem of District Court review of State court convictions by *habeas corpus*. Last March, with the approval of this Conference, the Conference of State Chief Justices, the National Association of State Attorneys General, and the American Bar Association, H. R. 5649 was introduced and referred to the Committee on the Judiciary. In June, the Department added its approval, stating that it was "pleased to add its support to the legislation for, as drafted, it would appear to constitute an excellent approach to a difficult problem." The bill was favorably reported by the House Judiciary Committee on July 18, 1955.

The proposal is not designed to dilute substantive rights guaranteed by the writ which Macaulay, the eminent English historian, described as "the most stringent curb that ever legislation imposed on tyranny." Rather, it is intended to strike at the many misuses to which the writ has recently been put. For example, in *United States* v. *Hayman* (342 U. S. 205), the Supreme Court observed that during a 3-year period an average of 845 writs were filed with only an average of 26 releases per year and that in some districts, up to 40 percent of all applications were so-called repeater petitions. According to more recent figures of the Administrative Office of the United States Courts, in the four-year period from 1950 through 1953, only 29 petitions to review State court decisions were granted and in only 4 did petitioners secure their release from State courts. Over one-third of all recent petitions seek the review of State court decisions. There is every reason to believe that a large number of these petitions were filed solely for the purposes of delay, to obtain "joy rides," as out of time attempts for new trial or for other frivolous and unjustifiable reasons. The effect has been to burden the Federal courts with far too many meaningless and repetitious writs and to prolong, contrary to the public interest, the final determination of criminal cases.

IV

Deportation Proceedings.—Deportation proceedings are another "untidy" area of the law which is ripe for legislative clarification and amendment. For some time a departmental committee has been studying this problem. While no final conclusions have yet been reached, some of the problems under consideration may be of interest.

Historically, an order for the deportation of an alien could be challenged only by *habeas corpus* by an alien in custody. However, in *Shaughnessy* v. *Pedreiro* (349 U. S. 48), the Supreme Court held that under the Immigration and Nationality Act of 1952, an alien not in custody can obtain judicial review of a deportation order in an action for declaratory judgment and injunctive relief under Section 10 of the Administrative Procedure Act.

The Immigration Service has under consideration a number of new procedures to assure aliens in deportation proceedings a fair and prompt hearing in accordance with the statutes. It also now adheres implicitly to a policy of detaining only those aliens facing deportation (or exclusion) who have attempted to abscond, who have absconded, or whose enlargement would be contrary to the public safety or the interests of national security. Under this policy, a 75-percent reduction in detentions has been effectuated and of those detained, 98 percent are Mexicans ordinarily held less than 24 hours.

While aliens in custody can obtain prompt review of deportation proceedings by *habeas corpus,* the great majority who are not detained can now obtain review only in a time-consuming and procedurally inappropriate action for declaratory judgment. Legislation to provide orderly judicial review is needed to deal effectively and fairly with this group. It should cover such important incidents as the need for expedition, orderly venue and the preclusion of repetitious court proceedings. It should impose a reasonable time within which judicial review could be sought after administrative remedies available as of right are exhausted.

The law should contain reasonable restrictions to prevent the filing of frivolous or repetitious petitions for *habeas corpus* and also provisions to prevent their withdrawal for ulterior purposes. This last would curtail one serious abuse of the writ whereby some deportable aliens, at the last minute and after all transportation arrangements have been made, file a petition, thus halting the planned departure. However, as soon as the ship or plane has departed they withdraw the petition, in this way prolonging their stay until new transportation arrangements are made. At that time the merry-go-round could and in some instances has started all over again.

The above and related problems are under study. We expect to present to Congress next year a comprehensive legislative proposal to improve this situation. We hope it will meet with your approval and command your support.

V

Federal Youth Corrections Act.—We are particularly pleased with the steadily increasing use that is being made by the courts of the provisions of the Youth Corrections Act. Judges in 41 of the 53 districts authorized to invoke the Act have made use of its various provisions—10 courts for the first time during this past year.

As might be expected, the great majority of committed youth offenders, slightly more than 70 percent, were convicted of violating the National Motor Vehicle Act. Another 10 percent were involved in forging Government checks.

Since facilities to implement the Act were certified by Mr. Bennett, Director of the Bureau of Prisons, in January 1954, some 469 youths under the age of 22 have been committed under its provisions for treatment and training. An additional 46 youths were received for 60-day study and observation with a report and a recommendation being made to the court upon completion of the study period.

No effort has been spared in securing the best possible staff for the institution at Ashland, Kentucky. From the Warden on down each position has been filled with the best qualified person available to us. In the treatment and training program, we have obtained the services of a number of specialists; these include a Psychiatrist, a Clinical Psychologist, a Senior Medical Officer, 4 Social Workers, 5 Vocational Training Specialists, 2 Chaplains, 5 Academic School Instructors, and a Recreation Supervisor.

To September 1, 1955, the Youth Division of the United States Board of Parole had authorized the release of 90 offenders. The time these youths had been undergoing institutional treatment ranged from 3 months to almost 2 years. The Youth Division regularly reviews each case on its individual merits. Where release is recommended, a system for the orderly follow-up of each parolee has been initiated. The United States Probation Officers have been most helpful in their counseling and supervision of these released youth offenders. To date it has been necessary to return only 5 youths for further institutional treatment.

While it is still too early to evaluate the overall effectiveness of the Youth Corrections Act as a means of rehabilitating youthful offenders the results so far are most encouraging.

VI

Annuities for Widows and Dependent Children of Judges.—In his report last year, the Attorney General called attention to the fact that under existing law, only the widows of Supreme Court Justices are entitled to pensions and the Department would favor a sound program to provide annuities for widows and dependent children of all judges. The March session of this Conference recommended the enactment of legislation to provide annuities on a contributory basis comparable to that already in existence for the widows and dependent children of Members of Congress. Several such bills were introduced but not acted on in the last session of Congress.

The Department is in accord with the underlying methods and objectives of these proposals to provide protection for the dependents of members of the judiciary. We are pleased to add our support to these plans and will seek prompt and early Congressional consideration of them.

VII

Public Defenders.—The Department is disappointed that the last session of Congress failed to take action on legislation to provide counsel for indigent defendants in Federal courts. The testimony and statements presented to the subcommittee of the House Judiciary Committee last spring by leading members of the bench and bar overwhelmingly justify the enactment of legislation such as H. R. 3881 which the Department and this Conference have endorsed. We must continue to press so that those hearings will bear fruit in the coming year.

The Department of Justice and the courts have the responsibility of enforcing the law equally, resolutely, and with due regard to the rights accorded our people by the Constitution. Over the years, the able studies of this Conference have exposed many causes of injustice. Equally its recommendations have resulted in much remedial legislation and other corrective action. We appreciate the privilege of being permitted to participate in your deliberations, and to help arrive at suggestions for improving the administration of justice. I am confident that in the future, as in the past, mutually satisfactory solutions will be forthcoming to insure that justice according to law is done in all cases.

U. S. GOVERNMENT PRINTING OFFICE: 1956